

**House File 2109 - Introduced**

HOUSE FILE 2109

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**A BILL FOR**

1 An Act relating to the disposition of collected criminal case  
2 fines and establishing a victim restitution fund.

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

unofficial

1 Section 1. Section 602.8106, subsection 4, paragraph b, Code  
2 2026, is amended to read as follows:

3 b. The fine amount for a violation that occurred within the  
4 boundaries of the county shall be distributed as follows:

5 (1) ~~Ninety-one~~ Eighty-five percent to the state court  
6 administrator.

7 (2) ~~Nine~~ Eight percent to the county treasurer for deposit in  
8 the county general fund where the violation occurred.

9 (3) Seven percent to the victim restitution fund established  
10 in section 915.96.

11 Sec. 2. NEW SECTION. **915.96 Victim restitution fund.**

12 A victim restitution fund is established as a separate fund  
13 in the state treasury. Moneys deposited in the fund shall be  
14 administered by the department and dedicated to and used for the  
15 purposes of pecuniary damages pursuant to section 910.2, and for  
16 restitution for the death of a victim under section 910.3B. The  
17 fund shall consist of moneys deposited into the fund pursuant to  
18 section 602.8106, subsection 4, paragraph "b", subparagraph (3),  
19 and appropriations made to the fund. Notwithstanding section  
20 8.33, moneys in the fund that remain unencumbered or unobligated  
21 at the close of a fiscal year shall not revert but shall remain  
22 available for expenditure for the purposes designated.

23 EXPLANATION

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

26 This bill relates to the disposition of collected criminal  
27 case fines.

28 Current law provides that the clerk of the district court  
29 shall distribute the fine amount for a criminal violation that  
30 occurred within the boundaries of a county as follows: 91  
31 percent to the state court administrator and 9 percent to the  
32 county treasurer for deposit in the county general fund where the  
33 violation occurred.

34 The bill provides that the fine amount for a criminal  
35 violation that occurred within the boundaries of a county shall

1 be distributed as follows: 85 percent to the state court  
2 administrator, 8 percent to the county treasurer for deposit  
3 in the county general fund where the violation occurred, and 7  
4 percent to the victim restitution fund established in the bill.

5 The bill provides that a victim restitution fund is  
6 established as a separate fund in the state treasury. Moneys  
7 deposited in the fund will be administered by the department of  
8 justice and used for the purposes of pecuniary damages pursuant  
9 to Code section 910.2, and for restitution for the death of  
10 a victim pursuant to Code section 910.3B. "Pecuniary damages"  
11 means all damages to the extent not paid by an insurer on  
12 an insurance claim by a victim, which a victim could recover  
13 against the offender in a civil action arising out of the same  
14 facts or event, except punitive damages and damages for pain,  
15 suffering, mental anguish, and loss of consortium, and includes  
16 damages for wrongful death and expenses incurred for psychiatric  
17 or psychological services or counseling or other counseling for  
18 the victim, which became necessary as a direct result of the  
19 criminal activity. Code section 910.3B provides for the payment  
20 of at least \$150,000 to a victim's estate or a victim's heirs in  
21 addition to pecuniary damages.

22 The bill provides that notwithstanding Code section 8.33,  
23 moneys in the fund that remain unencumbered or unobligated at  
24 the close of a fiscal year shall not revert but shall remain  
25 available for expenditure for the purposes designated.