

SENATE FILE 2233
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3105)

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

A BILL FOR

1 An Act eliminating a provision allowing a criminal offender to
2 make a donation in lieu of performing community service.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2233

S-5133

1 Amend Senate File 2233 as follows:
2 1. Page 1, by striking lines 14 through 23 and
3 inserting the following: "services, or upon the
4 court's own motion. As an option for modification of
5 a plan, the court may allow a defendant to complete
6 ~~some part or all~~ of the defendant's community service
7 obligation through the donation of property to a
8 nonprofit charitable organization other than a
9 governmental subdivision which provides treatment to
10 substance abusers. The judicial district department
11 of correctional services with the concurrence of the
12 chief judge of the judicial district shall designate
13 which nonprofit charitable organizations are eligible
14 to receive such a donation. Any donation received
15 pursuant to this subsection shall be distributed
16 equally to the nonprofit charitable organizations
17 eligible to receive a donation within the judicial
18 district. A donation of property to a charitable
19 organization offered in satisfaction of ~~some part or~~
20 ~~all~~ of a community service obligation under this
21 subsection is not a deductible contribution for the
22 purposes of federal or state income taxes."
23 2. Title page, line 1, by striking the word
24 "eliminating" and inserting the following:
25 "modifying".

By MATT McCOY

SF 2233
JUDICIARY

S-5133 FILED MARCH 23, 2004
LOST

1 Section 1. Section 907.13, subsection 2, Code 2003, is
2 amended to read as follows:

3 2. The defendant's plan of community service, the comments
4 of the defendant's probation officer, and the comments of the
5 representative of the judicial district department of
6 correctional services responsible for the unpaid community
7 service program, shall be submitted promptly to the court.
8 The court shall promptly enter an order approving the plan or
9 modifying it. Compliance with the plan of community service
10 as approved or modified by the court shall be a condition of
11 the defendant's probation. The court thereafter may modify
12 the plan at any time upon the defendant's request, upon the
13 request of the judicial district department of correctional
14 services, or upon the court's own motion. ~~As an option for~~
15 ~~modification of a plan, the court may allow a defendant to~~
16 ~~complete some part or all of the defendant's community service~~
17 ~~obligation through the donation of property to a charitable~~
18 ~~organization other than a governmental subdivision. A~~
19 ~~donation of property to a charitable organization offered in~~
20 ~~satisfaction of some part or all of a community service~~
21 ~~obligation under this subsection is not a deductible~~
22 ~~contribution for the purposes of federal or state income~~
23 ~~taxes.~~

24 EXPLANATION

25 This bill eliminates a provision allowing a criminal
26 offender to make a donation in lieu of performing community
27 service. Current law allows a criminal offender to make a
28 donation to a charitable organization other than to a
29 governmental subdivision in lieu of performing community
30 service.

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Redfern
Kreiman
Boettger

cc: C
HF 2233 SSB# 3105
Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON REDFERN)

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

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SSB 3105

S.F. _____ H.F. _____

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