

Senate File 411 - Introduced

SENATE FILE 411
BY SWEENEY

A BILL FOR

- 1 An Act relating to criminal restitution including pecuniary
- 2 damages.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 910.1, subsection 6, Code 2025, is amended
2 to read as follows:

3 6. "*Pecuniary damages*" means all damages ~~to the extent not~~
4 ~~paid by an insurer on an insurance claim by the victim, which~~
5 that a victim could recover against the offender in a civil
6 action arising out of the same facts or event, except punitive
7 damages and damages for pain, suffering, mental anguish, and loss
8 of consortium. Without limitation, "*pecuniary damages*" includes
9 damages for wrongful death and expenses incurred for psychiatric
10 or psychological services or counseling or other counseling for
11 the victim ~~which~~ that became necessary as a direct result of the
12 criminal activity.

13 EXPLANATION

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

16 This bill relates to criminal restitution including pecuniary
17 damages.

18 Under current law, "*pecuniary damages*" is defined as all
19 damages to the extent not paid by an insurer on an insurance
20 claim by the victim, which a victim could recover against the
21 offender in a civil action arising out of the same facts or
22 event, except punitive damages and damages for pain, suffering,
23 mental anguish, and loss of consortium. Without limitation,
24 "*pecuniary damages*" includes damages for wrongful death and
25 expenses incurred for psychiatric or psychological services or
26 counseling or other counseling for the victim which became
27 necessary as a direct result of the criminal activity.

28 The bill removes from the definition of "*pecuniary damages*"
29 the provision excluding the amount paid by an insurer on an
30 insurance claim by the victim.