

SENATE FILE 386
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 31)

Passed Senate, Date 3/22/95 (P. 815) Passed House, Date 4/13/95 (P. 1576)
Vote: Ayes 49 Nays 0 Vote: Ayes 89 Nays 0
Approved April 25, 1995

A BILL FOR

1 An Act relating to restitution in certain traffic offenses which
2 are simple misdemeanors.

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

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S.F. 386

1 Section 1. Section 910.2, Code 1995, is amended to read as
2 follows:

3 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
4 SENTENCING COURT.

5 In all criminal cases ~~including-but-not-limited-to~~ except
6 simple misdemeanors under chapter 321, in which there is a
7 plea of guilty, verdict of guilty, or special verdict upon
8 which a judgment of conviction is rendered, the sentencing
9 court shall order that restitution be made by each offender to
10 the victims of the offender's criminal activities, to the
11 clerk of court for fines, penalties, surcharges, and, to the
12 extent that the offender is reasonably able to pay, for crime
13 victim assistance reimbursement, court costs, court-appointed
14 attorney's fees, or the expense of a public defender when
15 applicable. However, victims shall be paid in full before
16 fines, penalties, and surcharges, crime victim compensation
17 program reimbursement, court costs, court-appointed attorney's
18 fees, or the expenses of a public defender are paid. In
19 structuring a plan of restitution, the court shall provide for
20 payments in the following order of priority: victim, fines,
21 penalties, and surcharges, crime victim compensation program
22 reimbursement, court costs, and court-appointed attorney's
23 fees, or the expense of a public defender. When the offender
24 is not reasonably able to pay all or a part of the crime
25 victim compensation program reimbursement, court costs, court-
26 appointed attorney's fees, or the expense of a public
27 defender, the court may require the offender in lieu of that
28 portion of the crime victim compensation program
29 reimbursement, court costs, court-appointed attorney's fees,
30 or expense of a public defender for which the offender is not
31 reasonably able to pay, to perform a needed public service for
32 a governmental agency or for a private, nonprofit agency which
33 provides a service to the youth, elderly, or poor of the
34 community. When community service is ordered, the court shall
35 set a specific number of hours of service to be performed by

1 the offender. The judicial district department of
2 correctional services shall provide for the assignment of the
3 offender to a public agency or private nonprofit agency to
4 perform the required service.

5 EXPLANATION

6 This bill eliminates a provision enacted during the 1994
7 session of the general assembly which provides for restitution
8 in simple misdemeanor traffic cases under chapter 321. The
9 bill excepts those cases from the requirement that restitution
10 be paid.

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Redfern, Chair
Vilsack
Giannetto
Weuhausser
Madday

SSB-31

Judiciary

Succeeded By
SE/HE 386
SENATE FILE

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

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Successed By

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SENATE FILE 386

AN ACT
RELATING TO RESTITUTION IN CERTAIN TRAFFIC OFFENSES WHICH ARE
SIMPLE MISDEMEANORS.

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

Section 1. Section 910.2, Code 1995, is amended to read as follows:

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

In all criminal cases ~~including-but-not-limited-to~~ 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. 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 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. 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, 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 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.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 386, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 25, 1995

TERRY E. BRANSTAD
Governor