

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. 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.

(1) If the court extends the period of probation, the period of probation shall not be for more than the maximum period of probation for the offense committed except for an extension of a period of probation as authorized in [section 907.7](#). After discharge from probation or after the expiration of the period of probation, as extended if applicable, the failure of an offender to comply with the plan of restitution shall constitute contempt of court.

(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 all known information concerning the offender's restitution obligations, including but not limited to the plan of restitution, 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 and shall submit the plan to the court.

a. 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.

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

3. a. 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.

b. If there has been a significant change in the offender's circumstances or income, the receiving office or individual shall submit a new restitution plan of payment to the sentencing court.

4. Notwithstanding any other provision in [this chapter](#), the plan of payment shall be based on all information pertinent to the offender's reasonable ability to pay. The first monthly payment under such a plan shall be made within thirty days of the approval of the plan.

[C75, 77, §789A.8; C79, 81, §907.12; [82 Acts, ch 1162, §5](#)]

[83 Acts, ch 56, §1](#); [89 Acts, ch 13, §1](#); [95 Acts, ch 127, §1](#); [96 Acts, ch 1193, §22](#); [2010 Acts, ch 1175, §3, 4](#); [2013 Acts, ch 30, §231](#); [2020 Acts, ch 1074, §75 – 77, 83](#)

Subsection 1, paragraph b, subparagraphs (1) and (2) amended

Subsections 2 and 3 amended

NEW subsection 4