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SENATE FILE 393 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 253)

jm/gg/8

Passed Senate, Da	116) te <u>3/20/01</u>	Passed Ho	ouse, Date	5/4/01	(P. R58)
Vote: Ayes <u>50</u> Appro		Vote: Ay 5/16/01	res <u>87</u>	Nays O	

A BILL FOR

An Act relating to a petition to the court for a hearing on a
 criminal defendant's restitution plan.

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

SF 393 TLSB 2308SV 79

S.F. 393 H.F.

1 Section 1. Section 910.7, Code 2001, is amended to read as
2 follows:

3 910.7 PETITION FOR HEARING.

4 <u>1.</u> At any time during the period of probation, parole, or 5 incarceration, the offender or the office or individual who 6 prepared the offender's restitution plan may petition the 7 court on any matter related to the plan of restitution or 8 restitution plan of payment and the court shall grant a 9 hearing if on the face of the petition it appears that a 10 hearing is warranted.

11 2. The After a petition has been filed, the court, at any 12 time prior to the expiration of the offender's sentence, 13 provided the required notice has been given pursuant to 14 subsection 3, may modify the plan of restitution or the 15 restitution plan of payment, or both, and may extend the 16 period of time for the completion of restitution.

17 <u>3. If the offender is the petitioner, the department of</u> 18 corrections, if the offender is currently confined in a 19 correctional institution, and the office or individual who 20 prepared the offender's restitution plan shall receive notice 21 prior to any hearing under this section. If the office or the 22 individual who prepared the offender's restitution plan is the 23 petitioner, the department of corrections, if the offender is 24 currently confined in a correctional institution, and the 25 offender shall receive notice prior to any hearing.

26

EXPLANATION

27 This bill relates to a petition to the court for a hearing 28 on a criminal defendant's restitution plan.

The bill provides that if the defendant petitions the court of for a hearing on the defendant's restitution plan, the department of corrections, if the defendant is confined in a correctional institution, and the office or the individual who prepared the defendant's restitution plan shall receive notice prior to any hearing to modify the plan. The bill also provides that if the office or the individual who prepared the

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S.F. 393 H.F.

1 plan petitions the court for a hearing on the restitution 2 plan, the department of corrections, if the offender is 3 confined in a correctional institution, and the offender shall 4 receive notice prior to any hearing.

In the 7111 (393)

S-3189 Amend Senate File 393 as follows: 1 2 1. Page 1, by striking lines 17 through 25, and 3 inserting the following: "3. If a petition related to a plan of restitution 4 5 has been filed, the offender, the county attorney, the 6 department of corrections if the offender is currently 7 confined in a correctional institution, the office or 8 individual who prepared the offender's restitution 9 plan, and the victim, shall receive notice prior to 10 any hearing under this section." By JEFF ANGELO 72

S-3189 FILED MARCH 20, 2001 ADOPTED (ρ. 7/6)

S.F. SAD

H. 413/01 NEPHALADADE NERIS CALEMAR

SENATE FILE 393 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 253)

(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 2001) - New Language by the Senate

		Passed House, Date 5/4/01 (p. 1858)
Vote:	Ayes Nays	Vote: Ayes <u>87</u> Nays <u>Ø</u>
	Approved <u>5/16</u>	

A BILL FOR

1 An Act relating to a petition to the court for a hearing on a 2 criminal defendant's restitution plan. 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 SF 393

S.F. _____ H.F. ____

1 Section 1. Section 910.7, Code 2001, is amended to read as
2 follows:

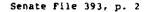
3 910.7 PETITION FOR HEARING.

4 <u>1.</u> At any time during the period of probation, parole, or 5 incarceration, the offender or the office or individual who 6 prepared the offender's restitution plan may petition the 7 court on any matter related to the plan of restitution or 8 restitution plan of payment and the court shall grant a 9 hearing if on the face of the petition it appears that a 10 hearing is warranted.

2. The After a petition has been filed, the court, at any
 12 time prior to the expiration of the offender's sentence,
 13 provided the required notice has been given pursuant to
 14 subsection 3, may modify the plan of restitution or the
 15 restitution plan of payment, or both, and may extend the
 16 period of time for the completion of restitution.
 17 3. If a petition related to a plan of restitution has been

18 filed, the offender, the county attorney, the department of 19 corrections if the offender is currently confined in a 20 correctional institution, the office or individual who 21 prepared the offender's restitution plan, and the victim, 22 shall receive notice prior to any hearing under this section.

SF 393 jm/cc/26



correctional institution, the office or individual who prepared the offender's restitution plan, and the victim, shall receive notice prior to any hearing under this section.

SENATE FILE 393

AN ACT RELATING TO A PETITION TO THE COURT FOR A HEARING ON A CRIMINAL DEFENDANT'S RESTITUTION PLAN.

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

Section 1. Section 910.7, Code 2001, is amended to read as follows:

910.7 PETITION FOR HEARING.

1. At any time during the period of probation, parole, or incarceration, the offender or the office or individual who prepared the offender's restitution plan may petition the court on any matter related to the plan of restitution or restitution plan of payment and the court shall grant a hearing if on the face of the petition it appears that a hearing is warranted.

2. The After a petition has been filed, the court, at any time prior to the expiration of the offender's sentence, provided the required notice has been given pursuant to subsection 3, may modify the plan of restitution or the restitution plan of payment, or both, and may extend the period of time for the completion of restitution.

3. If a petition related to a plan of restitution has been filed, the offender, the county attorney, the department of corrections if the offender is currently confined in a MARY E. KRAMER President of the Senate

BRENT SIEGRIST Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 393, Seventy-ninth General Assembly.

Approved _5/16 , 2001

MICHAEL E. MARSHALL Secretary of the Senate

THOMAS J. VILSACK Governor

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