

House File 594 - Introduced

HOUSE FILE 594
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 125)

A BILL FOR

1 An Act relating to restitution for the death of a person caused
2 by 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 whose
20 offense was directly related to the offender being a victim
21 of human trafficking under section 710A.2. Prior to the
22 court entering a permanent restitution order at the time
23 of sentencing, the court shall determine, based upon the
24 record developed at trial and evidence presented at the time
25 of sentencing, whether the offender was a victim of human
26 trafficking.

27 Sec. 2. Section 915.100, subsection 2, paragraph c, Code
28 2023, is amended to read as follows:

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

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EXPLANATION

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

3

4 This bill relates to restitution for the death of a person
5 caused by a victim of human trafficking.

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

12 The bill provides that the restitution requirement shall
13 not apply to an offender whose offense was directly related
14 to the offender being a victim of human trafficking. Prior
15 to the court entering a permanent restitution order at the
16 time of sentencing, the court shall determine, based upon the
17 record developed at trial and evidence presented at sentencing,
18 whether the offender was a victim of human trafficking.

19 The bill makes a conforming Code change to provide that
20 a victim's right to have \$150,000 restitution paid to the
21 victim's estate or heirs at law in cases where the offense
22 committed by an offender causes the death of another person is
23 subject to the exception in the bill.