

4/10/95 Referred to Judiciary
H- 1-11-96 Do Pass
3-25-96 Referred to Judiciary

MAR 17 1995

HOUSE FILE 484
BY COMMITTEE ON JUDICIARY

Place On Calendar

(SUCCESSOR TO HSB 236)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing the use of criminal contempt to enforce victim
2 restitution orders.

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

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HF 484

1 Section 1. Section 910.4, Code 1995, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. When restitution is ordered by
4 the sentencing court and the offender has been discharged from
5 probation before the offender has paid in full all restitution
6 ordered by the sentencing court, the offender may be held in
7 contempt of court for failure to comply with the restitution
8 order.

9 EXPLANATION

10 This bill provides that in the case of a person who has
11 been discharged from probation without satisfying an order
12 requiring restitution, the restitution order may be enforced
13 through contempt proceedings.

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HOUSE FILE 484
FISCAL NOTE

The estimate for House File 484 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 484 provides that for a person who has been discharged from probation without satisfying an order requiring restitution, the restitution order may be enforced through contempt proceedings.

Assumptions

1. Increased convictions may impact jail admissions and populations.
2. No reliable restitution tracking mechanism exists.

Fiscal Effect

No estimate is possible because the number of convictions for contempt of court that may occur is unknown. However, the estimated court cost for each criminal contempt action is \$1,600.

Sources:

Judicial Department
Criminal Juvenile Justice Planning
Department of Corrections

(LSB 2101hv, LAM)

FILED MARCH 23, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HSB 236

JUDICIARY

Succeeded By

HOUSE FILE 484

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON HURLEY)

Lamberti, Chair
Harrison
Moreland

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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1 Section 1. Section 910.4, Code 1995, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. When restitution is ordered by
4 the sentencing court and the offender has been discharged from
5 probation before the offender has fully complied with the
6 restitution order, the offender may be held in contempt of
7 court for failure to comply with the restitution order.

8 EXPLANATION

9 This bill provides that in the case of a person who has
10 been discharged from probation without satisfying an order
11 requiring restitution to the victims of the person's crime,
12 the restitution order may be enforced through contempt
13 proceedings.

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