

4. 3/22/01 Judiciary

REPRINTED

FILED MAR 8 '01

SENATE FILE 393
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 253)

Passed Senate, Date ^(P. 716) 3/20/01 Passed House, Date 5/4/01 (P. R58)
Vote: Ayes 50 Nays 0 Vote: Ayes 87 Nays 0
Approved 5/16/01

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:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

SF 393

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. 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.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

S-3189

1 Amend Senate File 393 as follows:

2 1. Page 1, by striking lines 17 through 25, and
3 inserting the following:

4 "3. If a petition related to a plan of restitution
5 has been filed, the offender, the county attorney, the
6 department of corrections if the offender is currently
7 confined in a correctional institution, the office or
8 individual who prepared the offender's restitution
9 plan, and the victim, shall receive notice prior to
10 any hearing under this section."

By JEFF ANGELO

S-3189 FILED MARCH 20, 2001

ADOPTED (p. 716)

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. 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 a petition related to a plan of restitution has been
18 filed, the offender, the county attorney, the department of
19 corrections if the offender is currently confined in a
20 correctional institution, the office or individual who
21 prepared the offender's restitution plan, and the victim,
22 shall receive notice prior to any hearing under this section.

23
24
25
26
27
28
29
30
31
32
33
34
35

correctional institution, the office or individual who prepared the offender's restitution plan, and the victim, shall receive notice prior to any hearing under this section.

SENATE FILE 393

AN ACT

RELATING TO A PETITION TO THE COURT FOR A HEARING ON A CRIMINAL DEFENDANT'S RESTITUTION PLAN.

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

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

910.7 PETITION FOR HEARING.

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

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

3. If a petition related to a plan of restitution has been filed, the offender, the county attorney, the department of corrections if the offender is currently confined in a

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 393, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/16, 2001

THOMAS J. VILSACK
Governor