

910.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Category “A” restitution*” means fines, penalties, and surcharges.
2. “*Category “B” restitution*” means the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender’s case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to [section 321J.2, subsection 13](#), paragraph “b”, court costs, court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, and payment to the medical assistance program pursuant to [chapter 249A](#) for expenditures paid on behalf of the victim resulting from the offender’s criminal activities including investigative costs incurred by the Medicaid fraud control unit pursuant to [section 249A.50](#).
3. “*Criminal activities*” means any crime for which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered and any other crime committed after July 1, 1982, which is admitted or not contested by the offender, whether or not prosecuted. However, “*criminal activities*” does not include simple misdemeanors under [chapter 321](#).
4. “*Financial affidavit*” means a signed affidavit under penalty of perjury that provides financial information about the offender to enable the sentencing court or the department of corrections to make a determination regarding the ability of the offender to pay category “B” restitution. “*Financial affidavit*” includes the offender’s income, physical and mental health, age, education, employment, inheritance, other debts, other amounts of restitution owed, family circumstances, and any assets subject to execution, including but not limited to cash, accounts at financial institutions, stocks, bonds, and any other property which may be applied to the satisfaction of judgments.
5. “*Local anticrime organization*” means an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the organization is located or the sheriff of the county in which the organization is located.
6. “*Pecuniary damages*” means all damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, “*pecuniary damages*” includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.
7. “*Permanent restitution order*” means an enforceable restitution order entered either at the time of sentencing or at a later date determined by the court.
8. “*Plan of payment*” or “*restitution plan of payment*” means a plan for paying restitution wherein the defendant is ordered to pay a certain amount of money each month to repay outstanding restitution.
9. “*Plan of restitution*” means a permanent restitution order, restitution plan of payment, any other court order relating to restitution, or any combination of the foregoing.
10. “*Restitution*” means pecuniary damages, category “A” restitution, and category “B” restitution.
11. “*Victim*” means a person who has suffered pecuniary damages as a result of the offender’s criminal activities. However, for purposes of [this chapter](#), an insurer paying a victim’s insurance claim is not a victim and does not have a right of subrogation. An insurer may be a victim for purposes of [this chapter](#) if insurance fraud in violation of [section 507E.3](#) or [507E.3A](#) has been perpetrated against the insurer. The crime victim compensation program is not an insurer for purposes of [this chapter](#), and the right of subrogation provided by [section 915.92](#) does not prohibit restitution to the crime victim compensation program.

[C75, 77, §789A.8; C79, 81, §907.12; 82 Acts, ch 1162, §2]

83 Acts, ch 15, §1, 3; 90 Acts, ch 1251, §73, 74; 91 Acts, ch 181, §2, 16; 94 Acts, ch 1142, §15; 96 Acts, ch 1091, §1, 2; 97 Acts, ch 140, §2; 97 Acts, ch 177, §34; 98 Acts, ch 1090, §83,

84; 2002 Acts, ch 1119, §195; 2003 Acts, ch 44, §107; 2010 Acts, ch 1124, §6, 9; 2011 Acts, ch 52, §2; 2018 Acts, ch 1019, §1, 2; 2020 Acts, ch 1074, §69, 70, 83

Referred to in §321.40, 602.8107, 910.3B, 915.100

NEW subsections 1, 2, 4, 7, 8, and 9 and former subsections 1 – 5 renumbered as 3, 5, 6, 10, and 11, respectively

Subsection 10 stricken and rewritten