

HOUSE FILE 245 7/10/83

Judiciary
Doyle, Chair
Ritscma
Gentleman
Mann
Coleman

De Pauw 3/1/84 (p. 611)

3 17 1983

HOUSE FILE 245

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place On Calendar

(Formerly House File 174)

Passed House, Date 3-7-83 (p. 634) Passed Senate, Date 3-26-84 (p. 1010)

Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0

Approved April 10, 1984 (p. 1874)

A BILL FOR

1 An Act relating to the time by which a court shall set out
2 the amount of restitution in a criminal case.

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

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HF 245

1 Section 1. Section 910.3, Code 1983, is amended to read
2 as follows:

3 910.3 DETERMINATION OF AMOUNT OF RESTITUTION. The court
4 shall require the county attorney to promptly prepare a
5 statement of pecuniary damages to victims of the defendant
6 and shall require the clerk of court to prepare a statement
7 of court-appointed attorney's fees, the expense of a public
8 defender and court costs which shall be promptly provided
9 to the presentence investigator. These statements shall
10 become a part of the presentence report. If a defendant
11 believes no person suffered pecuniary damages, the defendant
12 shall so state. If the defendant has any mental or physical
13 impairment which would limit or prohibit the performance of
14 a public service, the defendant shall so state. The court
15 may order a mental or physical examination, or both, of the
16 defendant to determine a proper course of action. At the
17 time of sentencing or at a later date to be determined by
18 the court, the court shall set out the amount of restitution
19 including the amount of public service to be performed as
20 restitution and the persons to whom restitution must be paid.
21 This shall be known as the plan of restitution.

22 EXPLANATION

23 This bill allows the sentencing court to set the amount
24 of restitution for a criminal defendant at a time later than
25 the time of sentencing.

26 This bill takes effect July 1 following its enactment.

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This shall be known as the plan of restitution.

HOUSE FILE 245

AN ACT

RELATING TO THE TIME BY WHICH A COURT SHALL SET OUT THE
AMOUNT OF RESTITUTION IN A CRIMINAL CASE.

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

Section 1. Section 910.3, Code 1983, is amended to read
as follows:

910.3 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
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time of sentencing or at a later date to be determined by
the court, the court shall set out the amount of restitution
including the amount of public service to be performed as

.....
DONALD D. AVENSON
Speaker of the House

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ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 245, Seventieth General Assembly.

.....
JOSEPH O'HERN
Chief Clerk of the House

Approved April 10, 1984

.....
TERRY E. BRANSTAD
Governor

H.F. 245