

Senate File 522 - Introduced

SENATE FILE 522
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1069)

A BILL FOR

1 An Act relating to restitution for the death of a victim.
2 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. 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 2023, 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 EXPLANATION

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

33 This bill relates to restitution for the death of a victim.

34 Current law provides that in all criminal cases in which
35 the offender is convicted of a felony in which the act or acts

1 committed by the offender caused the death of another person,
2 the court shall order the offender to pay at least \$150,000 in
3 restitution to the victim's estate or to the victim's heirs at
4 law.

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