

1-29-96 Do Pass
5-21/96 Judiciary
5-3/13/96 Do Pass

FEB 23 1995
JUDICIARY

HOUSE FILE 210
BY COHOON

Passed House, Date ^(p. 156) 2/1/96
Vote: Ayes 94 Nays 0

Passed Senate, Date 3/25/96 (p. 996)
Vote: Ayes 41 Nays 3

Re Passed House
96-0(4/19/96)
(p. 1470)
Approved April 15, 1996

A BILL FOR

1 An Act authorizing a court to require a criminal offender as part
2 of a restitution order to make financial contributions to a
3 local anticrime organization.

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

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HF 210

1 Section 1. Section 910.1, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. "Restitution" means payment of pecuniary damages to a
4 victim in an amount and in the manner provided by the
5 offender's plan of restitution. Restitution also includes
6 fines, penalties, and surcharges, the contribution of funds to
7 a local anticrime organization which provided assistance to
8 law enforcement in an offender's case, the payment of crime
9 victim compensation program reimbursements, court costs,
10 court-appointed attorney's fees, or the expense of a public
11 defender, and the performance of a public service by an
12 offender in an amount set by the court when the offender
13 cannot reasonably pay all or part of the court costs, court-
14 appointed attorney's fees, or the expense of a public
15 defender.

16 Sec. 2. Section 910.2, Code 1995, is amended to read as
17 follows:

18 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
19 SENTENCING COURT.

20 In all criminal cases including but not limited to simple
21 misdemeanors under chapter 321, in which there is a plea of
22 guilty, verdict of guilty, or special verdict upon which a
23 judgment of conviction is rendered, the sentencing court shall
24 order that restitution be made by each offender to the victims
25 of the offender's criminal activities, to the clerk of court
26 for fines, penalties, surcharges, and, to the extent that the
27 offender is reasonably able to pay, for crime victim
28 assistance reimbursement, court costs, court-appointed
29 attorney's fees, ~~or~~ the expense of a public defender when
30 applicable, or contributions to local anticrime organizations.
31 However, victims shall be paid in full before fines,
32 penalties, and surcharges, crime victim compensation program
33 reimbursement, court costs, court-appointed attorney's fees,
34 ~~or~~ the expenses of a public defender, or contributions to
35 local anticrime organizations are paid. In structuring a plan

1 of restitution, the court shall provide for payments in the
2 following order of priority: victim, fines, penalties, and
3 surcharges, crime victim compensation program reimbursement,
4 court costs, and court-appointed attorney's fees, or the
5 expense of a public defender, and contributions to local
6 anticrime organizations.

7 PARAGRAPH DIVIDED. When the offender is not reasonably
8 able to pay all or a part of the crime victim compensation
9 program reimbursement, court costs, court-appointed attorney's
10 fees, or the expense of a public defender, or contributions to
11 local antirime organizations, the court may require the
12 offender in lieu of that portion of the crime victim
13 compensation program reimbursement, court costs, court-
14 appointed attorney's fees, or expense of a public defender, or
15 contributions to local antirime organizations for which the
16 offender is not reasonably able to pay, to perform a needed
17 public service for a governmental agency or for a private,
18 nonprofit agency which provides a service to the youth,
19 elderly, or poor of the community. When community service is
20 ordered, the court shall set a specific number of hours of
21 service to be performed by the offender. The judicial
22 district department of correctional services shall provide for
23 the assignment of the offender to a public agency or private
24 nonprofit agency to perform the required service.

25 EXPLANATION

26 This bill adds language to permit the court to require or
27 approve a requirement that the offender contribute funds to a
28 local antirime organization which provided assistance to law
29 enforcement in the person's case as part of the restitution
30 paid by the offender.

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HOUSE FILE 210

5516

Amend House File 210, as passed, by the House, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 910.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Local anticrime organization" means an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the organization is located or the sheriff of the county in which the organization is located."

2. By striking page 1, line 16, through page 2, line 24, and inserting the following:

"Sec. ____ . Section 910.2, Code Supplement 1995, is amended to read as follows:

910.2 RESTITUTION OR COMMUNITY SERVICE TO BE 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 the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expenses of a public defender, or contribution to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, and court-appointed attorney's fees, or the expense of a public defender, and contribution to a local anticrime organization.

PARAGRAPH DIVIDED. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender, or contribution to a local anticrime organization, the court may require the

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1 offender in lieu of that portion of the crime victim
2 compensation program reimbursement, court costs,
3 court-appointed attorney's fees, or expense of a
4 public defender, or contribution to a local anticrime
5 organization for which the offender is not reasonably
6 able to pay, to perform a needed public service for a
7 governmental agency or for a private nonprofit agency
8 which provides a service to the youth, elderly, or
9 poor of the community. When community service is
10 ordered, the court shall set a specific number of
11 hours of service to be performed by the offender. The
12 judicial district department of correctional services
13 shall provide for the assignment of the offender to a
14 public agency or private nonprofit agency to perform
15 the required service."

16 3. By renumbering as necessary.

By NANCY BOETTGER

S-5516 FILED MARCH 25, 1996

ADOPTED (p. 996)

SENATE AMENDMENT TO HOUSE FILE 210

H-5565

1 Amend House File 210, as passed, by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 910.1, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. "Local anticrime
8 organization" means an entity organized for the
9 primary purpose of crime prevention which has been
10 officially recognized by the chief of police of the
11 city in which the organization is located or the
12 sheriff of the county in which the organization is
13 located."

14 2. By striking page 1, line 16, through page 2,
15 line 24, and inserting the following:

16 "Sec. ____ . Section 910.2, Code Supplement 1995, is
17 amended to read as follows:

18 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
19 ORDERED BY SENTENCING COURT.

20 In all criminal cases except simple misdemeanors
21 under chapter 321, in which there is a plea of guilty,
22 verdict of guilty, or special verdict upon which a
23 judgment of conviction is rendered, the sentencing
24 court shall order that restitution be made by each
25 offender to the victims of the offender's criminal
26 activities, to the clerk of court for fines,
27 penalties, surcharges, and, to the extent that the
28 offender is reasonably able to pay, for crime victim
29 assistance reimbursement, court costs, court-appointed
30 attorney's fees, or the expense of a public defender
31 when applicable, or contribution to a local anticrime
32 organization. However, victims shall be paid in full
33 before fines, penalties, and surcharges, crime victim
34 compensation program reimbursement, court costs,
35 court-appointed attorney's fees, ~~or~~ the expenses of a
36 public defender, or contribution to a local anticrime
37 organization are paid. In structuring a plan of
38 restitution, the court shall provide for payments in
39 the following order of priority: victim, fines,
40 penalties, and surcharges, crime victim compensation
41 program reimbursement, court costs, and court-
42 appointed attorney's fees, or the expense of a public
43 defender, and contribution to a local anticrime
44 organization.

45 PARAGRAPH DIVIDED. When the offender is not
46 reasonably able to pay all or a part of the crime
47 victim compensation program reimbursement, court
48 costs, court-appointed attorney's fees, ~~or~~ the expense
49 of a public defender, or contribution to a local
50 anticrime organization, the court may require the

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1 offender in lieu of that portion of the crime victim
2 compensation program reimbursement, court costs,
3 court-appointed attorney's fees, or expense of a
4 public defender, or contribution to a local anticrime
5 organization for which the offender is not reasonably
6 able to pay, to perform a needed public service for a
7 governmental agency or for a private nonprofit agency
8 which provides a service to the youth, elderly, or
9 poor of the community. When community service is
10 ordered, the court shall set a specific number of
11 hours of service to be performed by the offender. The
12 judicial district department of correctional services
13 shall provide for the assignment of the offender to a
14 public agency or private nonprofit agency to perform
15 the required service."

16 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5565 FILED MARCH 25, 1996

House concurred 4/9/96 (p. 1470)

HOUSE FILE 210

AN ACT

AUTHORIZING A COURT TO REQUIRE A CRIMINAL OFFENDER AS PART OF A RESTITUTION ORDER TO MAKE FINANCIAL CONTRIBUTIONS TO A LOCAL ANTICRIME ORGANIZATION.

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

Section 1. Section 910.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Local anticrime organization" means an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the organization is located or the sheriff of the county in which the organization is located.

Sec. 2. Section 910.1, subsection 3, Code 1995, is amended to read as follows:

3. "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 also includes fines, penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, 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 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. Section 910.2, Code Supplement 1995, is amended to read as follows:

910.2 RESTITUTION OR COMMUNITY SERVICE TO BE 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 the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expenses of a public defender, or contribution to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, and court-appointed attorney's fees, or the expense of a public defender, and contribution to a local anticrime organization.

PARAGRAPH DIVIDED. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender, or contribution to a local anticrime organization, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or expense of a public defender, or contribution to a local anticrime organization for which the offender is not reasonably able to pay, to perform a needed public service for a 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.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 210, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 15, 1996

TERRY E. BRANSTAD
Governor