

Senate File 2240 - Introduced

SENATE FILE 2240
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3061)

A BILL FOR

1 An Act relating to the receipt of pecuniary damages by insurers
2 as victims of insurance fraud for purposes of criminal
3 restitution.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 910.1, subsection 3, Code 2018, is
2 amended to read as follows:

3 3. "*Pecuniary damages*" means all damages to the extent
4 not paid by an insurer on an insurance claim by the victim,
5 which a victim could recover against the offender in a civil
6 action arising out of the same facts or event, except punitive
7 damages and damages for pain, suffering, mental anguish, and
8 loss of consortium. Without limitation, "*pecuniary damages*"
9 includes damages for wrongful death and expenses incurred for
10 psychiatric or psychological services or counseling or other
11 counseling for the victim which became necessary as a direct
12 result of the criminal activity.

13 Sec. 2. Section 910.1, subsection 5, Code 2018, is amended
14 to read as follows:

15 5. "*Victim*" means a person who has suffered pecuniary
16 damages as a result of the offender's criminal activities.
17 However, for purposes of [this chapter](#), an insurer paying a
18 victim's insurance claim is not a victim and does not have a
19 right of subrogation. An insurer may be a victim for purposes
20 of this chapter if insurance fraud in violation of section
21 507E.3 or 507E.3A has been perpetrated against the insurer.
22 The crime victim compensation program is not an insurer for
23 purposes of [this chapter](#), and the right of subrogation provided
24 by [section 915.92](#) does not prohibit restitution to the crime
25 victim compensation program.

26 EXPLANATION

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

29 This bill relates to insurers as victims for purposes of
30 receipt of criminal restitution damages. The bill amends the
31 definitions of pecuniary damages and victim in the criminal
32 restitution Code chapter. An insurer may be a victim for
33 purposes of criminal restitution if the insurer is a victim of
34 insurance fraud due to fraudulent submissions or fraudulent
35 sales practices. Insurers are currently excluded as victims

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1 for purposes of criminal restitution.