

FEB 24 1999

JUDICIARY

HOUSE FILE

389

BY LARSON and RANTS

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to an insurer recovering restitution from a
2 criminal offender.

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

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HF 389

1 Section 1. Section 910.1, subsection 3, Code 1999, is
2 amended to read as follows:

3 3. "Pecuniary damages" means all damages ~~to-the-extent-not~~
4 ~~paid-by-an-insurer~~, which a victim could recover against the
5 offender in a civil action arising out of the same facts or
6 event, except punitive damages and damages for pain,
7 suffering, mental anguish, and loss of consortium. Without
8 limitation, "pecuniary damages" includes damages for wrongful
9 death and expenses incurred for psychiatric or psychological
10 services or counseling or other counseling for the victim
11 which became necessary as a direct result of the criminal
12 activity.

13 Sec. 2. Section 910.1, subsection 5, Code 1999, is amended
14 to read as follows:

15 5. "Victim" means a person who has suffered pecuniary
16 damages as a result of the offender's criminal activities.
17 However, for purposes of this chapter, an insurer is not a
18 victim ~~and~~ but does not have a right of subrogation. The
19 crime victim compensation program is not an insurer for
20 purposes of this chapter, and the right of subrogation
21 provided by section 915.92 does not prohibit restitution to
22 the crime victim compensation program.

23 EXPLANATION

24 This bill provides that an insurer will be able to recover
25 restitution from a criminal offender under a plan of
26 restitution just as any other victim would be able to recover.
27 The bill would permit the insurer to be reimbursed for damages
28 through payments made by the offender to the clerk of court
29 under Code section 910.2.

30 Existing law requires an insurer to file a civil court
31 action to recover any damages.

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