

FEB 9 2005
Place On Calendar

HOUSE FILE 228
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 72)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the payment of restitution by a person
2 convicted of a criminal offense.

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

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HF 228

1 Section 1. Section 627.6A, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. Notwithstanding the provisions of section 627.6, a
4 debtor shall not be permitted to claim exemptions with regard
5 to payment or a portion of payment under a pension, annuity,
6 individual retirement account, profit-sharing plan, universal
7 life insurance policy, or similar plan or contract due to
8 illness, disability, death, age, or length of service for
9 ~~child, spousal, or medical support.~~ the following:

10 a. Child support.

11 b. Spousal support.

12 c. Medical support.

13 d. Restitution ordered pursuant to chapter 910 while the
14 debtor is committed to the custody of the director of the
15 department of corrections and confined in a correctional
16 facility.

17 Sec. 2. Section 910.1, subsection 1, Code 2005, is amended
18 to read as follows:

19 1. "Criminal activities" means any crime for which there
20 is a plea of guilty, verdict of guilty, or special verdict
21 upon which a judgment of conviction is rendered and any other
22 crime committed after July 1, 1982, which is admitted or not
23 contested by the offender, whether or not prosecuted.
24 However, "criminal activities" does not include simple
25 misdemeanors under chapter 321, except for reckless driving
26 under section 321.277.

27 EXPLANATION

28 This bill relates to the payment of restitution by a person
29 convicted of a criminal offense.

30 Under the bill, payments under a pension or other similar
31 plan concerning illness, disability, death, age, or length of
32 service of a person confined in a state correctional facility
33 are subject to execution if restitution has been ordered
34 pursuant to Code chapter 910. Under current law, a person may
35 only execute a judgment against a pension or other related

1 plan if the judgment is for child, spousal, or medical
2 support.

3 The bill also provides that restitution may be ordered
4 against a person who is convicted of the simple misdemeanor
5 criminal offense of reckless driving under Code section
6 321.277. Current law exempts all persons convicted of a
7 simple misdemeanor under Code chapter 321 from paying
8 restitution pursuant to Code chapter 910.

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Van Fossen - ch
Carroll
Berry

Succeeded By

HSB 72

JUDICIARY

S. 228

SENATE/HOUSE FILE _____

BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

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