

# House Study Bill 72

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

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

## A BILL FOR

1 An Act relating to the payment of restitution by a person  
2 convicted of a criminal offense.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1065DP 81  
5 jm/pj/5

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1 1 Section 1. Section 627.6A, subsection 1, Code 2005, is  
1 2 amended to read as follows:  
1 3 1. Notwithstanding the provisions of section 627.6, a  
1 4 debtor shall not be permitted to claim exemptions with regard  
1 5 to payment or a portion of payment under a pension, annuity,  
1 6 individual retirement account, profit-sharing plan, universal  
1 7 life insurance policy, or similar plan or contract due to  
1 8 illness, disability, death, age, or length of service for  
1 9 ~~child, spousal, or medical support. the following:~~  
1 10 a. Child support.  
1 11 b. Spousal support.  
1 12 c. Medical support.  
1 13 d. Restitution ordered pursuant to chapter 910 while the  
1 14 debtor is committed to the custody of the director of the  
1 15 department of corrections and confined in a correctional  
1 16 facility.  
1 17 Sec. 2. Section 910.1, subsection 1, Code 2005, is amended  
1 18 to read as follows:  
1 19 1. "Criminal activities" means any crime for which there  
1 20 is a plea of guilty, verdict of guilty, or special verdict  
1 21 upon which a judgment of conviction is rendered and any other  
1 22 crime committed after July 1, 1982, which is admitted or not  
1 23 contested by the offender, whether or not prosecuted.  
1 24 However, "criminal activities" does not include simple  
1 25 misdemeanors under chapter 321, except for reckless driving  
1 26 under section 321.277.

### EXPLANATION

1 27 This bill relates to the payment of restitution by a person  
1 28 convicted of a criminal offense.  
1 29 Under the bill, payments under a pension or other similar  
1 30 plan concerning illness, disability, death, age, or length of  
1 31 service of a person confined in a state correctional facility  
1 32 are subject to execution if restitution has been ordered  
1 33 pursuant to Code chapter 910. Under current law, a person may  
1 34 only execute a judgment against a pension or other related  
2 1 plan if the judgment is for child, spousal, or medical  
2 2 support.  
2 3 The bill also provides that restitution may be ordered  
2 4 against a person who is convicted of the simple misdemeanor  
2 5 criminal offense of reckless driving under Code section  
2 6 321.277. Current law exempts all persons convicted of a  
2 7 simple misdemeanor under Code chapter 321 from paying  
2 8 restitution pursuant to Code chapter 910.  
2 9 LSB 1065DP 81  
2 10 jm/pj/5