

FEB 12 1997

JUDICIARY

HOUSE FILE

213

BY BRADLEY, MILLAGE, MARTIN,
HOLMES, and VAN FOSSEN

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

A BILL FOR

1 An Act relating to payment of restitution by persons convicted of
2 a violation of operating a motor vehicle while intoxicated
3 (OWI), including removing the limitation on OWI victim
4 restitution payments and allowing public agencies to seek
5 restitution for the cost of emergency response services
6 resulting from the OWI violation.

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

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HF 213

1 Section 1. Section 321J.2, subsection 8, Code 1997, is
2 amended to read as follows:

3 8. ~~The~~ In addition to any other fine or penalty imposed
4 under this chapter, the court shall order a defendant
5 convicted of or receiving a deferred judgment for a violation
6 of this section to make restitution, in an amount not to
7 exceed two thousand dollars, for damages resulting directly
8 from the violation according to the following:

9 a. To the victim, according to chapter 910. An amount
10 paid pursuant to this restitution portion of the order shall
11 be credited toward any adverse judgment in a subsequent civil
12 proceeding arising from the same occurrence. However, other
13 than establishing a credit, a restitution proceeding pursuant
14 to this section related to this portion of the order shall not
15 be given evidentiary or preclusive effect in a subsequent
16 civil proceeding arising from the same occurrence.

17 b. To any public agency, for the costs of the emergency
18 response resulting from the actions constituting a violation
19 of this section, not exceeding five hundred dollars per public
20 agency for each such response. For the purposes of this
21 paragraph, "emergency response" means any incident requiring a
22 response by fire fighting, law enforcement, ambulance,
23 medical, or other emergency services. Restitution for costs
24 incurred by a public agency as described under this paragraph
25 may be sought by motion filed in the criminal proceedings
26 against defendant for violation of this section.

27 EXPLANATION

28 This bill amends Code section 321J.2, subsection 8, by
29 removing the \$2,000 limitation on victim restitution owed by a
30 convicted drunk driver, and making restitution available to
31 any public agency for the costs of emergency response services
32 related to the acts underlying the drunk driving conviction,
33 up to \$500 per agency per response.

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