

3/2/96 Do Pass
5-3/21/96 Judiciary

MAR 14 1995

JUDICIARY

HOUSE FILE 414
BY HARRISON

Passed House, Date 3/21/96 (p.905) Passed Senate, Date _____
Vote: Ayes 95 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act eliminating the restitution limit for the offense of
2 operating a motor vehicle while intoxicated.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 414

1 Section 1. Section 321J.2, subsection 8, Code 1995, is
2 amended to read as follows:

3 8. The court shall order a defendant convicted of or
4 receiving a deferred judgment for a violation of this section
5 to make restitution, ~~in an amount not to exceed two thousand~~
6 ~~dollars,~~ pursuant to chapter 910 for damages resulting
7 directly from the violation. An amount paid pursuant to this
8 restitution order shall be credited toward any adverse
9 judgment in a subsequent civil proceeding arising from the
10 same occurrence. However, other than establishing a credit, a
11 restitution proceeding pursuant to this section shall not be
12 given evidentiary or preclusive effect in a subsequent civil
13 proceeding arising from the same occurrence.

14 EXPLANATION

15 This bill eliminates the \$2,000 limit on restitution which
16 a defendant may be ordered to pay as a result of a violation
17 of section 321J.2, prohibiting operating a motor vehicle while
18 intoxicated, and provides that the amount of any restitution
19 is to be determined pursuant to the victim restitution chapter
20 (chapter 910).

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