

House File 751 - Introduced

HOUSE FILE 751
BY THOMPSON

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 2025, 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
15 the purposes of section 910.1, subsection 6, and for restitution
16 for the death of a victim under section 910.3B. The fund shall
17 consist of moneys deposited into the fund pursuant to section
18 602.8106, subsection 4, paragraph "b", subparagraph (3), and
19 appropriations made to the fund. Notwithstanding section 8.33,
20 moneys in the fund that remain unencumbered or unobligated at
21 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
8 of justice and used for the purposes of Code section 910.1(6),
9 which concerns restitution for "pecuniary damages", and for
10 restitution for the death of a victim pursuant to Code section
11 910.3B. "Pecuniary damages" means all damages to the extent not
12 paid by an insurer on an insurance claim by a victim, which
13 a victim could recover against the offender in a civil action
14 arising out of the same facts or event, except punitive damages
15 and damages for pain, suffering, mental anguish, and loss of
16 consortium, and includes damages for wrongful death and expenses
17 incurred for psychiatric or psychological services or counseling
18 or other counseling for the victim, which became necessary as
19 a direct result of the criminal activity. Code section 910.3B
20 provides for the payment of at least \$150,000 to a victim's
21 estate or a victim's heirs in 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.