

Senate File 2327 - Introduced

SENATE FILE 2327

BY SMITH

A BILL FOR

1 An Act relating to consumer fraud perpetrated upon an older
2 person, and providing a penalty.

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

1 Section 1. Section 714.16A, subsection 1, paragraph a, Code
2 2014, is amended to read as follows:

3 a. If a person violates section 714.16, and the violation is
4 committed against an older person, in an action brought by the
5 attorney general, in addition to any other civil penalty, the
6 court may impose an additional civil penalty not to exceed ~~five~~
7 ten thousand dollars for each such violation. Additionally,
8 the attorney general may accept a civil penalty as determined
9 by the attorney general in settlement of an investigation of a
10 violation of section 714.16, regardless of whether an action
11 has been filed pursuant to section 714.16.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to consumer fraud perpetrated upon an
16 older person.

17 Under the bill, if a person commits a violation of Code
18 section 714.16 (consumer fraud), in addition to any other civil
19 penalty imposed, the court may impose a civil penalty not to
20 exceed \$10,000 if the victim of the consumer fraud is 65 years
21 of age or older.

22 A civil penalty imposed by a court pursuant to the bill
23 is deposited in the elderly victim fund established in Code
24 section 714.16A, a separate fund created in the state treasury
25 and administered by the attorney general for the investigation
26 and prosecution of frauds against the elderly.