

Senate Study Bill 31

Conference Committee Text

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1 1 Section 1. Section [910.2](#), Code 1995, is amended to read as
1 2 follows:
1 3 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
1 4 SENTENCING COURT.
1 5 In all criminal cases

~~including but not limited to~~

~~except~~

1 6 simple misdemeanors under chapter 321, in which there is a
1 7 plea of guilty, verdict of guilty, or special verdict upon
1 8 which a judgment of conviction is rendered, the sentencing
1 9 court shall order that restitution be made by each offender to
1 10 the victims of the offender's criminal activities, to the
1 11 clerk of court for fines, penalties, surcharges, and, to the
1 12 extent that the offender is reasonably able to pay, for crime
1 13 victim assistance reimbursement, court costs, court-appointed
1 14 attorney's fees, or the expense of a public defender when
1 15 applicable. However, victims shall be paid in full before
1 16 fines, penalties, and surcharges, crime victim compensation
1 17 program reimbursement, court costs, court-appointed attorney's
1 18 fees, or the expenses of a public defender are paid. In
1 19 structuring a plan of restitution, the court shall provide for
1 20 payments in the following order of priority: victim, fines,
1 21 penalties, and surcharges, crime victim compensation program
1 22 reimbursement, court costs, and court-appointed attorney's
1 23 fees, or the expense of a public defender. When the offender
1 24 is not reasonably able to pay all or a part of the crime
1 25 victim compensation program reimbursement, court costs, court-
1 26 appointed attorney's fees, or the expense of a public
1 27 defender, the court may require the offender in lieu of that
1 28 portion of the crime victim compensation program
1 29 reimbursement, court costs, court-appointed attorney's fees,
1 30 or expense of a public defender for which the offender is not
1 31 reasonably able to pay, to perform a needed public service for
1 32 a governmental agency or for a private, nonprofit agency which
1 33 provides a service to the youth, elderly, or poor of the
1 34 community. When community service is ordered, the court shall
1 35 set a specific number of hours of service to be performed by
2 1 the offender. The judicial district department of
2 2 correctional services shall provide for the assignment of the
2 3 offender to a public agency or private nonprofit agency to
2 4 perform the required service.

2 5 EXPLANATION

2 6 This bill eliminates a provision enacted during the 1994
2 7 session of the general assembly which provides for restitution
2 8 in simple misdemeanor traffic cases under chapter 321. The
2 9 bill excepts those cases from the requirement that restitution
2 10 be paid.

2 11 LSB 1435XC 76

2 12 mk/sc/14