

FEB 9 2005  
JUDICIARY

HOUSE FILE 241  
BY MASCHER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

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

HF 241

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1 Section 1. Section 907.13, subsection 2, Code 2005, 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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