

FILED FEB 20 '01

SENATE FILE 253
BY ANGELO

Passed Senate, Date _____ Passed House, 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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SF 253
JUDICIARY

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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