

**Senate File 2041 - Introduced**

SENATE FILE 2041  
BY SCHMITZ

**A BILL FOR**

1 An Act relating to a restitution plan and a restitution plan of  
2 payment in a criminal proceeding.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 910.4, subsection 2, unnumbered  
2 paragraph 1, Code 2009, is amended to read as follows:

3 ~~When the offender is committed to a county jail, or to an~~  
4 ~~alternate facility, the~~ The office or individual charged with  
5 supervision of the offender shall prepare a restitution plan  
6 of payment taking into consideration the offender's income,  
7 physical and mental health, age, education, employment and  
8 family circumstances.

9 Sec. 2. Section 910.4, subsection 2, paragraph a, Code 2009,  
10 is amended to read as follows:

11 a. The office or individual charged with supervision of the  
12 offender shall review the plan of restitution ordered by the  
13 court, and shall, after consultation with the victim, submit a  
14 restitution plan of payment to the sentencing court.

15 Sec. 3. Section 910.6, Code 2009, is amended to read as  
16 follows:

17 **910.6 Payment plan — copy to victims — right to appeal.**

18 1. An office or individual preparing a restitution plan  
19 of payment or modified restitution plan of payment, when  
20 it is approved by the court if approval is required under  
21 section 910.4, or when the plan is completed if court approval  
22 under section 910.4 is not required, shall forward a copy to  
23 the clerk of court in the county in which the offender was  
24 sentenced. The clerk of court shall forward a copy of the  
25 plan of payment or modified plan of payment to the victim or  
26 victims.

27 2. If a victim objects to any matter related to the plan of  
28 restitution or the restitution plan of payment, the victim or  
29 the county attorney on behalf of the victim may petition the  
30 court as provided in section 910.7.

31 Sec. 4. Section 910.7, subsection 1, Code 2009, is amended  
32 to read as follows:

33 1. At any time during the period of probation, parole, or  
34 incarceration, the county attorney on behalf of the victim  
35 or the victim, the offender, or the office or individual who

1 prepared the offender's restitution plan may petition the court  
2 on any matter related to the plan of restitution or restitution  
3 plan of payment and the court shall grant a hearing if on the  
4 face of the petition it appears that a hearing is warranted.

5 Sec. 5. Section 910.7, Code 2009, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 4. An order establishing a restitution  
8 plan, a restitution plan of payment, or an order modifying such  
9 an order is appealable by any party of interest including the  
10 victim.

11 EXPLANATION

12 This bill relates to a restitution plan and a restitution  
13 plan of payment in a criminal proceeding.

14 The bill specifies the office or individual supervising an  
15 offender shall prepare a restitution plan of payment after  
16 consulting the victim.

17 If the victim objects to a restitution plan or restitution  
18 plan of payment pursuant to the bill, the county attorney on  
19 behalf of the victim or the victim may petition the court for  
20 a hearing on any matter related to the restitution plan or  
21 restitution plan of payment. Currently, the offender, or the  
22 office or individual supervising the offender may petition the  
23 court on matters related to the restitution plan or restitution  
24 plan of payment.

25 The bill specifies an order establishing a restitution plan,  
26 a restitution plan of payment, or an order modifying such an  
27 order is appealable by any party of interest including the  
28 victim.

29 A restitution plan consists of orders issued pursuant to  
30 Code section 910.3.