

House File 379 - Introduced

HOUSE FILE 379

BY HEATON

A BILL FOR

1 An Act relating to modifications of restitution orders.

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

1 Section 1. NEW SECTION. 910.7B Petition for hearing by
2 victim.

3 1. If restitution to a victim remains unpaid, at any time
4 after the period of probation, parole, or incarceration the
5 victim may petition the court on any matter related to the plan
6 of restitution or restitution plan of payment and the court
7 shall grant a hearing if on the face of the petition it appears
8 that a hearing is warranted.

9 2. After a petition has been filed, provided that the
10 offender has received prior notice of the hearing, the court
11 may modify the plan of restitution or the restitution plan of
12 payment, or both, and may extend the period of time for the
13 completion of restitution.

14 Sec. 2. Section 915.100, subsection 2, Code 2015, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *j.* If restitution to the victim remains
17 unpaid, a victim may petition the court after the offender's
18 period of probation, parole, or incarceration pursuant to
19 section 910.7B to modify a plan of restitution or restitution
20 plan of payment.

21

EXPLANATION

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

24 This bill relates to the modification of restitution orders
25 at the request of the victim.

26 Under current law, in criminal cases in which there is a plea
27 of guilty, verdict of guilty, or special verdict upon which a
28 judgment of conviction is rendered, the court shall order that
29 an offender make restitution, which is the payment of pecuniary
30 damages to a victim of the offender's criminal activities.
31 Restitution is made under a plan of payment. Under current
32 law, during the period of probation, parole, or incarceration,
33 the offender or the office or individual who prepared the
34 offender's restitution plan may petition the court to modify
35 the plan of restitution or restitution plan of payment.

1 Under current law, after an offender's period of probation,
2 parole, or incarceration, no party may petition the court to
3 modify the plan of restitution or restitution plan of payment.

4 The bill provides that after an offender's period of
5 probation, parole, or incarceration, if restitution to the
6 victim remains unpaid, the victim may petition the court to
7 modify the plan of payment. If the offender has received
8 prior notice of the hearing, the court may modify the plan
9 of restitution or the restitution plan of payment, or both,
10 and may extend the period of time for the completion of
11 restitution.