

FEB 23 2006
JUDICIARY

HOUSE FILE 2519
BY R. OLSON

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

A BILL FOR

1 An Act relating to assessing a civil penalty when a person
2 receives a deferred judgment.

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

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1 Section 1. Section 907.1, subsection 1, Code Supplement
2 2005, is amended to read as follows:

3 1. "Deferred judgment" means a sentencing option whereby
4 both the adjudication of guilt and the imposition of a
5 sentence are deferred by the court and whereby the court
6 assesses a civil penalty or in lieu of a civil penalty orders
7 community service as provided in section 907.14 upon the entry
8 of the deferred judgment. The court retains the power to
9 pronounce judgment and impose sentence subject to the
10 defendant's compliance with conditions set by the court as a
11 requirement of the deferred judgment.

12 Sec. 2. Section 907.3, subsection 1, Code Supplement 2005,
13 is amended to read as follows:

14 1. With the consent of the defendant, the court may defer
15 judgment and may place the defendant on probation upon
16 conditions as it may require. However, a civil penalty or
17 community service shall be assessed as provided in section
18 907.14 upon the entry of a deferred judgment. Upon a showing
19 that the defendant is not cooperating with the program of
20 probation or is not responding to it, the court may withdraw
21 the defendant from the program, pronounce judgment, and impose
22 any sentence authorized by law. Before taking such action,
23 the court shall give the defendant an opportunity to be heard
24 on any matter relevant to the proposed action. Upon
25 fulfillment of the conditions of probation and the payment of
26 fees imposed and not waived by the judicial district
27 department of correctional services under section 905.14, the
28 defendant shall be discharged without entry of judgment. Upon
29 violation of the conditions of probation, the court may
30 proceed as provided in chapter 908.

31 Sec. 3. Section 907.14, subsection 1, Code Supplement
32 2005, is amended to read as follows:

33 1. Upon the entry of a deferred judgment pursuant to
34 section 907.3, a defendant shall be assessed a civil penalty
35 of an amount not less than the amount of any criminal fine

1 authorized by law for the offense under section 902.9 or
2 section 903.1. The court may require the defendant to perform
3 community service in lieu of assessing a civil penalty upon
4 the request of the defendant.

5 EXPLANATION

6 This bill relates to assessing a civil penalty when a
7 person receives a deferred judgment.

8 The bill provides that upon a person's request, the person
9 may perform community service in lieu of paying a civil
10 penalty when receiving a deferred judgment.

11 Current law provides that a person receiving a deferred
12 judgment be assessed a civil penalty of an amount not less
13 than the amount of any criminal fine authorized.

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