

FILED FEB 21 2000

SENATE FILE 2222
BY ANGELO

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

A BILL FOR

1 An Act relating to the recovery of costs incurred by a law
2 enforcement agency investigating methamphetamine-related
3 offenses.

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

SF 2222
JUDICIARY

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1 Section 1. NEW SECTION. 124.417 METHAMPHETAMINE --
2 RESTITUTION TO LAW ENFORCEMENT AGENCIES.

3 The court may order restitution paid to a law enforcement
4 agency for the costs of an investigation which results in a
5 methamphetamine-related conviction under this chapter. The
6 amount of restitution shall not exceed five hundred dollars
7 per law enforcement agency. A law enforcement agency seeking
8 such restitution shall consult with the county attorney
9 regarding the expenses incurred by the agency and the county
10 attorney may include the expenses in the statement of
11 pecuniary damages pursuant to section 910.3.

12 Sec. 2. Section 602.8107, subsection 2, Code 1999, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. e. Investigation costs to a law
15 enforcement agency ordered pursuant to section 124.417.

16 Sec. 3. Section 910.1, subsection 4, Code 1999, is amended
17 to read as follows:

18 4. "Restitution" means payment of pecuniary damages to a
19 victim in an amount and in the manner provided by the
20 offender's plan of restitution. "Restitution" also includes
21 fines, penalties, and surcharges, the contribution of funds to
22 a local anticrime organization which provided assistance to
23 law enforcement in an offender's case, the payment of crime
24 victim compensation program reimbursements, payment of
25 investigation costs to law enforcement agencies pursuant to
26 section 124.417, payment of restitution to public agencies
27 pursuant to section 321J.2, subsection 9, paragraph "b", court
28 costs including correctional fees approved pursuant to section
29 356.7, court-appointed attorney's fees, or the expense of a
30 public defender, and the performance of a public service by an
31 offender in an amount set by the court when the offender
32 cannot reasonably pay all or part of the court costs including
33 correctional fees approved pursuant to section 356.7, court-
34 appointed attorney's fees, or the expense of a public
35 defender.

1 Sec. 4. Section 910.2, unnumbered paragraph 1, Code 1999,
2 is amended to read as follows:

3 In all criminal cases in which there is a plea of guilty,
4 verdict of guilty, or special verdict upon which a judgment of
5 conviction is rendered, the sentencing court shall order that
6 restitution be made by each offender to the victims of the
7 offender's criminal activities, to the clerk of court for
8 fines, penalties, surcharges, and, to the extent that the
9 offender is reasonably able to pay, for crime victim
10 assistance reimbursement, payment of investigation costs to
11 law enforcement agencies pursuant to section 124.417,
12 restitution to public agencies pursuant to section 321J.2,
13 subsection 9, paragraph "b", court costs including
14 correctional fees approved pursuant to section 356.7, court-
15 appointed attorney's fees, or the expense of a public defender
16 when applicable, or contribution to a local anticrime
17 organization. However, victims shall be paid in full before
18 fines, penalties, and surcharges, crime victim compensation
19 program reimbursement, public agencies, court costs including
20 correctional fees approved pursuant to section 356.7, court-
21 appointed attorney's fees, the expenses of a public defender,
22 or contribution to a local anticrime organization are paid.
23 In structuring a plan of restitution, the court shall provide
24 for payments in the following order of priority: victim,
25 fines, penalties, and surcharges, crime victim compensation
26 program reimbursement, public agencies, court costs including
27 correctional fees approved pursuant to section 356.7, court-
28 appointed attorney's fees, or the expense of a public
29 defender, and contribution to a local anticrime organization.

30 Sec. 5. Section 910.3, Code 1999, is amended to read as
31 follows:

32 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

33 The county attorney shall prepare a statement of pecuniary
34 damages to victims of the defendant and, if applicable, any
35 award by the crime victim compensation program, investigation

1 costs incurred by law enforcement agencies pursuant to section
2 124.417, and expenses incurred by public agencies pursuant to
3 section 321J.2, subsection 9, paragraph "b", and shall provide
4 the statement to the presentence investigator or submit the
5 statement to the court at the time of sentencing. The clerk
6 of court shall prepare a statement of court-appointed
7 attorney's fees, the expense of a public defender, and court
8 costs including correctional fees claimed by a sheriff
9 pursuant to section 356.7, which shall be provided to the
10 presentence investigator or submitted to the court at the time
11 of sentencing. If these statements are provided to the
12 presentence investigator, they shall become a part of the
13 presentence report. If pecuniary damage amounts are not
14 available at the time of sentencing, the county attorney shall
15 provide a statement of pecuniary damages incurred up to that
16 time to the clerk of court. The statement shall be provided
17 no later than thirty days after sentencing. If a defendant
18 believes no person suffered pecuniary damages, the defendant
19 shall so state. If the defendant has any mental or physical
20 impairment which would limit or prohibit the performance of a
21 public service, the defendant shall so state. The court may
22 order a mental or physical examination, or both, of the
23 defendant to determine a proper course of action. At the time
24 of sentencing or at a later date to be determined by the
25 court, the court shall set out the amount of restitution
26 including the amount of public service to be performed as
27 restitution and the persons to whom restitution must be paid.
28 If the full amount of restitution cannot be determined at the
29 time of sentencing, the court shall issue a temporary order
30 determining a reasonable amount for restitution identified up
31 to that time. At a later date as determined by the court, the
32 court shall issue a permanent, supplemental order, setting the
33 full amount of restitution. The court shall enter further
34 supplemental orders, if necessary. These court orders shall
35 be known as the plan of restitution.

EXPLANATION

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This bill relates to the recovery of costs incurred by law enforcement agencies investigating methamphetamine offenses.

The bill provides that a law enforcement agency which investigates a methamphetamine-related offense under Code chapter 124, may recover up to \$500 of the costs of its investigation from a person who was convicted as a result of the agency's investigation. An agency seeking recovery under the bill shall consult with the county attorney regarding the costs incurred by the agency and the county attorney may include the costs in the statement of damages presented to the court for inclusion of the costs in the order for restitution to be paid by the defendant.