

Senate Study Bill 1071

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.

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