

See Judiciary 2/7/89
As passed 2-21-89 (p. 462)

JAN 10 1989

Judiciary & Law Enforcement
W. P. 1/30 (p. 25)

HOUSE FILE 9

BY PETERSON of Carroll

Passed House, Date 2/2/89 (p. 313) Passed Senate, Date 2/28/89 (p. 353)

Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0

Approved March 15, 1989 (j. 807)

A BILL FOR

1 An Act relating to the imposition of judgment, upon which
2 execution will lie, against a criminal offender on probation
3 who fails to comply with a court-ordered plan of restitution.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Bill No	_____
Date Filed	_____
House File No	_____
Correction	_____
Printed to U.S.S.	_____
Printed Corrected	_____

HF 9

1 Section 1. Section 910.4, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 When restitution is ordered by the sentencing court and the
4 offender is placed on probation, restitution shall be a
5 condition of probation. Failure of the offender to comply
6 with the plan of restitution, plan of payment, or community
7 service requirements when community service is ordered by the
8 court as restitution, shall constitute a violation of
9 probation and shall constitute contempt of court. The court
10 may hold the offender in contempt, revoke probation, or may
11 extend the period of probation in such circumstances, or upon
12 notice of such noncompliance and hearing thereon, the court
13 may enter a civil judgment against the offender for the
14 outstanding balance of payments under the plan of restitution
15 and such judgment shall be governed by the law relating to
16 judgments, judgment liens, executions, and other process
17 available to creditors for the collection of debts. However,
18 if the period of probation is extended it shall not be for
19 more than the maximum period of probation for the offense
20 committed as provided in section 907.7.

21 EXPLANATION

22 This bill provides for the imposition of judgment,
23 enforceable and upon which execution will lie, against a
24 criminal offender on probation for the offender's failure to
25 comply with a court-ordered plan of restitution. The bill is
26 similar to the provisions of section 909.6 regarding fines as
27 judgments.

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more than the maximum period of probation for the offense committed as provided in section 907.7.

HOUSE FILE 9

AN ACT

RELATING TO THE IMPOSITION OF JUDGMENT, UPON WHICH EXECUTION WILL LIE, AGAINST A CRIMINAL OFFENDER ON PROBATION WHO FAILS TO COMPLY WITH A COURT-ORDERED PLAN OF RESTITUTION.

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

Section 1. Section 910.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

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, or upon notice of such noncompliance and hearing thereon, the court may enter a civil judgment against the offender for the outstanding balance of payments under the plan of restitution and such judgment shall be governed by the law relating to judgments, judgment liens, executions, and other process available to creditors for the collection of debts. However, if the period of probation is extended it shall not be for

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 9, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 15, 1989

TERRY E. BRANSTAD
Governor