

MAR 6 2001

JUDICIARY

HOUSE FILE 516

BY SHEY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to a petition to the court for a hearing on a  
2 criminal defendant's restitution plan.

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

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HF 516

1 Section 1. Section 910.7, Code 2001, is amended to read as  
2 follows:

3 910.7 PETITION FOR HEARING.

4 1. At any time during the period of probation, parole, or  
5 incarceration, the offender or the office or individual who  
6 prepared the offender's restitution plan may petition the  
7 court on any matter related to the plan of restitution or  
8 restitution plan of payment and the court shall grant a  
9 hearing if on the face of the petition it appears that a  
10 hearing is warranted.

11 2. ~~The~~ After a petition has been filed, the court, at any  
12 time prior to the expiration of the offender's sentence,  
13 provided the required notice has been given pursuant to  
14 subsection 3, may modify the plan of restitution or the  
15 restitution plan of payment, or both, and may extend the  
16 period of time for the completion of restitution.

17 3. If the offender is the petitioner, the department of  
18 corrections, if the offender is currently confined in a  
19 correctional institution, and the office or individual who  
20 prepared the offender's restitution plan shall receive notice  
21 prior to any hearing under this section. If the office or the  
22 individual who prepared the offender's restitution plan is the  
23 petitioner, the department of corrections, if the offender is  
24 currently confined in a correctional institution, and the  
25 offender shall receive notice prior to any hearing.

26 EXPLANATION

27 This bill relates to a petition to the court for a hearing  
28 on a criminal defendant's restitution plan.

29 The bill provides that if the defendant petitions the court  
30 for a hearing on the defendant's restitution plan, the  
31 department of corrections, if the defendant is confined in a  
32 correctional institution, and the office or the individual who  
33 prepared the defendant's restitution plan shall receive notice  
34 prior to any hearing to modify the plan. The bill also  
35 provides that if the office or the individual who prepared the

1 plan petitions the court for a hearing on the restitution  
2 plan, the department of corrections, if the offender is  
3 confined in a correctional institution, and the offender shall  
4 receive notice prior to any hearing.

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