

Senate File 2244 - Introduced

SENATE FILE 2244

BY DAWSON

A BILL FOR

1 An Act relating to restitution ordered in a criminal proceeding
2 and court debt.

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

1 Section 1. Section 356.7, subsection 2, paragraph i, Code
2 2020, is amended by striking the paragraph.

3 Sec. 2. Section 356.7, subsection 4, Code 2020, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 4. A claim for reimbursement shall be filed in a separate
7 civil action rather than as a claim in the underlying criminal
8 case.

9 Sec. 3. Section 602.8105, subsection 1, Code 2020, is
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. k. For a civil claim for reimbursement under
12 section 356.7, zero dollars.

13 Sec. 4. Section 602.8107, subsection 1, paragraph a, Code
14 2020, is amended by striking the paragraph and inserting in
15 lieu thereof the following:

16 a. "*Court debt*" means all restitution, fees, and forfeited
17 bail.

18 Sec. 5. Section 602.8107, subsection 2, paragraphs b and c,
19 Code 2020, are amended to read as follows:

20 b. (1) ~~If~~ Except as provided in subparagraph (2), if a case
21 number is not identified, the clerk shall apply the payment to
22 the balance owed in the criminal case with the oldest judgment
23 against the person.

24 (2) The clerk shall apply payments to pecuniary damages
25 in other criminal cases when no case number is identified in
26 priority order from the oldest judgment to the most recent
27 judgment before applying payments to any other court debt.

28 c. Payments received under [this section](#) shall be applied in
29 the following priority order:

30 (1) Pecuniary damages as defined in section 910.1,
31 subsection 3.

32 (2) Fines or penalties and criminal penalty and law
33 enforcement initiative surcharges.

34 (3) Crime victim compensation program reimbursement.

35 (4) Court costs, ~~including correctional fees assessed~~

1 ~~pursuant to sections 356.7 and 904.108~~, court-appointed
2 attorney fees, or public defender expenses.

3 Sec. 6. Section 602.8107, subsection 4, paragraph a, Code
4 2020, is amended to read as follows:

5 a. This subsection does not apply to amounts collected for
6 ~~victim~~ restitution involving pecuniary damages, the victim
7 compensation fund, the criminal penalty surcharge, sex offender
8 civil penalty, drug abuse resistance education surcharge,
9 the law enforcement initiative surcharge, county enforcement
10 surcharge, or amounts collected as a result of procedures
11 initiated under subsection 5 or under section 8A.504, ~~or fees~~
12 ~~charged pursuant to section 356.7~~.

13 Sec. 7. Section 909.3, subsection 1, Code 2020, is amended
14 to read as follows:

15 1. All Unless a plan of payment has been issued pursuant to
16 chapter 910, fines imposed by the court shall be paid on the
17 day the fine is imposed, and the person shall be instructed to
18 pay such fines with the office of the clerk of the district
19 court on the date of imposition.

20 Sec. 8. Section 910.1, subsection 4, Code 2020, is amended
21 by striking the subsection and inserting in lieu thereof the
22 following:

23 4. "*Restitution*" means pecuniary damages, category "A"
24 restitution, and category "B" restitution.

25 Sec. 9. Section 910.1, Code 2020, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 01. "*Category "A" restitution*" means fines,
28 penalties, and surcharges.

29 NEW SUBSECTION. 001. "*Category "B" restitution*" means
30 the contribution of funds to a local anticrime organization
31 which provided assistance to law enforcement in an offender's
32 case, the payment of crime victim compensation program
33 reimbursements, payment of restitution to public agencies
34 pursuant to section 321J.2, subsection 13, paragraph "b",
35 court costs, court-appointed attorney fees ordered pursuant to

1 section 815.9, including the expense of a public defender, and
2 payment to the medical assistance program pursuant to chapter
3 249A for expenditures paid on behalf of the victim resulting
4 from the offender's criminal activities including investigative
5 costs incurred by the Medicaid fraud control unit pursuant to
6 section 249A.50.

7 NEW SUBSECTION. 1A. "*Financial affidavit*" means a signed
8 affidavit under penalty of perjury that provides financial
9 information about the offender to enable the sentencing court
10 or the department of corrections to make a determination
11 regarding the ability of the offender to pay category "B"
12 restitution. "*Financial affidavit*" includes the offender's
13 income, physical and mental health, age, education, employment,
14 inheritance, other debts, other amounts of restitution owed,
15 family circumstances, and any assets subject to execution,
16 including but not limited to cash, accounts at financial
17 institutions, stocks, bonds, and any other property which may
18 be applied to the satisfaction of judgments.

19 NEW SUBSECTION. 3A. "*Permanent restitution order*" means an
20 order entered when the court is able to order the full amount
21 of restitution, either at the time of sentencing or at a later
22 date to be determined by the court.

23 NEW SUBSECTION. 3B. "*Plan of payment*" or "*restitution plan*
24 *of payment*" means a plan for paying restitution wherein the
25 defendant is ordered to pay a certain amount of money each
26 month to repay outstanding restitution.

27 NEW SUBSECTION. 3C. "*Plan of restitution*" means a temporary
28 restitution order, permanent restitution order, restitution
29 plan of payment, any other court order relating to restitution,
30 or any combination of the foregoing.

31 NEW SUBSECTION. 4A. "*Temporary restitution order*" means
32 an order entered when the sentencing court is unable to order
33 the full amount of restitution, whether due to incomplete
34 statements of pecuniary damages, incomplete statements
35 involving other restitution, or for any other cause.

1 Sec. 10. Section 910.2, Code 2020, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **910.2 Restitution or community service ordered by sentencing**
4 **court.**

5 1. *a.* In all criminal cases in which there is a plea of
6 guilty, verdict of guilty, or special verdict upon which a
7 judgment of conviction is rendered, the sentencing court shall
8 order that pecuniary damages be paid by each offender to the
9 victims of the offender's criminal activities, and that all
10 other restitution be paid to the clerk of court subject to the
11 following:

12 (1) Pecuniary damages and category "A" restitution shall be
13 ordered without regard to an offender's reasonable ability to
14 make payments.

15 (2) Category "B" restitution shall be ordered subject to
16 an offender's reasonable ability to make payments pursuant to
17 section 910.2A.

18 *b.* Pecuniary damages shall be paid to victims in full before
19 category "A" and category "B" restitution are paid.

20 *c.* In structuring a plan of restitution, the plan of payment
21 shall provide for payments in the following order of priority:

22 (1) Pecuniary damages to the victim.

23 (2) Category "A" restitution.

24 (3) Category "B" restitution in the following order:

25 (a) Crime victim compensation program reimbursement.

26 (b) Public agencies.

27 (c) Court costs.

28 (d) Court-appointed attorney fees ordered pursuant to
29 section 815.9, including the expense of a public defender.

30 (e) Contribution to a local anticrime organization.

31 (f) The medical assistance program.

32 2. *a.* When the offender is not reasonably able to pay
33 all or a part of category "B" restitution, the court may
34 require the offender in lieu of that portion of category "B"
35 restitution for which the offender is not reasonably able to

1 pay, to perform a needed public service for a governmental
2 agency or for a private nonprofit agency which provides a
3 service to the youth, elderly, or poor of the community.

4 *b.* When community service is ordered, the court shall set
5 a specific number of hours of service to be performed by the
6 offender. When calculating the amount of community service to
7 be performed in lieu of payment of court-appointed attorney
8 fees, the court shall determine the approximate equivalent
9 value of the expenses of the public defender. The judicial
10 district department of correctional services shall provide for
11 the assignment of the offender to a public agency or private
12 nonprofit agency to perform the required service.

13 **Sec. 11. NEW SECTION. 910.2A Reasonable ability to pay —**
14 **category "B" restitution payments.**

15 1. An offender is presumed to have the reasonable ability
16 to make restitution payments for the full amount of category
17 "B" restitution.

18 2. If an offender requests that the court determine the
19 amount of category "B" restitution payments the offender is
20 reasonably able to make toward paying the full amount of such
21 restitution, the court shall hold a hearing and make such a
22 determination, subject to the following provisions:

23 *a.* To obtain relief at such a hearing, the offender must
24 affirmatively prove by a preponderance of the evidence that the
25 offender is unable to reasonably make payments toward the full
26 amount of category "B" restitution.

27 *b.* The offender must furnish the prosecuting attorney and
28 sentencing court with a completed financial affidavit. Failure
29 to furnish a completed financial affidavit waives any claim
30 regarding the offender's reasonable ability to pay.

31 *c.* The prosecuting attorney, the attorney for the defendant,
32 and the court shall be permitted to question the offender
33 regarding the offender's reasonable ability to pay.

34 *d.* Based on the evidence offered at the hearing, including
35 but not limited to the financial affidavit, the court shall

1 determine the amount of category "B" restitution the offender
2 is reasonably able to make payments toward, and order the
3 offender to make payments toward that amount.

4 3. a. If an offender does not make a request as provided in
5 subsection 2 at the time of sentencing or within thirty days
6 after the court issues a permanent restitution order, the court
7 shall order the offender to pay the full amount of category "B"
8 restitution.

9 b. An offender's failure to request a determination
10 pursuant to this section waives all future claims regarding
11 the offender's reasonable ability to pay, except as provided
12 by section 910.7.

13 4. If a court finds an offender is not reasonably able
14 to make payments toward the full amount of category "B"
15 restitution, the offender's financial affidavit shall be
16 filed of record in all criminal cases for which the offender
17 owes restitution and the affidavit shall be accessible by a
18 prosecuting attorney or attorney for the offender without court
19 order or appearance.

20 5. A court that makes a determination under this section is
21 presumed to have properly exercised its discretion. A court is
22 not required to state its reasons for making a determination.

23 Sec. 12. Section 910.3, Code 2020, is amended to read as
24 follows:

25 **910.3 Determination of amount of restitution.**

26 1. The ~~county~~ prosecuting attorney shall prepare a
27 statement of pecuniary damages to victims of the defendant
28 and, if applicable, any award by the crime victim compensation
29 program and expenses incurred by public agencies pursuant to
30 section 321J.2, subsection 13, paragraph "b", and shall provide
31 the statement to the presentence investigator or submit the
32 statement to the court at the time of sentencing.

33 2. The clerk of court shall prepare a statement of
34 court-appointed attorney fees ordered pursuant to section
35 815.9, including the expense of a public defender, and court

1 ~~costs including correctional fees claimed by a sheriff or~~
2 ~~municipality pursuant to section 356.7,~~ which shall be provided
3 to the presentence investigator or submitted to the court at
4 the time of sentencing.

5 3. If ~~these the~~ statements in subsection 1 or 2 are provided
6 to the presentence investigator, they shall become a part of
7 the presentence report.

8 4. If pecuniary damage amounts are not available or are
9 incomplete at the time of sentencing, the ~~county~~ prosecuting
10 attorney shall provide a statement of pecuniary damages
11 incurred up to that time to the clerk of court.

12 5. The statement of pecuniary damages shall ordinarily be
13 provided no later than thirty days after sentencing. However,
14 a prosecuting attorney may file a statement of pecuniary
15 damages within a reasonable time after the prosecuting attorney
16 is notified by a victim of any pecuniary damages incurred.

17 6. If a defendant believes no person suffered pecuniary
18 damages, the defendant shall so state.

19 7. If the defendant has any mental or physical impairment
20 which would limit or prohibit the performance of a public
21 service, the defendant shall so state. The court may order a
22 mental or physical examination, or both, of the defendant to
23 determine a proper course of action. ~~At the time of sentencing~~
24 ~~or at a later date to be determined by the court,~~

25 8. If the full amount of restitution is known at the time of
26 sentencing, the court shall ~~set~~ enter a permanent restitution
27 order setting out the amount of restitution including the
28 amount of public service to be performed as restitution and
29 the persons to whom restitution must be paid. A permanent
30 restitution order entered at the time of sentencing is part of
31 the final judgment of sentence as defined in section 814.6 and
32 may be considered in a properly perfected appeal.

33 9. If the full amount of restitution cannot be determined
34 at the time of sentencing, the court shall issue a temporary
35 restitution order determining a reasonable amount for

1 restitution identified up to that time. A temporary
2 restitution order is not part of the final judgment of sentence
3 as defined in section 814.6 and is not an appealable order,
4 except by writ of certiorari as provided by section 910.7.

5 At a later date as determined by the court, the court shall
6 issue a permanent, ~~supplemental~~ restitution order, setting the
7 full amount of restitution. ~~The court shall enter further~~
8 ~~supplemental orders, if necessary. These court orders shall be~~
9 ~~known as the plan of restitution.~~

10 10. A permanent restitution order may be superseded by
11 subsequent orders if additional or different restitution is
12 ordered.

13 Sec. 13. Section 910.4, subsection 1, paragraph b,
14 subparagraphs (1) and (2), Code 2020, are amended to read as
15 follows:

16 (1) If the court extends the period of probation, the period
17 of probation shall not be for more than the maximum period of
18 probation for the offense committed except for an extension of
19 a period of probation as authorized in [section 907.7](#). After
20 discharge from probation or after the expiration of the period
21 of probation, as extended if applicable, the failure of an
22 offender to comply with the plan of restitution ~~ordered by the~~
23 ~~court~~ shall constitute contempt of court.

24 (2) If an offender's probation is revoked, the offender's
25 assigned probation officer shall forward to the director of
26 the Iowa department of corrections, all known information
27 concerning the offender's restitution ~~plan, restitution plan of~~
28 ~~payment, the restitution payment balance~~ obligations, including
29 but not limited to the plan of restitution, and any other
30 pertinent information concerning or affecting restitution by
31 the offender.

32 Sec. 14. Section 910.4, subsections 2 and 3, Code 2020, are
33 amended to read as follows:

34 2. When the offender is committed to a county jail, or to
35 an alternate facility, the office or individual charged with

1 supervision of the offender shall prepare a restitution plan
2 of payment ~~taking into consideration the offender's income,~~
3 ~~physical and mental health, age, education, employment and~~
4 ~~family circumstances~~ and shall submit the plan to the court.

5 ~~a. The office or individual charged with supervision of the~~
6 ~~offender shall review the plan of restitution ordered by the~~
7 ~~court, and shall submit a restitution plan of payment to the~~
8 ~~sentencing court.~~

9 ~~b.~~ a. When community service is ordered by the court as
10 restitution, the restitution plan of payment shall set out a
11 plan to meet the requirement for the community service.

12 ~~c. The court may approve or modify the plan of restitution~~
13 ~~and restitution plan of payment.~~

14 ~~d.~~ b. When there is a significant change in the offender's
15 income or circumstances, the office or individual which has
16 supervision of the restitution plan of payment shall submit a
17 modified ~~restitution~~ plan of payment to the court.

18 3. a. When there is a transfer of supervision from one
19 office or individual charged with supervision of the offender
20 to another, the sending office or individual shall forward to
21 the receiving office or individual all necessary information
22 regarding the balance owed against the original amount of
23 restitution ordered and the balance of public service required.

24 b. ~~When~~ If there has been a significant change in the
25 offender's circumstances and or ~~income have significantly~~
26 ~~changed,~~ the receiving office or individual shall submit a
27 new restitution plan of payment to the sentencing court ~~for~~
28 ~~approval or modification based on the considerations enumerated~~
29 ~~in this section.~~

30 Sec. 15. Section 910.4, Code 2020, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 4. Notwithstanding any other provision
33 in this chapter, the plan of payment shall be based on all
34 information pertinent to the offender's reasonable ability to
35 pay. The first monthly payment under such a plan shall be made

1 within thirty days of the approval of the plan.

2 Sec. 16. Section 910.6, Code 2020, is amended to read as
3 follows:

4 **910.6 Payment plan — copy to victims.**

5 An office or individual preparing a restitution plan of
6 payment or modified ~~restitution plan of payment, when it is~~
7 ~~approved by the court if approval is required under section~~
8 ~~910.4, or when the plan is completed if court approval~~
9 ~~under section 910.4 is not required,~~ shall forward a copy to
10 the clerk of court in the county in which the offender was
11 sentenced. The clerk of court shall forward a copy of the
12 restitution plan of payment or modified plan of payment to the
13 victim or victims.

14 Sec. 17. Section 910.7, subsections 1 and 3, Code 2020, are
15 amended to read as follows:

16 1. At any time during the period of probation, parole, or
17 incarceration, the offender, the prosecuting attorney, or the
18 office or individual who prepared the offender's restitution
19 plan may petition the court on any matter related to the plan
20 of restitution or restitution plan of payment and the court
21 shall grant a hearing if on the face of the petition it appears
22 that a hearing is warranted.

23 3. If a petition related to a plan of restitution has been
24 filed, the offender, the county prosecuting attorney, the
25 department of corrections if the offender is currently confined
26 in a correctional institution, the office or individual who
27 prepared the offender's restitution plan, and the victim shall
28 receive notice prior to any hearing under this section.

29 Sec. 18. Section 910.7, Code 2020, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 4. An appellate court shall not review
32 or modify an offender's plan of restitution, restitution
33 plan of payment, or any other issue related to an offender's
34 restitution under this subsection, unless the offender has
35 exhausted the offender's remedies under this section and

1 obtained a ruling from the district court prior to the issue
2 being raised in the appellate courts.

3 NEW SUBSECTION. 5. Appellate review of a district court
4 ruling under this section shall be by writ of certiorari.

5 Sec. 19. Section 910.9, subsection 3, Code 2020, is amended
6 to read as follows:

7 3. ~~Fines, penalties, and surcharges, crime victim~~
8 ~~compensation program reimbursement, public agency restitution,~~
9 ~~court costs including correctional fees claimed by a sheriff~~
10 ~~or municipality pursuant to [section 356.7](#), and court-appointed~~
11 ~~attorney fees ordered pursuant to [section 815.9](#), including the~~
12 ~~expenses for public defenders, Category "A" restitution and~~
13 ~~category "B" restitution shall not be withheld by the clerk of~~
14 ~~court until all pecuniary damages to victims have been paid in~~
15 ~~full. Payments to victims shall be made by the clerk of court~~
16 ~~at least quarterly. Payments by a clerk of court shall be made~~
17 ~~no later than the last business day of the quarter, but may be~~
18 ~~made more often at the discretion of the clerk of court. The~~
19 ~~clerk of court receiving final payment from an offender shall~~
20 ~~notify all victims that full restitution has been made. Each~~
21 ~~office or individual charged with supervising an offender who~~
22 ~~is required to perform community service as full or partial~~
23 ~~restitution shall keep records to assure compliance with the~~
24 ~~portions of the plan of restitution and restitution plan of~~
25 ~~payment relating to community service and, when the offender~~
26 ~~has complied fully with the community service requirement,~~
27 ~~notify the sentencing court.~~

28 Sec. 20. FINANCIAL AFFIDAVIT — SUPREME COURT RULES. The
29 supreme court shall adopt rules prescribing the form and
30 content of the financial affidavit.

31 EXPLANATION

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

34 This bill relates to restitution ordered in a criminal
35 proceeding and court debt.

1 The bill strikes jail fees assessed against a defendant in
2 Code section 356.7 from inclusion in restitution ordered by
3 the court. The bill allows a county or municipality to file a
4 claim for reimbursement of the jail fees in a separate civil
5 action rather than as a restitution claim in the underlying
6 criminal case. The bill waives the filing fees for such civil
7 actions.

8 The bill makes changes to the collection of court debt
9 under Code section 602.8107. The bill changes the definition
10 of court debt to mean all restitution, fees, and forfeited
11 bail. The bill excludes from the definition of "court debt"
12 correctional and jail fees assessed in Code section 356.7
13 (jail) and Code section 904.108(6) (correctional). If a
14 payment is made on a court debt and a case number is not
15 identified, the bill requires the clerk to apply the payment
16 to pecuniary damages in other criminal cases in priority order
17 from the oldest judgment to the most recent judgment, before
18 applying payments to other court debt. The bill substitutes
19 the phrase "victim restitution" with "pecuniary damages as
20 defined in section 910.1" in Code section 602.8107(4)(a)
21 (county attorney collection of court debt).

22 The bill modifies the definition of restitution and creates
23 category "A" restitution and category "B" restitution. The
24 bill defines "restitution" to mean pecuniary damages, category
25 "A" restitution, and category "B" restitution.

26 Category "A" restitution means fines, penalties, and
27 surcharges. Category "B" restitution includes most other
28 current restitution categories including the contribution
29 of funds to a local anticrime organization which provided
30 assistance to law enforcement in an offender's case, the
31 payment of crime victim compensation program reimbursements,
32 payment of restitution to public agencies pursuant to Code
33 section 321J.2(13)(b), court costs, court-appointed attorney
34 fees, including the expense of a public defender, and payments
35 to medical assistance programs for expenditures paid on

1 behalf of the victim resulting from the offender's criminal
2 activities. The bill excludes from the current definition of
3 restitution fees assessed under Code section 356.7 (jail fees),
4 and the ability of the offender to perform a public service in
5 lieu of paying jail fees or court-appointed expenses when the
6 offender cannot reasonably pay such fees and expenses.

7 The bill defines "financial affidavit" in Code chapter 910
8 (restitution) to mean a sworn affidavit by the offender about
9 the current financial information of the offender in order to
10 assist the sentencing court and department of corrections to
11 make a better determination about the offender's ability to pay
12 category "B" restitution.

13 The bill defines "restitution plan of payment" and "plan of
14 payment" as having the same meaning, and defines "permanent
15 restitution order", "plan of restitution", and "temporary
16 restitution order".

17 The bill strikes and replaces Code section 910.2 relating
18 to restitution or community service ordered by a sentencing
19 court. The bill and current law require that any pecuniary
20 damages be paid by the offender to the victim. The bill
21 requires category "A" restitution be paid without regard
22 to an offender's reasonable ability to make payments. The
23 bill requires category "B" restitution be paid subject to an
24 offender's reasonable ability to make payments. The bill
25 provides that when an offender is not reasonably able to pay
26 category "B" restitution, the court may require the offender
27 to perform community service for a needed public service for
28 that portion of category "B" restitution the offender is not
29 able to reasonably pay. If community service is ordered in
30 lieu of payment of court-appointed attorney fees, the court,
31 when setting the specific number of hours to be performed by
32 the offender to pay for such fees, shall determine the value
33 of hours of community service by approximating the equivalent
34 value of public defender expenses.

35 The bill creates new Code section 910.2A relating to an

1 offender's reasonable ability to make category "B" restitution
2 payments. The bill creates a presumption that an offender
3 has a reasonable ability to make category "B" restitution
4 payments. The bill establishes a judicial process to determine
5 if an offender has a reasonable ability to pay the full amount
6 of such restitution. If an offender requests that the court
7 determine the amount of category "B" restitution payments the
8 offender is reasonably able to make, the court shall hold
9 a hearing and make such a determination. At the hearing,
10 the burden is on the offender to prove by a preponderance of
11 the evidence that the offender is unable to reasonably make
12 payments toward the full amount of category "B" restitution.
13 The offender is required to file a financial affidavit at the
14 hearing. If the offender fails to request a hearing, the court
15 shall order the offender to pay the full amount of category "B"
16 restitution, and the offender is barred from later requesting a
17 determination, except as provided in Code section 910.7. The
18 bill specifies that a court that makes a determination at the
19 hearing is presumed to have properly exercised discretion, and
20 the court is not required to state the court's reasons for
21 making the determination.

22 The bill makes changes to Code section 910.3 relating to
23 the court's determination of the amount of restitution. The
24 bill permits a statement of a victim's pecuniary damages
25 to be filed within a reasonable time after the prosecuting
26 attorney is notified by the victim of any pecuniary damages
27 incurred. Under current law, the pecuniary damages statement
28 by the victim is required to be filed within 30 days of the
29 sentencing. The bill specifies that a temporary restitution
30 order is not part of the final judgment of sentence as defined
31 in Code section 814.6 and is not appealable, except by writ of
32 certiorari as provided by Code section 910.7.

33 If an offender's probation is revoked, the amendment
34 to Code section 910.4 requires the offender's probation
35 officer to forward to the department of corrections all known

1 information concerning the offender's plan of restitution.
2 If an offender's financial circumstances change, the bill
3 requires the supervising agency of the offender to submit a
4 new restitution plan of payment to the sentencing court. The
5 bill permits the prosecuting attorney to petition the court
6 on any matter related to an offender's restitution as long as
7 the offender is on probation, parole, or incarcerated. The
8 bill provides that a plan of payment shall be based on all
9 information pertinent to the offender's reasonable ability to
10 pay, and the first monthly payment under such a plan shall be
11 made within 30 days of the approval of the plan.

12 The bill specifies in Code section 910.7 that the appellate
13 court shall not review or modify an offender's plan of
14 restitution or restitution plan of payment or review any other
15 issue related to an offender's restitution unless the offender
16 has exhausted the offender's remedies under Code section 910.7.

17 The amendment to Code section 910.9(3) specifies that
18 category "A" restitution and category "B" restitution shall not
19 be paid by the clerk of the district court until all pecuniary
20 damages to victims have been paid in full.

21 The bill directs the supreme court to adopt rules
22 prescribing the form and content of the financial affidavit.