

House Study Bill 238

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

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

A BILL FOR

1 An Act relating to payment of restitution to the state or a
2 political subdivision of the state in certain criminal
3 offenses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2422HC 80
6 jm/cf/24

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1 1 Section 1. Section 910.1, subsection 4, Code 2003, is
1 2 amended to read as follows:
1 3 4. "Restitution" means payment of pecuniary damages to a
1 4 victim in an amount and in the manner provided by the
1 5 offender's plan of restitution. "Restitution" ~~also~~ includes
1 6 fines, penalties, and surcharges, the contribution of funds to
1 7 a local anticrime organization which provided assistance to
1 8 law enforcement in an offender's case, and the payment of
1 9 crime victim compensation program reimbursements.
~~1 10 "Restitution" also includes payment of restitution to public
1 11 agencies pursuant to section 321J.2, subsection 9, paragraph
1 12 "b", payment to public agencies for the cost of an informant,
1 13 any undercover buy money, or cleanup of a clandestine
1 14 laboratory site as defined in section 124C.1, court costs
1 15 including correctional fees approved pursuant to section
1 16 356.7, and court-appointed attorney fees ordered pursuant to
1 17 section 815.9, including the expense of a public defender,
~~1 18 and, "Restitution" may also include the performance of a
1 19 public service by an offender in an amount set by the court
1 20 when the offender cannot reasonably pay all or part of the
1 21 court costs including correctional fees approved pursuant to
1 22 section 356.7, court-appointed attorney fees ordered pursuant
1 23 to section 815.9, including the expense of a public defender
1 24 as provided in section 910.2.~~~~

1 25 Sec. 2. Section 910.2, unnumbered paragraph 1, Code 2003,
1 26 is amended to read as follows:
1 27 In all criminal cases in which there is a plea of guilty,
1 28 verdict of guilty, or special verdict upon which a judgment of
1 29 conviction is rendered, the sentencing court shall order that
1 30 restitution be made by each offender to the victims of the
1 31 offender's criminal activities, to the clerk of court for
1 32 fines, penalties, surcharges, and, to the extent that the
1 33 offender is reasonably able to pay, for crime victim
1 34 assistance reimbursement, restitution to public agencies
1 35 ~~pursuant to section 321J.2, subsection 9, paragraph "b", court
2 1 costs including correctional fees approved pursuant to section
2 2 356.7, court-appointed attorney fees ordered pursuant to
2 3 section 815.9, including the expense of a public defender,
2 4 when applicable, or contribution to a local anticrime
2 5 organization. However, victims shall be paid in full before
2 6 fines, penalties, and surcharges, crime victim compensation
2 7 program reimbursement, public agencies, court costs including
2 8 correctional fees approved pursuant to section 356.7, court=
2 9 appointed attorney fees ordered pursuant to section 815.9,
2 10 including the expenses of a public defender, or contributions
2 11 to a local anticrime organization are paid. In structuring a
2 12 plan of restitution, the court shall provide for payments in
2 13 the following order of priority: victim, fines, penalties,
2 14 and surcharges, crime victim compensation program
2 15 reimbursement, public agencies, court costs including
2 16 correctional fees approved pursuant to section 356.7, court=
2 17 appointed attorney fees ordered pursuant to section 815.9,
2 18 including the expense of a public defender, and contribution
2 19 to a local anticrime organization.~~

2 20 EXPLANATION
2 21 This bill relates to payment of restitution to the state or

2 22 a political subdivision of the state in certain criminal
2 23 offenses.

2 24 The bill provides that a person who commits a criminal
2 25 offense shall, as part of the person's plan of restitution, if
2 26 applicable, pay the costs of any undercover buy money and
2 27 informants, and pay any costs associated with the cleanup of a
2 28 clandestine laboratory as defined in Code section 124C.1.

2 29 In addition to the restitution payments to the state and a
2 30 political subdivision of the state under the bill, current
2 31 Code provisions provide the state with a lien against all real
2 32 and personal property for the costs associated with cleaning
2 33 up a clandestine laboratory.

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