

House File 2007 - Introduced

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BY COLLINS

A BILL FOR

1 An Act relating to restitution owed by a person who is
2 convicted of homicide by motor vehicle for unintentionally
3 causing the death of a parent of a minor child.

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

1 Section 1. Section 707.6A, Code 2024, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. In addition to restitution ordered under
4 chapter 910, if a person is convicted of violating subsection
5 1, 2, or 3, and if the deceased victim was the parent of
6 a minor child, the convicted person shall pay additional
7 restitution in the form of child maintenance. The child
8 maintenance restitution shall be owed from the date of the
9 victim's death until each child reaches eighteen years of age
10 and has graduated high school or the class of which the child
11 is a member when the child reached eighteen years of age has
12 graduated high school.

13 a. The court shall determine a reasonable amount for child
14 maintenance after considering all of the following factors:

15 (1) The child's financial needs and resources.

16 (2) The financial needs and resources of the child's
17 surviving parent or guardian, including the state if the
18 child is in the custody of the department of health and human
19 services.

20 (3) The standard of living to which the child is accustomed.

21 (4) The child's physical and emotional condition.

22 (5) The child's educational needs.

23 (6) The reasonable work-related child care expenses of the
24 child's surviving parent or guardian.

25 b. Payment of the additional restitution ordered under
26 this subsection shall have the same priority as payment of a
27 victim's pecuniary damages under sections 910.2 and 910.3B in
28 the offender's plan for restitution.

29 c. Notwithstanding any provision of chapter 910 to the
30 contrary:

31 (1) An order to pay restitution under this subsection shall
32 be offset by an amount equal to a judgment for the surviving
33 parent or guardian for child maintenance entered against the
34 person ordered to pay restitution in a civil proceeding, if
35 applicable.

1 (2) If a person is ordered to pay restitution under this
2 subsection and is incarcerated and unable to pay the required
3 maintenance, the person is not required to pay the restitution
4 or enter a payment plan for up to one year following the
5 person's release from incarceration.

6 EXPLANATION

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

9 This bill requires a person who is convicted of
10 unintentionally causing the death of another by operating a
11 motor vehicle while intoxicated, while driving in a reckless
12 manner with willful or wanton disregard for the safety of
13 persons or property (including driving while using a hand-held
14 electronic communication device), while eluding or attempting
15 to elude a pursuing law enforcement vehicle, while exceeding
16 the speed limit by 25 miles per hour or more, or while drag
17 racing to pay additional restitution if the deceased victim was
18 the parent of a minor child.

19 Current law requires a person who is convicted of a felony
20 in which the act committed by the offender caused the death
21 of another person, including a violation of Code section
22 707.6A(1), (2), and (3), to pay \$150,000 in restitution to the
23 victim's estate or heirs at law. Such restitution is paid to
24 the clerk of court who then distributes all moneys received to
25 the victims designated in the plan of restitution.

26 The bill sets forth factors a court must use to determine
27 the child maintenance restitution under the bill. Child
28 maintenance restitution is owed from the date of the death of
29 the victim to the date the victim's child reaches the age of 18
30 and graduates high school, or the class of which the child is
31 a member when the child reached 18 years of age has graduated
32 high school. The child maintenance restitution may be reduced
33 in an amount equal to an award obtained in a civil proceeding
34 if the award is ordered for a similar purpose.

35 If a person is ordered to pay child maintenance restitution

1 under the bill and is incarcerated and unable to pay, the
2 person is not required to pay the restitution or enter a
3 payment plan for up to one year following the person's release
4 from incarceration.