

910.2 Restitution or community service ordered by sentencing court.

1. *a.* In all criminal cases 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 pecuniary damages be paid by each offender to the victims of the offender's criminal activities, and that all other restitution be paid to the clerk of court subject to the following:

(1) Pecuniary damages and category "A" restitution shall be ordered without regard to an offender's reasonable ability to make payments.

(2) Category "B" restitution shall be ordered subject to an offender's reasonable ability to make payments pursuant to [section 910.2A](#).

b. Pecuniary damages shall be paid to victims in full before category "A" and category "B" restitution are paid.

c. In structuring a plan of restitution, the plan of payment shall provide for payments in the following order of priority:

(1) Pecuniary damages to the victim.

(2) Category "A" restitution.

(3) Category "B" restitution in the following order:

(a) Crime victim compensation program reimbursement.

(b) Public agencies.

(c) Court costs.

(d) Court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender.

(e) Contribution to a local anticrime organization.

(f) The medical assistance program.

2. *a.* When the offender is not reasonably able to pay all or a part of category "B" restitution, the court may require the offender in lieu of that portion of category "B" restitution 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.

b. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. When calculating the amount of community service to be performed in lieu of payment of court-appointed attorney fees, the court shall determine the approximate equivalent value of the expenses of the public defender. 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.

[C75, 77, §789A.8; C79, 81, §907.12; 82 Acts, ch 1162, §3]

83 Acts, ch 15, §2, 3; 85 Acts, ch 195, §66; 90 Acts, ch 1251, §75; 92 Acts, ch 1242, §36; 94 Acts, ch 1142, §16; 95 Acts, ch 75, §1; 96 Acts, ch 1091, §3; 96 Acts, ch 1193, §21; 97 Acts, ch 140, §3; 97 Acts, ch 177, §35; 2000 Acts, ch 1115, §9; 2002 Acts, ch 1119, §196; 2010 Acts, ch 1093, §2; 2010 Acts, ch 1124, §7, 9; 2011 Acts, ch 52, §3; 2019 Acts, ch 59, §232; 2020 Acts, ch 1074, §71, 83

Referred to in [§249A.55](#), [910.3B](#)

Section stricken and rewritten