

House File 2475 - Introduced

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A BILL FOR

1 An Act relating to victim restitution and the rights of human
2 trafficking victims.

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

1 Section 1. Section 910.3B, subsection 1, Code 2024, is
2 amended to read as follows:

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

22 Sec. 2. Section 915.100, subsection 2, paragraph c, Code
23 2024, is amended to read as follows:

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

30 Sec. 3. Section 915.51, Code 2024, is amended to read as
31 follows:

32 **915.51 General rights of human trafficking victims.**

33 ~~Victims of human trafficking, as defined in [section 710A.1](#),~~
34 ~~shall have the same rights as other victims of a crime,~~
35 ~~including the right to receive victim compensation pursuant to~~

1 ~~section 915.84, regardless of their immigration status.~~

2 1. In addition to other victim rights provided in this
3 chapter, including the right to receive victim compensation
4 pursuant to section 915.84 and the right to exert victim
5 counseling privileges pursuant to section 915.20A, victims of a
6 crime described in section 710A.2, 710A.2A, or 710A.2B shall
7 have the following rights without regard to their immigration
8 status:

9 a. The right to receive prompt medical care including mental
10 health care, food, shelter, and other assistance, if necessary.

11 b. The right to have access to legal assistance and
12 translation services, if necessary.

13 c. The right to receive reasonable police protection if
14 a victim's safety is at risk or if there is any danger of
15 additional harm, including measures to protect victims and
16 their family members from intimidation and threats of reprisals
17 from traffickers and their associates.

18 d. The right not to have their names and identifying
19 information and the names and identifying information of their
20 family members disclosed to the public.

21 2. The departments of health and human services, human
22 rights, public safety, justice, and other state agencies shall
23 provide the requisite services to assist in the administration
24 of this section.

25 EXPLANATION

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

28 This bill relates to victim restitution and the rights of
29 human trafficking victims.

30 Current law provides that in all criminal cases in which
31 the offender is convicted of a felony in which the act or acts
32 committed by the offender caused the death of another person,
33 the court shall order the offender to pay at least \$150,000 in
34 restitution to the victim's estate or to the victim's heirs at
35 law.

1 The bill provides that in all criminal cases in which the
2 offender is convicted of a felony in which the act or acts
3 committed by the offender caused the death of another person,
4 the court may order the offender to pay at least \$150,000 in
5 restitution to the victim's estate or to the victim's heirs
6 at law dependent on whether the victim died with or without a
7 will. In determining whether to order that restitution be paid
8 to the victim's estate or the victim's heirs at law, the court
9 may consider any criminal offenses committed by the victim
10 against the offender.

11 The bill provides that in addition to other victim rights
12 provided in Code chapter 915, including the right to receive
13 victim compensation pursuant to Code section 915.84 and the
14 right to exert victim counseling privileges pursuant to Code
15 section 915.20A, victims without regard to their immigration
16 status shall have the right to receive prompt medical care
17 including mental health care, food, shelter, and other
18 assistance; the right to have access to legal assistance
19 and translation services; the right to receive reasonable
20 police protection; and the right to not have their names and
21 identifying information and that of their family members
22 disclosed to the public.