

House File 125 - Introduced

HOUSE FILE 125

BY SHIPLEY

A BILL FOR

1 An Act relating to restitution for the death of a person caused
2 by a minor or a victim of human trafficking.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 910.3B, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. a. In all criminal cases in which the offender is
4 convicted of a felony in which the act or acts committed by the
5 offender caused the death of another person, in addition to the
6 amount determined to be payable and ordered to be paid to a
7 victim for pecuniary damages, as defined under [section 910.1](#),
8 and determined under [section 910.3](#), the court shall also order
9 the offender to pay at least one hundred fifty thousand dollars
10 in restitution to the victim's estate if the victim died
11 testate. If the victim died intestate the court shall order
12 the offender to pay the restitution to the victim's heirs at
13 law as determined pursuant to [section 633.210](#). The obligation
14 to pay the additional amount shall not be dischargeable in
15 any proceeding under the federal Bankruptcy Act. Payment of
16 the additional amount shall have the same priority as payment
17 of a victim's pecuniary damages under [section 910.2](#), in the
18 offender's plan for restitution.

19 b. This subsection shall not apply to an offender who
20 was under eighteen years of age at the time the offense was
21 committed or where an offender's offense was directly related
22 to the offender being a victim of human trafficking under
23 section 710A.2.

24 Sec. 2. Section 915.100, subsection 2, paragraph c, Code
25 2023, is amended to read as follows:

26 c. In cases where the act committed by an offender causes
27 the death of another person, in addition to the amount ordered
28 for payment of the victim's pecuniary damages, the court shall
29 also order the offender to pay at least one hundred fifty
30 thousand dollars in restitution to the victim's estate or
31 heirs at law, pursuant to the provisions of [section 910.3B](#),
32 subsection 1, paragraph "a".

33

EXPLANATION

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

1 This bill relates to restitution for the death of a person
2 caused by a minor or a victim of human trafficking.

3 Current law provides that in all criminal cases in which
4 an offender is convicted of a felony in which the act or
5 acts committed by the offender caused the death of another
6 person, the court shall also order the offender to pay at
7 least \$150,000 in restitution to the victim's estate or to the
8 victim's heirs at law.

9 The bill provides that the restitution requirement shall
10 not apply to offenders who were under 18 years of age at the
11 time the offense was committed or where an offender's offense
12 was directly related to the offender being a victim of human
13 trafficking under Code section 710A.2.

14 The bill makes a conforming Code change to provide that
15 a victim's right to have \$150,000 restitution paid to the
16 victim's estate or heirs at law in cases where the offense
17 committed by an offender causes the death of another person is
18 subject to the exceptions in the bill.