

4. The department may enter into contracts to provide certification and monitoring of assisted living programs. The department shall have full access to a program during certification and monitoring of programs seeking certification or currently certified. Upon the request of the department the entity providing accreditation of a program shall provide copies to the department of all materials related to the accreditation process.

Sec. 4. NEW SECTION. 231C.4 FIRE AND SAFETY STANDARDS.

The state fire marshal shall adopt rules, in coordination with the department, relating to the certification or voluntary accreditation and monitoring of the fire and safety of certified or voluntarily accredited assisted living programs.

Sec. 5. NEW SECTION. 231C.5 COORDINATION OF THE LONG-TERM CARE SYSTEM.

1. Any person representing a program to the public as an assisted living program prior to July 1, 1996, shall be granted a temporary certification by the department or shall be voluntarily accredited and shall meet the requirements of this chapter within one year of the issuance of the temporary certification or voluntary accreditation to receive subsequent certification or voluntary accreditation.

2. A hospital licensed pursuant to chapter 135B or a health care facility licensed pursuant to chapter 135C may operate an assisted living program, located in a distinct part of or separate structure under the control of the hospital or health care facility, if certified or voluntarily accredited pursuant to this chapter.

3. This chapter shall not be construed to require that a facility licensed as a different type of facility also comply with the requirements of this chapter, unless the facility is represented to the public as a certified or voluntarily accredited assisted living program.

Sec. 6. MEDICAL ASSISTANCE WAIVER. The department of human services shall take any actions necessary to allow a certified or voluntarily accredited assisted living program to be a provider of personal care services under the medical assistance home and community-based services waiver for the elderly.

Sec. 7. IMPLEMENTATION. It is the intent of the general assembly that sections 1 through 5 of this Act be implemented following the establishment of a funding source for implementation and administration of this Act.

Approved May 17, 1996

CHAPTER 1193

INDIGENT DEFENSE, CRIMINAL SANCTIONS, AND RELATED MATTERS

H.F. 2458

AN ACT relating to criminal and juvenile justice, including criminal corrections sanctions and criminal intelligence data and the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, conducting a study on legal representation for indigents, and by restricting the right to counsel for certain parents in child in need of assistance cases.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13B.1, subsection 3, Code Supplement 1995, is amended to read as follows:

3. "Financial statement" means a full written disclosure of all assets, liabilities, current income, dependents, and other information required to determine if a client qualifies for legal assistance ~~at public expense by an appointed attorney.~~

Sec. 2. Section 13B.10, subsection 3, Code 1995, is amended to read as follows:

3. A person who knowingly submits a false financial statement for the purpose of obtaining legal assistance ~~at public expense by an appointed attorney~~ commits a fraudulent practice. As used in this subsection, "legal assistance" includes appointed counsel, transcripts, witness fees and expenses, and any other goods or services required by law to be provided to an indigent person ~~at public expense.~~

Sec. 3. Section 216A.136, unnumbered paragraph 1, as enacted* by 1996 Iowa Acts, House File 2448,** section 2, if enacted, is amended to read as follows:

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, district departments of correctional services, department of human services, judicial department, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the division under this section and the division itself are subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

Sec. 4. Section 216A.136, subsection 4, as enacted by 1996 Iowa Acts, House File 2448,** section 2, if enacted, is amended to read as follows:

4. Criminal history ~~and intelligence~~ data maintained under chapter 692.

Sec. 5. Section 232.89, subsection 1, Code 1995, is amended to read as follows:

1. Upon the filing of a petition the parent, guardian, or custodian identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings. If that person desires but is financially unable to employ counsel, the court shall appoint counsel. However, an incarcerated parent without legal custody shall not have the right to counsel.

Sec. 6. Section 814.9, Code 1995, is amended to read as follows:

814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL.

If a defendant in a criminal cause has perfected an appeal from a judgment and is determined by the court to be indigent, the court may order the a transcript to be made at public expense. When an attorney of record is representing an indigent, the attorney shall apply to the district court for the transcript.

Sec. 7. Section 814.10, Code 1995, is amended to read as follows:

814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER CASES.

If a defendant in a criminal cause has been granted discretionary review from an action of the district court and the appellate court deems a transcript or portions thereof are necessary to proper review of the question or questions raised, the district court shall order the transcript to be made at public expense if a determination is made that the defendant is determined to be indigent.

Sec. 8. Section 815.7, Code 1995, is amended to read as follows:

*The word "amended" probably intended

**Chapter 1150 herein

815.7 FEES TO ATTORNEYS.

An attorney who has not entered into a contract authorized under section 13B.4 and who is appointed by the court to represent any person charged with a crime in this state shall be entitled to a reasonable compensation which shall be the ordinary and customary charges for like services in the community to be decided in each case by a judge of the district court, including such sum or sums as the court may determine are necessary for investigation in the interests of justice and in the event of appeal the cost of obtaining the transcript of the trial and the printing of the trial record and necessary briefs in behalf of the defendant. However, the reasonable compensation awarded an attorney shall not be calculated based upon an hourly rate that exceeds the rate a contract attorney as provided in section 13B.4 would receive in a similar case. Such attorney need not follow the case into another county or into the appellate court unless so directed by the court at the request of the defendant, where grounds for further litigation are not capricious or unreasonable, but if such attorney does so, the attorney's fee shall be determined accordingly. Only one attorney fee shall be so awarded in any one case except that in class "A" felony cases, two may be authorized.

Sec. 9. Section 815.9, subsection 1, paragraph c, Code 1995, is amended to read as follows:

c. A person with an income level greater than one hundred fifty percent, but less than two hundred percent, of the most recently revised poverty income guidelines published by the United States department of health and human services may be deemed partially indigent by the court pursuant to a written finding that, given the person's circumstances, not appointing counsel ~~at public expense~~ would cause the person substantial hardship. However, the court shall require a person ~~deemed partially indigent~~ appointed counsel to contribute to the cost of representation in accordance with rules adopted by the state public defender.

Sec. 10. Section 815.9, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. A person with an income level greater than two hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services shall not be deemed indigent or partially indigent by the court unless the person is charged with a felony and the court makes a written finding that, given the person's circumstances, not appointing counsel would cause the person substantial hardship. However, the court shall require a person appointed counsel to contribute to the cost of representation in accordance with rules adopted by the state public defender.

Sec. 11. Section 815.9, subsection 3, Code 1995, is amended to read as follows:

3. A person who knowingly submits a false financial statement for the purpose of obtaining legal assistance ~~at public expense~~ by appointed counsel commits a fraudulent practice. As used in this subsection, "legal assistance" includes legal counsel, transcripts, witness fees and expenses, and any other goods or services required by law to be provided to an indigent person ~~at public expense~~.

Sec. 12. Section 815.9A, unnumbered paragraph 1, Code 1995, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

All costs and fees incurred for indigent defense shall become due and payable to the clerk of the district court by the person receiving the services not later than the date of sentencing, or if the person is acquitted or the charges are dismissed, within thirty days of the acquittal or dismissal. To the extent that the costs and fees remain unpaid at the time they become due, a judgment shall be entered against the person for the amounts unpaid.

Sec. 13. Section 815.9A, subsection 2, Code 1995, is amended to read as follows:

2. If the person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent but not more than one hundred eighty-five percent of the poverty guidelines, at least two hundred dollars of the indigent defense costs shall be recovered in accordance with rules adopted by the state public defender.

Sec. 14. Section 815.9A, Code 1995, is amended by adding the following new subsection: NEW SUBSECTION. 3. If the person has an income level as determined pursuant to section 815.9 greater than one hundred eighty-five percent of the poverty guidelines, at least three hundred dollars of the indigent defense costs shall be recovered in accordance with rules adopted by the state public defender.

Sec. 15. NEW SECTION. 901A.1 CORRECTIONS CONTINUUM – INTERMEDIATE CRIMINAL SANCTIONS PROGRAM.

1. The corrections continuum consists of the following:
 - a. LEVEL ONE. Noncommunity-based corrections sanctions including the following:
 - (1) SELF-MONITORED SANCTIONS. Self-monitored sanctions which are not monitored for compliance including, but not limited to, fines and community service.
 - (2) OTHER THAN SELF-MONITORED SANCTIONS. Other than self-monitored sanctions which are monitored for compliance by other than the district department of correctional services including, but not limited to, mandatory mediation, victim and offender reconciliation, and noncommunity-based corrections supervision.
 - b. LEVEL TWO. Probation and parole options consisting of the following:
 - (1) MONITORED SANCTIONS. Monitored sanctions are administrative supervision sanctions which are monitored for compliance by the district department of correctional services and include, but are not limited to, low-risk offender-diversion programs.
 - (2) SUPERVISED SANCTIONS. Supervised sanctions are regular probation or parole supervision and any conditions established in the probation or parole agreement or by court order.
 - (3) INTENSIVE SUPERVISION SANCTIONS. Intensive supervision sanctions provide levels of supervision above sanctions in subparagraph (2) but are less restrictive than sanctions under paragraph “c” and include electronic monitoring, day reporting, day programming, live-out programs for persons on work release or who have violated chapter 321J, and institutional work release under section 904.910.
 - c. LEVEL THREE. Quasi-incarceration sanctions. Quasi-incarceration sanctions are those supported by residential facility placement or twenty-four hour electronic monitoring including, but not limited to, the following:
 - (1) Residential treatment facilities.
 - (2) Operating while intoxicated offender treatment facilities.
 - (3) Work release facilities.
 - (4) House arrest with electronic monitoring.
 - d. LEVEL FOUR. Short-term incarceration designed to be of short duration, including, but not limited to, the following:
 - (1) Twenty-one-day shock incarceration for persons who violate chapter 321J.
 - (2) Jail for less than thirty days.
 - (3) Violators’ facilities.
 - (4) Prison with sentence reconsideration.
 - e. LEVEL FIVE. Incarceration which consists of the following:
 - (1) Prison.
 - (2) Jail for thirty days or longer.
2. “Intermediate criminal sanctions program” means a program structured around the corrections continuum in subsection 1, describing sanctions and services available in each level of the continuum in the district and containing the policies of the district department of correctional services regarding placement of a person in a particular level of sanction and the requirements and conditions under which a defendant will be transferred between levels in the corrections continuum under the program.

3. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.

The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.

A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights.

4. a. The district department of correctional services shall place an individual committed to it under section 907.3 to the sanction and level of supervision which is appropriate to the individual based upon a current risk assessment evaluation. Placements may be to levels two and three of the corrections continuum. The district department may, with the approval of the department of corrections, place an individual in a level four violator facility established pursuant to section 904.207 only as a penalty for a violation of a condition imposed under this section.

b. The district department may transfer an individual along the intermediate criminal sanctions program operated pursuant to subsection 3 as necessary and appropriate during the period the individual is assigned to the district department. However, nothing in this section shall limit the district department's ability to seek a revocation of the individual's probation pursuant to section 908.11.

Sec. 16. Section 905.1, subsection 2, Code 1995, is amended to read as follows:

2. "Community-based correctional program" means correctional programs and services, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in section 901A.1, designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release.

An intermediate criminal sanctions program shall be designed by a district department in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.

Sec. 17. Section 907.3, subsection 1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

With the consent of the defendant, the court may defer judgment and may place the defendant on probation upon such conditions as it may require. Upon a showing that the defendant is not ~~co-operating~~ cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. 18. Section 907.3, subsection 2, Code Supplement 1995, is amended to read as follows:

2. At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department

of correctional services. The court may assign the defendant to supervision or services under section 901A.1 at the level of sanctions which the district department determines to be appropriate, if an intermediate criminal sanctions plan and program has been adopted in the judicial district under section 901A.1. However, the court shall not defer the sentence for a violation of section 708.2A if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A. In addition, the court shall not defer a sentence if it is imposed for a conviction for or plea of guilty to a violation of section 236.8 or for contempt pursuant to section 236.8 or 236.14. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. 19. Section 907.3, subsection 3, Code Supplement 1995, as amended by 1996 Iowa Acts, Senate File 2269,* section 4, is amended to read as follows:

3. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision or services under section 901A.1 at the level of sanctions which the district department determines to be appropriate. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend the minimum term of two days imposed pursuant to section 708.2A, subsection 6, paragraph "a", or a sentence imposed under section 708.2A, subsection 6, paragraph "b", and the court shall not suspend a sentence imposed pursuant to section 236.8 or 236.14 for contempt.

Sec. 20. Section 907.6, Code 1995, is amended to read as follows:

907.6 CONDITIONS OF PROBATION – REGULATIONS.

Probationers are subject to the conditions established by the judicial district department of correctional services subject to the approval of the court, and any additional reasonable conditions which the court or district department may impose to promote rehabilitation of the defendant or protection of the community. Conditions may include but are not limited to adherence to regulations generally applicable to persons released on parole and including requiring unpaid community service as allowed pursuant to section 907.13.

Sec. 21. Section 910.2, Code Supplement 1995, is amended to read as follows:

910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY SENTENCING COURT.

In all criminal cases ~~except simple misdemeanors under chapter 321,~~ in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender when applicable. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expenses of a public defender are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, and court-appointed attorney's fees, or the expense of a public defender. When the offender is not reasonably able to pay all or a part of the crime victim

*Chapter 1131 herein

compensation program reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or expense of a public defender for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney's fees or expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 22. Section 910.4, Code Supplement 1995, is amended to read as follows:

910.4 CONDITION OF PROBATION – PAYMENT PLAN.

1. When restitution is ordered by the sentencing court and the offender is placed on probation, restitution shall be a condition of probation.

a. Failure of the offender to comply with the plan of restitution, plan of payment, or community service requirements when community service is ordered by the court as restitution, shall constitute a violation of probation and shall constitute contempt of court.

b. ~~The If an offender fails to comply with restitution requirements during probation, the court may hold the offender in contempt, revoke probation, or extend the period of probation, or upon notice of such noncompliance and hearing thereon, the court may enter a civil judgment against the offender for the outstanding balance of payments under the plan of restitution and such judgment shall be governed by the law relating to judgments, judgment liens, executions, and other process available to creditors for the collection of debts.~~

~~(1) However, if If the court extends the period of probation, is extended it shall not be for more than the maximum period of probation for the offense committed as provided in section 907.7. After discharge from probation or after the expiration of the period of probation, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. As part of the order discharging an offender from probation, the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

~~(2) If an offender's probation is revoked, the offender's assigned probation officer shall forward to the director of the Iowa department of corrections, information concerning the offender's restitution plan, restitution plan of payment, the restitution payment balance, and any other pertinent information concerning or affecting restitution by the offender.~~

2. When the offender is committed to a county jail, or to an alternate facility, the office or individual charged with supervision of the offender shall prepare a restitution plan of payment taking into consideration the offender's income, physical and mental health, age, education, employment and family circumstances.

a. The office or individual charged with supervision of the offender shall review the plan of restitution ordered by the court, and shall submit a restitution plan of payment to the sentencing court.

b. When community service is ordered by the court as restitution, the restitution plan of payment shall set out a plan to meet the requirement for the community service.

c. The court may approve or modify the plan of restitution and restitution plan of payment.

d. When there is a significant change in the offender's income or circumstances, the office or individual which has supervision of the plan of payment shall submit a modified restitution plan of payment to the court.

3. When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

When the offender's circumstances and income have significantly changed, the receiving office or individual shall submit a new plan of payment to the sentencing court for approval or modification based on the considerations enumerated in this section.

Sec. 23. Section 910.5, Code Supplement 1995, is amended to read as follows:
910.5 CONDITION OF WORK RELEASE OR PAROLE.

1. a. When an offender is committed to the custody of the director of the Iowa department of corrections pursuant to a sentence of confinement, the sentencing court shall forward to the director, a copy of the offender's restitution plan, present restitution payment plan if any, and other pertinent information concerning or affecting restitution by the offender.

b. ~~However, if~~ If the offender is committed to the custody of the director after revocation of probation, ~~this all~~ information regarding the offender's restitution plan shall be forwarded by the offender's probation officer.

c. An offender committed to a penal or correctional facility of the state shall make restitution while placed in that facility.

d. Upon commitment to the custody of the director of the Iowa department of corrections, the director or the director's designee shall prepare a restitution plan of payment or modify any existing plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances.

(2) The director or the director's designee may modify the plan of payment at any time to reflect the offender's present circumstances.

e. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. ~~Upon the expiration of the offender's sentence, the department shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

2. If an offender is to be placed on work release from an institution under the control of the director of the Iowa department of corrections, restitution shall be a condition of work release.

a. The chief of the bureau of community correctional services of the Iowa department of corrections shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances.

(2) The bureau chief may modify the plan of payment at any time to reflect the offender's present circumstances.

b. Failure of the offender to comply with the restitution plan of payment, including the community service requirement, if any, shall constitute a violation of a condition of work release and the work release privilege may be revoked.

c. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. ~~Upon the expiration of the offender's sentence, the bureau chief shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

3. If an offender is to be placed on work release from a facility under control of a county sheriff or the judicial district department of correctional services, restitution shall be a condition of work release.

a. The office or individual charged with supervision of the offender shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances.

(2) Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, constitutes a violation of a condition of work release.

(3) The office or individual charged with supervision of the offender may modify the plan of restitution at any time to reflect the offender's present circumstances.

~~b. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the office or individual charged with supervision of the offender shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

4. If an offender is to be placed on parole, restitution shall be a condition of parole.

a. The district department of correctional services to which the offender will be assigned shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances.

(2) Failure of the offender to comply with the restitution plan of payment including a community service requirement, if any, shall constitute a violation of a condition of parole.

(3) The parole officer may modify the plan of payment any time to reflect the offender's present circumstances.

(4) A restitution plan of payment or modified plan of payment, prepared by a parole officer, must meet the approval of the director of the district department of correctional services.

~~b. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the parole officer shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

5. The director of the Iowa department of corrections shall ~~promulgate~~ adopt rules pursuant to chapter 17A concerning the policies and procedures to be used in preparing and implementing restitution plans of payment for offenders who are committed to an institution under the control of the director of the Iowa department of corrections, for offenders who are to be released on work release from institutions under the control of the director of the Iowa department of corrections, for offenders who are placed on probation, and for offenders who are released on parole.

Sec. 24. LEGAL REPRESENTATION OF INDIGENTS - STUDY. The legislative council is requested to establish an interim committee to study issues concerning the provision of legal representation to indigents. Matters to be reviewed by the interim committee shall include, but are not limited to, reclassification of indictable misdemeanors as simple misdemeanors, the efficiencies of the state public defender's office, and recoupment of indigent defense costs. The legislative fiscal bureau, the department of justice, and the state public defender shall provide information requested by the committee pertaining to indigent defense, including but not limited to information concerning total cost expenditures by the state public defender, including costs for employee salaries and benefits and for all related office expenses, and statistical data concerning crimes for which penalties have been increased, or which have been recently reclassified as a higher level offense. The interim committee shall consider input from the Iowa state bar association, the Iowa association of criminal defense lawyers, the Iowa judges association, the Iowa magistrates association, the public defenders association, the state public defender, and the county attorneys association. The interim committee shall submit a report and recommendations to the general assembly by January 1, 1997.