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FILED MAR 15 1982

SENATE FILE 2280

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 2046)

Approved (p. 748)

Passed Senate, Date 3-30-82 (p. 951) Passed House, Date 4-6-82 (P. 1274)
Vote: Ayes 47 Nays 0 Vote: Ayes 96 Nays 1
Approved May 7, 1982

A BILL FOR

1 An Act relating to restitution by public offenders.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 2280

1 Section 1. Sections 2 through 10 of this Act shall be
2 enacted as a new chapter of the Code.

3 Sec. 2. NEW SECTION. DEFINITIONS. As used in this
4 chapter, unless the context otherwise requires:

5 1. "Victim" means any person who has suffered pecuniary
6 damages as a result of the offender's criminal activities.
7 However, for purposes of this chapter, an insurer is not a
8 victim and does not have a right of subrogation.

9 2. "Pecuniary damages" means all damages to the extent
10 not paid by an insurer, which a victim could recover against
11 the offender in a civil action arising out of the same facts
12 or event, except punitive damages and damages for pain,
13 suffering, mental anguish, and loss of consortium. Without
14 limitation, "pecuniary damages" includes damages for wrongful
15 death.

16 3. "Criminal activities" means any crime for which there
17 is a plea of guilty, verdict of guilty, or special verdict
18 upon which a judgment of conviction is rendered and any other
19 crime committed after July 1, 1982 which is admitted or not
20 contested by the offender, whether or not prosecuted. However,
21 "criminal activities" does not include simple misdemeanors
22 under chapter 321.

23 4. "Restitution" means payment of pecuniary damages to
24 a victim including damages for wrongful death. Restitution
25 shall also include the payment of court costs, court-appointed
26 attorney's fees or the expense of a public defender, and the
27 performance of a public service by an offender in an amount
28 set by the court when no victim has suffered pecuniary damages
29 and the offender cannot reasonably pay all or part of the
30 court costs, court-appointed attorney's fees or the expense
31 of a public defender.

32 Sec. 3. NEW SECTION. RESTITUTION ORDERED BY SENTENCING
33 COURT. In all criminal cases except simple misdemeanors under
34 chapter 321, in which there is a plea of guilty, verdict of
35 guilty, or special verdict upon which a judgment of conviction

1 is rendered, the sentencing court shall order that restitution
2 be made by each offender to the victims of his or her criminal
3 activities and, to the extent that the offender is reasonably
4 able to do so, to the county where conviction was rendered
5 for court costs, court-appointed attorney's fees or the expense
6 of a public defender when applicable. However, victims shall
7 be paid in full before restitution payments are paid to the
8 county for court costs, court-appointed attorney's fees or
9 for the expense of a public defender. When no victim has
10 suffered pecuniary damages and the offender is not reasonably
11 able to pay all or a part of the court costs, court-appointed
12 attorney's fees or the expense of a public defender, the court
13 may require the offender to perform a needed public service
14 for any governmental agency or for a private, nonprofit agency
15 which provides a service to the youth, elderly or poor of
16 the community. When community service is ordered, the court
17 shall set a specific number of hours of service to be performed
18 by the offender. The judicial district department of
19 correctional services shall provide for the assignment of
20 the offender to a public agency or private nonprofit agency
21 to perform the required service.

22 Sec. 4. NEW SECTION. DETERMINATION OF AMOUNT OF
23 RESTITUTION. The court shall require the county attorney
24 to promptly prepare a statement of pecuniary damages to victims
25 of the defendant and shall require the clerk of court to
26 prepare a statement of court-appointed attorney's fees, the
27 expense of a public defender and court costs and the same
28 shall be promptly provided to the presentence investigator.
29 These statements shall become a part of the presentence report.
30 If a defendant believes no person suffered pecuniary damages,
31 the defendant shall so state. If the defendant has any mental
32 or physical impairment which would limit or prohibit the
33 performance of a public service, the defendant shall so state.
34 The court may order a mental or physical examination of the
35 defendant or both, to determine a proper course of action.

1 At the time of sentencing, the court shall set out the amount
2 of restitution including the amount of public service to be
3 performed as restitution and the persons to whom restitution
4 must be paid. This shall be known as the plan of restitution.

5 Sec. 5. NEW SECTION. CONDITION OF PROBATION--PAYMENT
6 PLAN. When restitution is ordered by the sentencing court
7 and the offender is placed on probation, restitution shall
8 be a condition of probation. Failure of the offender to
9 comply with the plan of restitution, plan of payment, or
10 community service requirements when community service is
11 ordered by the court as restitution, shall constitute a
12 violation of probation and shall constitute contempt of court.
13 The court may hold the offender in contempt, revoke probation,
14 or may extend the period of probation in such circumstances.
15 However, if the period of probation is extended it shall not
16 be for more than the maximum period of probation for the
17 offense committed as provided in section 907.7.

18 If an offender's probation is revoked, his or her assigned
19 probation officer shall forward to the director of the division
20 of adult corrections, information concerning the offender's
21 restitution plan, restitution plan of payment, the restitution
22 payment balance, and any other pertinent information concerning
23 or affecting restitution by the offender.

24 When the offender is committed by the court to be supervised
25 by a judicial district department of correctional services,
26 is committed to a county jail, or to an alternate facility,
27 the receiving agent or agency or county sheriff shall prepare
28 a restitution plan of payment taking into consideration the
29 offender's income, physical and mental health, age, education,
30 employment and family circumstances. The agent, agency, or
31 county sheriff shall review the plan of restitution ordered
32 by the court, and shall submit a restitution plan of payment
33 to the sentencing court. When community service is ordered
34 by the court as restitution, the restitution plan of payment
35 shall set out a plan to meet the requirement for the community

1 service. The court may approve or modify the plan of
2 restitution and restitution plan of payment. When there is
3 a significant change in the offender's income or circumstances,
4 the agent, agency or county sheriff which has supervision
5 of the plan of payment shall submit a modified restitution
6 plan of payment to the court. When there is a transfer of
7 supervision from one agent, agency or county sheriff to
8 another, the sending agent, agency, or county sheriff shall
9 forward to the receiving agent, agency, or county sheriff,
10 all necessary information regarding the balance owed against
11 the original amount of restitution ordered and the balance
12 of public service required. When the offender's circumstances
13 and income have significantly changed, the receiving agent,
14 agency, or county sheriff shall submit a new plan of payment
15 to the sentencing court for approval or modification based
16 on the considerations enumerated in this section.

17 Sec. 6. NEW SECTION. CONDITION OF WORK RELEASE OR PAROLE.

18 1. When an offender is committed to the custody of the
19 director of the division of adult corrections pursuant to
20 a sentence of confinement, the sentencing court shall forward
21 to the director, a copy of the offender's restitution plan,
22 present restitution payment plan if any, and other pertinent
23 information concerning or affecting restitution by the
24 offender. However, if the offender is committed to the custody
25 of the director after revocation of probation, this information
26 shall be forwarded by the offender's probation officer.

27 An offender committed to a penal or correctional facility
28 of the state, shall make restitution while placed in that
29 facility. Upon commitment to the custody of the director
30 of the division of corrections, the director or the director's
31 designee shall prepare a restitution plan of payment or modify
32 any existing plan of payment. The new or modified plan of
33 payment shall reflect the offender's present facts and
34 circumstances concerning the offender's income, physical and
35 mental health, education, employment, and family circumstances.

1 The director or the director's designee may modify the plan
2 of payment at any time to reflect the offender's present facts
3 and circumstances.

4 2. If an offender is to be placed on work release from
5 an institution under the control of the director of the
6 division of adult corrections, restitution shall be a condition
7 of work release. The chief of the bureau of community
8 correctional services of the division of adult corrections,
9 shall prepare a restitution plan of payment or may modify
10 any previously existing restitution plan of payment. The
11 new or modified plan of payment shall reflect the offender's
12 present facts and circumstances concerning the offender's
13 income, physical and mental health, education, employment,
14 and family circumstances. The bureau chief may modify the
15 plan of payment at any time to reflect the offender's present
16 facts and circumstances. Failure of the offender to comply
17 with the restitution plan of payment, including the community
18 service requirement, if any, shall constitute a violation
19 of a condition of work release and the work release privilege
20 may be revoked.

21 3. If an offender is to be placed on work release from
22 a facility under control of a county sheriff, restitution
23 shall be a condition of work release. The sheriff shall
24 prepare a restitution plan of payment or may modify any
25 previously existing restitution plan of payment. The new
26 or modified plan of payment shall reflect the offender's
27 present facts and circumstances concerning the offender's
28 income, physical and mental health, education, employment
29 and family circumstances. Failure of the offender to comply
30 with the restitution plan of payment including the community
31 service requirement, if any, shall constitute a violation
32 of a condition of work release. The county sheriff may modify
33 the plan of restitution at any time to reflect the offender's
34 present facts and circumstances.

35 4. If an offender is to be placed on parole, restitution

1 shall be a condition of parole. The parole office to which
2 the offender will be assigned shall prepare a restitution
3 plan of payment or may modify any previously existing
4 restitution plan of payment. The new or modified plan of
5 payment shall reflect the offender's present facts and
6 circumstances concerning the offender's income, physical and
7 mental health, education, employment, and family circumstances.
8 Failure of the offender to comply with the restitution plan
9 of payment including a community service requirement, if any,
10 shall constitute a violation of a condition of parole. The
11 parole officer may modify the plan of payment any time to
12 reflect the offender's present facts and circumstances. A
13 restitution plan of payment or modified plan of payment,
14 prepared by a parole officer, must meet the approval of the
15 chief of the bureau of community correctional services of
16 the division of adult corrections.

17 5. The director of the division of adult corrections shall
18 promulgate rules pursuant to chapter 17A concerning the
19 policies and procedures to be used in preparing and
20 implementing restitution plans of payment for offenders who
21 are committed to an institution under the control of the
22 director of the division of adult corrections, for offenders
23 who are to be released on work release from institutions under
24 the control of the director of the division of adult
25 corrections, for offenders who are placed on probation, and
26 for offenders who are released on parole.

27 Sec. 7. NEW SECTION. PAYMENT PLAN--COPY TO VICTIMS.

28 Each agent, agency, or county sheriff preparing a restitution
29 plan of payment or modified restitution plan of payment shall
30 forward, when it is approved by the court if approval is
31 required under section 5 of this Act, or when the plan is
32 completed if court approval under section 5 of this Act is
33 not required, a copy to the clerk of court in the county in
34 which the offender was sentenced. The clerk of court shall
35 forward a copy of the plan of payment or modified plan of

1 payment to the victim or victims.

2 Sec. 8. NEW SECTION. PETITION FOR HEARING. At any time
3 during the period of probation, parole or incarceration, the
4 offender or the agent, agency or county sheriff who prepared
5 the offender's restitution plan, may petition the court and
6 the court shall grant a hearing on any matter related to the
7 plan of restitution or restitution plan of payment. The court
8 at any time prior to the expiration of the offender's sentence,
9 may modify the plan of restitution or the restitution plan
10 of payment, or both, and may extend the period of time for
11 the completion of restitution.

12 Sec. 9. NEW SECTION. CIVIL LIABILITY. This chapter and
13 proceedings under this chapter shall not limit or impair the
14 rights of victims to sue and recover damages from the offender
15 in a civil action. However, any restitution payment by the
16 offender to a victim shall be set off against any judgment
17 in favor of the victim in a civil action arising out of the
18 same facts or event.

19 Sec. 10. NEW SECTION. COLLECTION OF PAYMENTS--PAYMENT
20 BY CLERK OF COURT. An offender making restitution pursuant
21 to a restitution plan of payment shall make the payment monthly
22 to the clerk of court of the county from which the offender
23 was sentenced, unless the restitution plan of payment provides
24 otherwise.

25 The clerk of court shall maintain a record of all receipts
26 and disbursements of restitution payments and shall disburse
27 all moneys received to the victims designated in the plan
28 of restitution. If there is more than one victim,
29 disbursements to the victims shall be on the basis of the
30 victim's percentage of the total owed by the offender to all
31 victims.

32 Court costs, court-appointed attorney's fees, and expenses
33 for public defenders, shall not be withheld by the clerk of
34 court until all victims have been paid in full. Payments
35 to victims shall be made by the clerk of court at least

1 monthly. Payments by a clerk of court shall be made no later
2 than the last business day of the month, but may be made more
3 often at the discretion of the clerk of court. The clerk
4 of court receiving final payment from an offender, shall
5 notify all victims that full restitution has been made, and
6 a copy of the notice shall be sent to the sentencing court.
7 Each agent, agency, or county sheriff supervising an offender
8 who is required to perform community service as full or partial
9 restitution shall keep records to assure compliance with the
10 portions of the plan of restitution and restitution plan of
11 payment relating to community service and, when the offender
12 has complied fully with the community service requirement,
13 notify the sentencing court.

14 Sec. 11. Section 906.11, Code 1981, is amended to read
15 as follows:

16 906.11 ASSIGNMENT TO PAROLE OFFICER. A person released
17 on parole shall be assigned to a parole officer by the chief
18 parole officer. Both the person and his or her parole officer
19 shall be furnished with the conditions of his or her parole
20 including a copy of the plan of restitution and the restitution
21 plan of payment, if any, and the regulations which the person
22 will be required to observe, in writing. The parole officer
23 shall explain these conditions and regulations to the person,
24 and supervise, assist, and counsel the person during the term
25 of his or her parole.

26 Sec. 12. Section 907.8, unnumbered paragraph 1, Code 1981,
27 is amended to read as follows:

28 A person released on probation shall be assigned to a
29 probation officer. Both the person and his or her probation
30 officer shall be furnished with the conditions of the person's
31 probation including a copy of the plan of restitution and
32 the restitution plan of payment, if any, and the regulations
33 which the person will be required to observe, in writing.
34 The probation officer shall explain these conditions and
35 regulations to the person and shall supervise, assist, and

1 counsel the person during the term of his or her probation.

2 Sec. 13. Section 907.12, Code 1981, is repealed.

3 Sec. 14. This Act shall take effect July 1 following its
4 enactment and shall apply to persons sentenced after the
5 effective date of this Act.

6 EXPLANATION

7 This bill would mandate restitution in all criminal cases
8 except simple misdemeanors under chapter 321. Restitution
9 would be for pecuniary damages suffered by the victims of
10 the offender's criminal activities, and to the extent that
11 the offender is reasonably able to do so to the county where
12 conviction was rendered for court costs, court appointed
13 attorney's fees or the expense of a public defender when
14 applicable.

15 When no victim has suffered pecuniary damages and the
16 offender is not reasonably able to pay all or part of court
17 costs, court appointed attorney's fees or the expense of a
18 public defender, the court may require the offender to perform
19 community service work.

20 At the time of sentencing, the court would order the amount
21 of restitution and the persons to whom restitution must be
22 paid. This order is known as the plan of restitution.
23 Restitution is mandatory while the offender is committed to
24 a penal or correctional facility of the state and is also
25 a condition of probation, work release and parole, with the
26 supervising authority at each of these stages preparing a
27 restitution plan of payment to implement the plan of
28 restitution. The plan of payment would reflect the offender's
29 present facts and circumstances (i.e. income, physical and
30 mental health, education, employment and family circumstances).

31 The bill would take effect July 1 following its enactment.

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SENATE FILE 2280

S-5369

1 Amend Senate File 2280 as follows:

2 1. Page 3, line 27, by striking the words
3 "receiving agent or agency or county sheriff" and
4 inserting in lieu thereof the words "judicial district
5 department of correctional services".

6 2. Page 3, lines 30 and 31, by striking the words
7 "agent, agency, or county sheriff" and inserting in
8 lieu thereof the words "judicial district department
9 of correctional services".

10 3. Page 4, line 4, by striking the words "agent,
11 agency or county sheriff" and inserting in lieu thereof
12 the words "judicial district department of correctional
13 services".

14 4. Page 4, by striking lines 7 through 9 and
15 inserting in lieu thereof the following: "supervision
16 from one agent, agency, or judicial district department
17 of correctional services to another, the sending
18 agent, agency or judicial district department shall forward
19 to the receiving agent, agency, or judicial district
20 department,".

21 5. Page 4, line 14, by striking the words "county
22 sheriff" and inserting in lieu thereof the words
23 "judicial district department".

24 6. Page 5, line 23, by striking the word "sheriff"
25 and inserting in lieu thereof the words "judicial
26 district department of correctional services".

27 7. Page 5, line 32, by striking the words "county
28 sheriff" and inserting in lieu thereof the words
29 "judicial district department of correctional
30 services".

31 8. Page 6, line 28, by striking the words "county
32 sheriff" and inserting in lieu thereof the words
33 "judicial district department of correctional
34 services".

35 9. Page 7, line 4, by striking the words "county
36 sheriff" and inserting in lieu thereof the words
37 "judicial district department of correctional
38 services".

39 10. Page 8, line 7, by striking the words "county
40 sheriff" and inserting in lieu thereof the words
41 "judicial district department of correctional
42 services".

S-5369 FILED
MARCH 24, 1982

BY ROBERT M. CARR

Adopted 3/30 (p. 951)

SENATE FILE 2280

S-5301

1 Amend Senate File 2280 as follows:

- 2 1. Page 4, line 30, by inserting after the words
3 "division of" the word "adult".

S-5301 FILED

BY GARY L. BAUGHER

MARCH 18, 1982

Adopted 3/30 (p. 951)

SENATE FILE 2280

S-5357

Amend Senate File 2280 as follows:

- 1 1. Page 8, line 1, by striking the word "monthly"
2 and inserting in lieu thereof the word "quarterly".
3 2. Page 8, line 2, by striking the word "month"
4 and inserting in lieu thereof the word "quarter".
5

S-5357 FILED

BY ROBERT M. CARR

MARCH 23, 1982

Adopted 3/30 (p. 951)

See Judiciary 4/1 Amend per 5278, Do Pass 4/2 (p. 1211)

Senate File 2280

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley E
and Welsh.

2280

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1982)

Re Passed Senate, Date 4-12-82 (p. 1146) Passed House, Date 4-6-82 (p. 1274)

Vote: Ayes 47 Nays 0 Vote: Ayes 96 Nays 1

Approved May 7, 1982

A BILL FOR

1 An Act relating to restitution by public offenders.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language
by the Senate

1 Section 1. Sections 2 through 10 of this Act shall be
2 enacted as a new chapter of the Code.

3 Sec. 2. NEW SECTION. DEFINITIONS. As used in this
4 chapter, unless the context otherwise requires:

5 1. "Victim" means any person who has suffered pecuniary
6 damages as a result of the offender's criminal activities.
7 However, for purposes of this chapter, an insurer is not a
8 victim and does not have a right of subrogation.

9 2. "Pecuniary damages" means all damages to the extent
10 not paid by an insurer, which a victim could recover against
11 the offender in a civil action arising out of the same facts
12 or event, except punitive damages and damages for pain,
13 suffering, mental anguish, and loss of consortium. Without
14 limitation, "pecuniary damages" includes damages for wrongful
15 death.

16 3. "Criminal activities" means any crime for which there
17 is a plea of guilty, verdict of guilty, or special verdict
18 upon which a judgment of conviction is rendered and any other
19 crime committed after July 1, 1982 which is admitted or not
20 contested by the offender, whether or not prosecuted. However,
21 "criminal activities" does not include simple misdemeanors
22 under chapter 321.

5705 23 4. "Restitution" means payment of pecuniary damages to
5705 24 a victim including damages for wrongful death. Restitution
25 shall also include the payment of court costs, court-appointed
26 attorney's fees or the expense of a public defender, and the
27 performance of a public service by an offender in an amount
28 set by the court when no victim has suffered pecuniary damages
29 and the offender cannot reasonably pay all or part of the
30 court costs, court-appointed attorney's fees or the expense
31 of a public defender.

5705 32 Sec. 3. NEW SECTION. RESTITUTION ORDERED BY SENTENCING
33 COURT. In all criminal cases except simple misdemeanors under
34 chapter 321, in which there is a plea of guilty, verdict of
35 guilty, or special verdict upon which a judgment of conviction

1 is rendered, the sentencing court shall order that restitution
2 be made by each offender to the victims of his or her criminal
3 activities and, to the extent that the offender is reasonably
4 able to do so, to the county where conviction was rendered
5 for court costs, court-appointed attorney's fees or the expense
6 of a public defender when applicable. However, victims shall
7 be paid in full before restitution payments are paid to the
8 county for court costs, court-appointed attorney's fees or
9 for the expense of a public defender. When no victim has
10 suffered pecuniary damages and the offender is not reasonably
11 able to pay all or a part of the court costs, court-appointed
12 attorney's fees or the expense of a public defender, the court
13 may require the offender to perform a needed public service
14 for any governmental agency or for a private, nonprofit agency
15 which provides a service to the youth, elderly or poor of
16 the community. When community service is ordered, the court
17 shall set a specific number of hours of service to be performed
18 by the offender. The judicial district department of
19 correctional services shall provide for the assignment of
20 the offender to a public agency or private nonprofit agency
21 to perform the required service.

575.22 Sec. 4. NEW SECTION. DETERMINATION OF AMOUNT OF
23 RESTITUTION. The court shall require the county attorney
24 to promptly prepare a statement of pecuniary damages to victims
25 of the defendant and shall require the clerk of court to
26 prepare a statement of court-appointed attorney's fees, the
27 expense of a public defender and court costs and the same
28 shall be promptly provided to the presentence investigator.
29 These statements shall become a part of the presentence report.
30 If a defendant believes no person suffered pecuniary damages,
31 the defendant shall so state. If the defendant has any mental
32 or physical impairment which would limit or prohibit the
33 performance of a public service, the defendant shall so state.
34 The court may order a mental or physical examination of the
35 defendant or both, to determine a proper course of action.

1 At the time of sentencing, the court shall set out the amount
2 of restitution including the amount of public service to be
3 performed as restitution and the persons to whom restitution
4 must be paid. This shall be known as the plan of restitution.

5 Sec. 5. NEW SECTION. CONDITION OF PROBATION--PAYMENT
6 PLAN. When restitution is ordered by the sentencing court
7 and the offender is placed on probation, restitution shall
8 be a condition of probation. Failure of the offender to
9 comply with the plan of restitution, plan of payment, or
10 community service requirements when community service is
11 ordered by the court as restitution, shall constitute a
12 violation of probation and shall constitute contempt of court.
13 The court may hold the offender in contempt, revoke probation,
14 or may extend the period of probation in such circumstances.
15 However, if the period of probation is extended it shall not
16 be for more than the maximum period of probation for the
17 offense committed as provided in section 907.7.

18 If an offender's probation is revoked, his or her assigned
19 probation officer shall forward to the director of the division
20 of adult corrections, information concerning the offender's
21 restitution plan, restitution plan of payment, the restitution
22 payment balance, and any other pertinent information concerning
23 or affecting restitution by the offender.

24 When the offender is committed by the court to be supervised
25 by a judicial district department of correctional services,
26 is committed to a county jail, or to an alternate facility,
27 the judicial district department of correctional services
28 shall prepare a restitution plan of payment taking into
29 consideration the offender's income, physical and mental
30 health, age, education, employment and family circumstances.
31 The judicial district department of correctional services
32 shall review the plan of restitution ordered by the court,
33 and shall submit a restitution plan of payment to the
34 sentencing court. When community service is ordered by the
35 court as restitution, the restitution plan of payment shall

1 set out a plan to meet the requirement for the community
2 service. The court may approve or modify the plan of
3 restitution and restitution plan of payment. When there is
4 a significant change in the offender's income or circumstances,
5 the judicial district department of correctional services
6 which has supervision of the plan of payment shall submit
7 a modified restitution plan of payment to the court. When
8 there is a transfer of supervision from one agent, agency,
9 or judicial district department of correctional services to
10 another, the sending agent, agency or judicial district
11 department shall forward to the receiving agent, agency, or
12 judicial district department, all necessary information
13 regarding the balance owed against the original amount of
14 restitution ordered and the balance of public service required.
15 When the offender's circumstances and income have significantly
16 changed, the receiving agent, agency, or judicial district
17 department shall submit a new plan of payment to the sentencing
18 court for approval or modification based on the considerations
19 enumerated in this section.

5722 20 Sec. 6. NEW SECTION. CONDITION OF WORK RELEASE OR PAROLE.

21 1. When an offender is committed to the custody of the
22 director of the division of adult corrections pursuant to
23 a sentence of confinement, the sentencing court shall forward
24 to the director, a copy of the offender's restitution plan,
25 present restitution payment plan if any, and other pertinent
26 information concerning or affecting restitution by the
27 offender. However, if the offender is committed to the custody
28 of the director after revocation of probation, this information
29 shall be forwarded by the offender's probation officer.

30 An offender committed to a penal or correctional facility
31 of the state, shall make restitution while placed in that
32 facility. Upon commitment to the custody of the director
33 of the division of adult corrections, the director or the
34 director's designee shall prepare a restitution plan of payment
35 or modify any existing plan of payment. The new or modified

1 plan of payment shall reflect the offender's present facts
2 and circumstances concerning the offender's income, physical
3 and mental health, education, employment, and family
4 circumstances. The director or the director's designee may
5 modify the plan of payment at any time to reflect the
6 offender's present facts and circumstances.

7 2. If an offender is to be placed on work release from
8 an institution under the control of the director of the
9 division of adult corrections, restitution shall be a condition
10 of work release. The chief of the bureau of community
11 correctional services of the division of adult corrections,
12 shall prepare a restitution plan of payment or may modify
13 any previously existing restitution plan of payment. The
14 new or modified plan of payment shall reflect the offender's
15 present facts and circumstances concerning the offender's
16 income, physical and mental health, education, employment,
17 and family circumstances. The bureau chief may modify the
18 plan of payment at any time to reflect the offender's present
19 facts and circumstances. Failure of the offender to comply
20 with the restitution plan of payment, including the community
21 service requirement, if any, shall constitute a violation
22 of a condition of work release and the work release privilege
23 may be revoked.

24 3. If an offender is to be placed on work release from
25 a facility under control of a county sheriff, restitution
26 shall be a condition of work release. The judicial district
27 department of correctional services shall prepare a restitution
28 plan of payment or may modify any previously existing
29 restitution plan of payment. The new or modified plan of
30 payment shall reflect the offender's present facts and
31 circumstances concerning the offender's income, physical and
32 mental health, education, employment and family circumstances.
33 Failure of the offender to comply with the restitution plan
34 of payment including the community service requirement, if
35 any, shall constitute a violation of a condition of work

1 release. The judicial district department of correctional
2 services may modify the plan of restitution at any time to
3 reflect the offender's present facts and circumstances.

4 4. If an offender is to be placed on parole, restitution
5 shall be a condition of parole. The parole office to which
6 the offender will be assigned shall prepare a restitution
7 plan of payment or may modify any previously existing
8 restitution plan of payment. The new or modified plan of
9 payment shall reflect the offender's present facts and
10 circumstances concerning the offender's income, physical and
11 mental health, education, employment, and family circumstances.
12 Failure of the offender to comply with the restitution plan
13 of payment including a community service requirement, if any,
14 shall constitute a violation of a condition of parole. The
15 parole officer may modify the plan of payment any time to
16 reflect the offender's present facts and circumstances. A
17 restitution plan of payment or modified plan of payment,
18 prepared by a parole officer, must meet the approval of the
19 chief of the bureau of community correctional services of
20 the division of adult corrections.

21 5. The director of the division of adult corrections shall
22 promulgate rules pursuant to chapter 17A concerning the
23 policies and procedures to be used in preparing and
24 implementing restitution plans of payment for offenders who
25 are committed to an institution under the control of the
26 director of the division of adult corrections, for offenders
27 who are to be released on work release from institutions under
28 the control of the director of the division of adult
29 corrections, for offenders who are placed on probation, and
30 for offenders who are released on parole.

31 Sec. 7. NEW SECTION. PAYMENT PLAN--COPY TO VICTIMS.

32 Each agent, agency, or judicial district department of
33 correctional services preparing a restitution plan of payment
34 or modified restitution plan of payment shall forward, when
35 it is approved by the court if approval is required under

1 section 5 of this Act, or when the plan is completed if court
2 approval under section 5 of this Act is not required, a copy
3 to the clerk of court in the county in which the offender
4 was sentenced. The clerk of court shall forward a copy of
5 the plan of payment or modified plan of payment to the victim
6 or victims.

7 Sec. 8. NEW SECTION. PETITION FOR HEARING. At any time
8 during the period of probation, parole or incarceration, the
9 offender or the agent, agency or judicial district department
10 of correctional services who prepared the offender's
11 restitution plan, may petition the court and the court shall
12 grant a hearing on any matter related to the plan of
13 restitution or restitution plan of payment. The court at
14 any time prior to the expiration of the offender's sentence,
15 may modify the plan of restitution or the restitution plan
16 of payment, or both, and may extend the period of time for
17 the completion of restitution.

18 Sec. 9. NEW SECTION. CIVIL LIABILITY. This chapter and
19 proceedings under this chapter shall not limit or impair the
20 rights of victims to sue and recover damages from the offender
21 in a civil action. However, any restitution payment by the
22 offender to a victim shall be set off against any judgment
23 in favor of the victim in a civil action arising out of the
24 same facts or event.

25 Sec. 10. NEW SECTION. COLLECTION OF PAYMENTS--PAYMENT
26 BY CLERK OF COURT. An offender making restitution pursuant
27 to a restitution plan of payment shall make the payment monthly
28 to the clerk of court of the county from which the offender
29 was sentenced, unless the restitution plan of payment provides
30 otherwise.

31 The clerk of court shall maintain a record of all receipts
32 and disbursements of restitution payments and shall disburse
33 all moneys received to the victims designated in the plan
34 of restitution. If there is more than one victim,
35 disbursements to the victims shall be on the basis of the

1 victim's percentage of the total owed by the offender to all
2 victims.

3 Court costs, court-appointed attorney's fees, and expenses
4 for public defenders, shall not be withheld by the clerk of
5 court until all victims have been paid in full. Payments
6 to victims shall be made by the clerk of court at least
7 quarterly. Payments by a clerk of court shall be made no
8 later than the last business day of the quarter, but may be
9 made more often at the discretion of the clerk of court.
10 The clerk of court receiving final payment from an offender,
11 shall notify all victims that full restitution has been made,
12 and a copy of the notice shall be sent to the sentencing
13 court. Each agent, agency, or judicial district department
14 of correctional services supervising an offender who is
15 required to perform community service as full or partial
16 restitution shall keep records to assure compliance with the
17 portions of the plan of restitution and restitution plan of
18 payment relating to community service and, when the offender
19 has complied fully with the community service requirement,
20 notify the sentencing court.

21 Sec. 11. Section 906.11, Code 1981, is amended to read
22 as follows:

23 906.11 ASSIGNMENT TO PAROLE OFFICER. A person released
24 on parole shall be assigned to a parole officer by the chief
25 parole officer. Both the person and his or her parole officer
26 shall be furnished with the conditions of his or her parole
27 including a copy of the plan of restitution and the restitution
28 plan of payment, if any, and the regulations which the person
29 will be required to observe, in writing. The parole officer
30 shall explain these conditions and regulations to the person,
31 and supervise, assist, and counsel the person during the term
32 of his or her parole.

33 Sec. 12. Section 907.8, unnumbered paragraph 1, Code 1981,
34 is amended to read as follows:

35 A person released on probation shall be assigned to a

1 probation officer. Both the person and his or her probation
2 officer shall be furnished with the conditions of the person's
3 probation including a copy of the plan of restitution and
4 the restitution plan of payment, if any, and the regulations
5 which the person will be required to observe, in writing.
6 The probation officer shall explain these conditions and
7 regulations to the person and shall supervise, assist, and
8 counsel the person during the term of his or her probation.

9 Sec. 13. Section 907.12, Code 1981, is repealed.

10 Sec. 14. This Act shall take effect July 1 following its
11 enactment and shall apply to persons sentenced after the
12 effective date of this Act.

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SF 2280
rn/slc/26c

SENATE FILE 2280

H-5678

- 1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 24, by striking the words
4 "including damages for wrongful death" and inserting
5 in lieu thereof the words "in an amount and in the
6 manner provided by the offender's plan of restitution".
7 2. Page 1, line 25, by striking the word "shall"
8 and inserting in lieu thereof the word "may".

H-5678 FILED
APRIL 2, 1982
Adopted 4/6 (J. 1272)

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT
CONLON, Chair

SENATE FILE 2280

H-5699

- 1 Amend Senate File 2280, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 8, line 26, by inserting after the word
4 "furnished" the words "in writing".
5 2. Page 8, line 29, by striking the words ", in
6 writing" and inserting in lieu thereof the words "in
7 writing".

H-5699 FILED APRIL 5, 1982 BY SPEAR of Lee
Adopted 4/6 (J. 1274)

SENATE FILE 2280

H-5702

- 1 Amend Senate File 2280 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, lines 1 and 2, by striking the words
4 "facts and".
5 2. Page 5, line 6, by striking the words "facts
6 and".
7 3. Page 5, line 15, by striking the words "facts
8 and".
9 4. Page 5, line 19, by striking the words "facts
10 and".
11 5. Page 5, line 30, by striking the words "facts
12 and".
13 6. Page 6, line 3, by striking the words "facts
14 and".
15 7. Page 6, line 9, by striking the words "facts
16 and".
17 8. Page 6, line 16, by striking the words "facts
18 and".

H-5702 FILED APRIL 5, 1982 BY SPEAR of Lee
Adopted 4/6 (J. 1274)

SENATE FILE 2280

H-5705

1 Amend Senate File 2280, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 25 and 26, by striking the words
4 ", court appointed attorney's fees or the expense
5 of a public defender,".
6 2. Page 1, by striking lines 30 and 31 and
7 inserting in lieu thereof the following: "court
8 costs."
9 3. Page 2, by striking lines 5 and 6 and inserting
10 in lieu thereof the following: "for court costs.
11 However, victims shall".
12 4. Page 2, by striking lines 8 and 9 and inserting
13 in lieu thereof the following: "county for court
14 costs. When no victim has".
15 5. Page 2, by striking lines 11 and 12 and
16 inserting in lieu thereof the following: "able to
17 pay all or a part of the court costs, the court".
18 6. Page 2, by striking lines 26 and 27 and
19 inserting in lieu thereof the following: "prepare
20 a statement of court costs and the same".
21 7. Page 8, by striking lines 3 and 4 and inserting
22 in lieu thereof the following:
23 "Court costs shall not be withheld by the clerk
24 of".

H-5705 FILED APRIL 5, 1982 BY RITSEMA of Sioux

Loat 4/6 (p. 1273)

SENATE FILE 2280

H-5706

1 Amend Senate File 2280 as amended, passed and
2 reprinted, as follows:
3 1. Page 2, line 27, by striking the words "and
4 the same" and inserting in lieu thereof the word
5 "which".
6 2. Page 2, line 34, by striking the words
7 "examination of" and inserting in lieu thereof the
8 words "examination, or both, of".
9 3. Page 2, line 35, by striking the words "or
10 both,".

H-5706 FILED APRIL 5, 1982 BY RITSEMA of Sioux

Adopted 4/6 (p. 1273)

HOUSE AMENDMENT TO SENATE FILE 2280

S-5529

- 1 Amend Senate File 2280, as amended, passed and
2 reprinted by the Senate as follows:
- 3 1. Page 1, line 24, by striking the words
4 "including damages for wrongful death" and inserting
5 in lieu thereof the words "in an amount and in the
6 manner provided by the offender's plan of restitution".
- 7 2. Page 2, line 27, by striking the words "and
8 the same" and inserting in lieu thereof the word
9 "which".
- 10 3. Page 2, line 34, by striking the words
11 "examination of" and inserting in lieu thereof the
12 words "examination, or both, of".
- 13 4. Page 2, line 35, by striking the words "or
14 both,".
- 15 5. Page 5, lines 1 and 2, by striking the words
16 "facts and".
- 17 6. Page 5, line 6, by striking the words "facts
18 and".
- 19 7. Page 5, line 15, by striking the words "facts
20 and".
- 21 8. Page 5, line 19, by striking the words "facts
22 and".
- 23 9. Page 5, line 30, by striking the words "facts
24 and".
- 25 10. Page 6, line 3, by striking the words "facts
26 and".
- 27 11. Page 6, line 9, by striking the words "facts
28 and".
- 29 12. Page 6, line 16, by striking the words "facts
30 and".
- 31 13. Page 8, line 26, by inserting after the word
32 "furnished" the words "in writing".
- 33 14. Page 8, line 29, by striking the words "
34 in writing" and inserting in lieu thereof the words
35 "~~in writing~~".

S-5529 FILED
APRIL 8, 1982

RECEIVED FROM THE HOUSE
Senate concurred 4/12 (p. 1146)

SENATE FILE 2280

AN ACT
RELATING TO RESTITUTION BY PUBLIC OFFENDERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Sections 2 through 10 of this Act shall be enacted as a new chapter of the Code.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Victim" means any person who has suffered pecuniary damages as a result of the offender's criminal activities.

However, for purposes of this chapter, an insurer is not a victim and does not have a right of subrogation.

2. "Pecuniary damages" means all damages to the extent not paid by an insurer, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, "pecuniary damages" includes damages for wrongful death.

3. "Criminal activities" means any crime for which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered and any other crime committed after July 1, 1982 which is admitted or not contested by the offender, whether or not prosecuted. However, "criminal activities" does not include simple misdemeanors under chapter 321.

4. "Restitution" means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. Restitution shall also include the payment of court costs, court-appointed attorney's fees or the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when no victim has suffered pecuniary damages and the offender cannot reasonably pay all or part of the court costs, court-appointed attorney's fees or the expense of a public defender.

Sec. 3. NEW SECTION. RESTITUTION ORDERED BY SENTENCING COURT. In all criminal cases except simple misdemeanors under chapter 321, in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of his or her criminal activities and, to the extent that the offender is reasonably able to do so, to the county where conviction was rendered for court costs, court-appointed attorney's fees or the expense of a public defender when applicable. However, victims shall

be paid in full before restitution payments are paid to the county for court costs, court-appointed attorney's fees or for the expense of a public defender. When no victim has suffered pecuniary damages and the offender is not reasonably able to pay all or a part of the court costs, court-appointed attorney's fees or the expense of a public defender, the court may require the offender to perform a needed public service for any governmental agency or for a private, nonprofit agency which provides a service to the youth, elderly or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 4. NEW SECTION. DETERMINATION OF AMOUNT OF RESTITUTION. The court shall require the county attorney to promptly prepare a statement of pecuniary damages to victims of the defendant and shall require the clerk of court to prepare a statement of court-appointed attorney's fees, the expense of a public defender and court costs which shall be promptly provided to the presentence investigator. These statements shall become a part of the presentence report. If a defendant believes no person suffered pecuniary damages, the defendant shall so state. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. At the time of sentencing, the court shall set out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. This shall be known as the plan of restitution.

Sec. 5. NEW SECTION. CONDITION OF PROBATION--PAYMENT PLAN. When restitution is ordered by the sentencing court

and the offender is placed on probation, restitution shall be a condition of probation. Failure of the offender to comply with the plan of restitution, plan of payment, or community service requirements when community service is ordered by the court as restitution, shall constitute a violation of probation and shall constitute contempt of court. The court may hold the offender in contempt, revoke probation, or may extend the period of probation in such circumstances. However, if the period of probation is extended it shall not be for more than the maximum period of probation for the offense committed as provided in section 907.7.

If an offender's probation is revoked, his or her assigned probation officer shall forward to the director of the division of adult corrections, information concerning the offender's restitution plan, restitution plan of payment, the restitution payment balance, and any other pertinent information concerning or affecting restitution by the offender.

When the offender is committed by the court to be supervised by a judicial district department of correctional services, is committed to a county jail, or to an alternate facility, the judicial district department of correctional services shall prepare a restitution plan of payment taking into consideration the offender's income, physical and mental health, age, education, employment and family circumstances. The judicial district department of correctional services shall review the plan of restitution ordered by the court, and shall submit a restitution plan of payment to the sentencing court. When community service is ordered by the court as restitution, the restitution plan of payment shall set out a plan to meet the requirement for the community service. The court may approve or modify the plan of restitution and restitution plan of payment. When there is a significant change in the offender's income or circumstances, the judicial district department of correctional services which has supervision of the plan of payment shall submit

a modified restitution plan of payment to the court. When there is a transfer of supervision from one agent, agency, or judicial district department of correctional services to another, the sending agent, agency or judicial district department shall forward to the receiving agent, agency, or judicial district department, all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required. When the offender's circumstances and income have significantly changed, the receiving agent, agency, or judicial district department shall submit a new plan of payment to the sentencing court for approval or modification based on the considerations enumerated in this section.

Sec. 6. NEW SECTION. CONDITION OF WORK RELEASE OR PAROLE.

1. When an offender is committed to the custody of the director of the division of adult corrections pursuant to a sentence of confinement, the sentencing court shall forward to the director, a copy of the offender's restitution plan, present restitution payment plan if any, and other pertinent information concerning or affecting restitution by the offender. However, if the offender is committed to the custody of the director after revocation of probation, this information shall be forwarded by the offender's probation officer.

An offender committed to a penal or correctional facility of the state, shall make restitution while placed in that facility. Upon commitment to the custody of the director of the division of adult corrections, the director or the director's designee shall prepare a restitution plan of payment or modify any existing plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. The director or the director's designee may modify the plan of payment at any time to reflect the offender's present circumstances.

2. If an offender is to be placed on work release from an institution under the control of the director of the division of adult corrections, restitution shall be a condition of work release. The chief of the bureau of community correctional services of the division of adult corrections, shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. The bureau chief may modify the plan of payment at any time to reflect the offender's present circumstances. Failure of the offender to comply with the restitution plan of payment, including the community service requirement, if any, shall constitute a violation of a condition of work release and the work release privilege may be revoked.

3. If an offender is to be placed on work release from a facility under control of a county sheriff, restitution shall be a condition of work release. The judicial district department of correctional services shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances. Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, shall constitute a violation of a condition of work release. The judicial district department of correctional services may modify the plan of restitution at any time to reflect the offender's present circumstances.

4. If an offender is to be placed on parole, restitution shall be a condition of parole. The parole office to which the offender will be assigned shall prepare a restitution plan of payment or may modify any previously existing

restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. Failure of the offender to comply with the restitution plan of payment including a community service requirement, if any, shall constitute a violation of a condition of parole. The parole officer may modify the plan of payment any time to reflect the offender's present circumstances. A restitution plan of payment or modified plan of payment, prepared by a parole officer, must meet the approval of the chief of the bureau of community correctional services of the division of adult corrections.

5. The director of the division of adult corrections shall promulgate rules pursuant to chapter 17A concerning the policies and procedures to be used in preparing and implementing restitution plans of payment for offenders who are committed to an institution under the control of the director of the division of adult corrections, for offenders who are to be released on work release from institutions under the control of the director of the division of adult corrections, for offenders who are placed on probation, and for offenders who are released on parole.

Sec. 7. NEW SECTION. PAYMENT PLAN--COPY TO VICTIMS. Each agent, agency, or judicial district department of correctional services preparing a restitution plan of payment or modified restitution plan of payment shall forward, when it is approved by the court if approval is required under section 5 of this Act, or when the plan is completed if court approval under section 5 of this Act is not required, a copy to the clerk of court in the county in which the offender was sentenced. The clerk of court shall forward a copy of the plan of payment or modified plan of payment to the victim or victims.

Sec. 8. NEW SECTION. PETITION FOR HEARING. At any time during the period of probation, parole or incarceration, the offender or the agent, agency or judicial district department of correctional services who prepared the offender's restitution plan, may petition the court and the court shall grant a hearing on any matter related to the plan of restitution or restitution plan of payment. The court at any time prior to the expiration of the offender's sentence, may modify the plan of restitution or the restitution plan of payment, or both, and may extend the period of time for the completion of restitution.

Sec. 9. NEW SECTION. CIVIL LIABILITY. This chapter and proceedings under this chapter shall not limit or impair the rights of victims to sue and recover damages from the offender in a civil action. However, any restitution payment by the offender to a victim shall be set off against any judgment in favor of the victim in a civil action arising out of the same facts or event.

Sec. 10. NEW SECTION. COLLECTION OF PAYMENTS--PAYMENT BY CLERK OF COURT. An offender making restitution pursuant to a restitution plan of payment shall make the payment monthly to the clerk of court of the county from which the offender was sentenced, unless the restitution plan of payment provides otherwise.

The clerk of court shall maintain a record of all receipts and disbursements of restitution payments and shall disburse all moneys received to the victims designated in the plan of restitution. If there is more than one victim, disbursements to the victims shall be on the basis of the victim's percentage of the total owed by the offender to all victims.

Court costs, court-appointed attorney's fees, and expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments to victims shall be made by the clerk of court at least

quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender, shall notify all victims that full restitution has been made, and a copy of the notice shall be sent to the sentencing court. Each agent, agency, or judicial district department of correctional services supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Sec. 11. Section 906.11, Code 1981, is amended to read as follows:

906.11 ASSIGNMENT TO PAROLE OFFICER. A person released on parole shall be assigned to a parole officer by the chief parole officer. Both the person and his or her parole officer shall be furnished in writing with the conditions of his or her parole including a copy of the plan of restitution and the restitution plan of payment, if any, and the regulations which the person will be required to observe, ~~in writing~~. The parole officer shall explain these conditions and regulations to the person, and supervise, assist, and counsel the person during the term of his or her parole.

Sec. 12. Section 907.9, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A person released on probation shall be assigned to a probation officer. Both the person and his or her probation officer shall be furnished with the conditions of the person's probation including a copy of the plan of restitution and the restitution plan of payment, if any, and the regulations which the person will be required to observe, in writing. The probation officer shall explain these conditions and

regulations to the person and shall supervise, assist, and counsel the person during the term of his or her probation.

Sec. 13. Section 907.12, Code 1981, is repealed.

Sec. 14. This Act shall take effect July 1 following its enactment and shall apply to persons sentenced after the effective date of this Act.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2280, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved 5/7, 1982

ROBERT D. RAY
Governor