

F I N A L R E P O R T

ALTERNATIVE SENTENCING AND VICTIM COMPENSATION JOINT SUBCOMMITTEE
OF THE
SENATE COMMITTEE ON JUDICIARY
AND THE
HOUSE COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

January, 1981

The Legislative Council approved the creation of the Alternative Sentencing and Victim Compensation Joint Subcommittee which is composed of ten members. The members are from the Senate Committee on Judiciary, and the House Committee on Judiciary and Law Enforcement.

The members of the Subcommittee are:

Senator Richard Ramsey, Co-chairperson
Representative Doug Ritsema, Co-chairperson
Senator Gary Baugher
Senator Joseph Coleman
Senator Lucas DeKoster
Senator Robert Rush
Representative Donald Doyle
Representative Darrell Hanson
Representative John Pelton
Representative Joseph Welsh

At the Joint Subcommittee's first meeting held on November 6, 1980, the Subcommittee received testimony from the following people:

1. Daryl Fischer of the Statistical Analysis Center of the Office for Planning and Programming concerning the prisoner risk assessment study conducted by the Center.
2. Ms. Sandy Tedlock concerning the progress of the Court's Sentencing Disparity Committee.
3. Representatives of the Iowa Corrections Association concerning the problems with restitution in the state, their thoughts on victim compensation and community service sentencing, and the Association's legislative proposals.
4. Dan Johnston, Polk County Attorney, concerning his suggested legislative proposals.
5. Jim Hancock of the Fifth Judicial District's Correctional Services Department, concerning community service sentencing.

The Subcommittee also discussed a number of proposed bill drafts at its first meeting including a proposed victim's compensation draft. However, no final action was taken on those drafts by the Subcommittee.

The Subcommittee's second and final meeting was held December 15, 1980. At that meeting the Subcommittee deliberated over proposed bill drafts and legislative recommendations. The Subcommittee adopted a victim compensation bill draft which is attached to this report. The Subcommittee also recommended that the respective Judiciary Committees consider adopting legislation concerning community service sentencing although the Joint Subcommittee did not recommend a specific draft.

PROPOSED HOUSE/SENATE FILE _____

BY (PROPOSED JUDICIARY COMMITTEE BILL
AND JUDICIARY AND LAW ENFORCEMENT
COMMITTEE BILL BY THE ALTERNATIVE
SENTENCING AND VICTIM COMPENSATION
JOINT SUBCOMMITTEE)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the compensation of innocent victims of
2 criminal acts, and providing penalties for fraudulent claims.

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

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1 Section 1. INTENT. It is the intent of the general
2 assembly to provide a method of compensating and assisting
3 those residents of the state who are innocent victims of
4 criminal acts and who suffer bodily injury or death as a
5 consequence. To that end, it is the intent of the general
6 assembly that those types and amounts of benefits and services
7 which are available to injured employees under chapter 85
8 be made available to innocent victims of crime as provided
9 in this Act.

10 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act,
11 unless the context otherwise requires:

12 1. "Criminal act" means an act committed or attempted
13 in this state on or after the effective date of this Act,
14 which is punishable as a felony or as an aggravated or serious
15 misdemeanor, under the laws of this state. However, the
16 operation of a motor vehicle, motorcycle, train, boat, or
17 aircraft in violation of law does not constitute a "criminal
18 act" for purposes of this Act unless the injury or death was
19 intentionally inflicted or the operation thereof was part
20 of the commission of another criminal act as defined in this
21 section or the injury was the result of operating a motor
22 vehicle while under the influence of an alcoholic beverage,
23 or narcotic, hypnotic or other drug, or combination of such
24 substances. For purposes of determining whether or not a
25 criminal act occurred, the following rules apply:

26 a. An acquittal in a criminal prosecution or the absence
27 of such a prosecution is admissible but not conclusive in
28 a claim or proceeding under this Act as evidence of the
29 noncriminal character of the acts giving rise to the claim
30 or proceeding.

31 b. Evidence of a criminal conviction arising from acts
32 which are the basis for a claim or proceeding under this Act
33 is admissible in the claim or proceeding for the limited
34 purpose of proving the criminal character of the acts.

35 c. An act which, but for the insanity or mental

1 incompetence of the perpetrator, would constitute a criminal
2 act is a criminal act within the meaning of this Act.

3 2. "Victim" means a resident of the state who suffers
4 bodily injury or death as a proximate result of a criminal
5 act by another person, or as a proximate result of the victim's
6 reasonable effort to prevent a criminal act, or as a proximate
7 result of the victim's effort to apprehend a person reasonably
8 suspected of engaging in a criminal act. A victim assumes
9 those rights and duties of an employee under chapter 85 which
10 are assigned to the victim under section 6 of this Act.

11 3. "Child", "spouse", "dependent", "beneficiary", "injury",
12 "permanent partial disability", and "permanent total
13 disability" have the meanings assigned to them under chapter
14 85.

15 4. "Gainfully employed" means engaging on a regular and
16 continuous basis in a lawful activity from which a person
17 derives a livelihood.

18 5. "Out-of-pocket loss" means unreimbursed and
19 unreimbursable expenses or indebtedness reasonably incurred
20 for medical care or other services necessary as a result of
21 the bodily injury or death on which the claim under this Act
22 is based.

23 6. "Resident" means a person who has established residence
24 in this state prior to the criminal act which results in the
25 bodily injury or death for which a claim is made under this
26 Act.

27 Sec. 3. NEW SECTION. DUTIES OF INDUSTRIAL COMMISSIONER-
28 -GENERAL PROVISIONS.

29 The industrial commissioner shall:

30 1. Establish and administer a program of benefits to
31 victims of criminal acts pursuant to this Act, and assume
32 the powers and duties of the industrial commissioner or the
33 employer under chapter 85 to the extent necessary to administer
34 this Act.

35 2. Promulgate rules pursuant to chapter 17A governing

1 the administration of this Act, the filing of claims under
2 this Act, and the hearing and disposition of the claims.

3 3. Hear and determine claims for awards pursuant to this
4 Act, and reinvestigate or reopen cases as necessary.

5 4. Request from the department of public safety, department
6 of social services, Iowa department of job service, the
7 attorney general, county or municipal police departments or
8 agencies, or other public authorities or agencies, reasonable
9 assistance or data necessary to administer this Act. The
10 authorities and agencies shall furnish the requested assistance
11 or data unless prohibited by law.

12 5. Hold hearings, administer oaths or affirmations, examine
13 persons under oath or affirmation, and issue subpoenas
14 requiring the attendance and testimony of witnesses and the
15 production of books, papers, documents or other evidence.

16 6. Take affidavits or depositions within or outside this
17 state.

18 7. Direct medical examinations of victims.

19 8. Publicize through the department of public safety,
20 county or municipal police departments or agencies, or other
21 public authorities or agencies, the existence of this Act
22 including the procedures for obtaining compensation under
23 this Act.

24 9. Render annually to the governor and the general assembly
25 a written report of activities undertaken pursuant to this
26 Act.

27 Sec. 4. NEW SECTION. RIGHT OF ACTION AGAINST PERPETRATOR-
28 -SUBROGATION. A right of legal action against a person who
29 has committed a criminal act is not lost as a consequence
30 of receiving benefits under the provisions of this Act. If
31 a person receiving benefits under this Act seeks a remedy
32 for damages from a person who has committed a criminal act
33 or from another person civilly liable, the industrial
34 commissioner is subrogated to and has a lien upon the recovery
35 to the extent of the payments made by the industrial

1 commissioner to or on behalf of the person under this Act.

2 Sec. 5. NEW SECTION. APPLICATION FOR BENEFITS. In order
3 to claim benefits under this Act:

4 1. An application for benefits shall be filed with the
5 industrial commissioner within one hundred eighty days after
6 the date of the criminal act or within one hundred twenty
7 days after the date of death of the victim or the date that
8 the rights of dependents or beneficiaries accrue.

9 2. The criminal act shall be reported to a local police
10 department or sheriff's office within seventy-two hours of
11 its occurrence or, if it cannot reasonably be reported within
12 that period, within seventy-two hours of the time when a
13 report can reasonably be made.

14 Sec. 6. NEW SECTION. BENEFITS--DISQUALIFICATION--
15 DEDUCTIBLE. Benefits to or on behalf of a victim as a result
16 of a criminal act are payable as follows:

17 1. Benefits under this Act shall not be paid when the
18 bodily injury or death for which benefits are sought was any
19 of the following:

20 a. The result of consent, provocation or incitement by
21 the victim.

22 b. The result of an act committed by a person living in
23 the same household with the victim, unless a criminal
24 conviction for the act is obtained.

25 c. The result of an act committed by a person who is at
26 the time of the criminal act the spouse, child, stepchild,
27 parent, stepparent, brother, stepbrother, sister or stepsister
28 of the victim, or the parent or stepparent of the victim's
29 spouse or a brother, stepbrother, sister or stepsister of
30 the victim's spouse, unless a criminal conviction for the
31 act is obtained.

32 d. The result of the victim assisting, attempting, or
33 committing a criminal act.

34 e. Sustained while the victim was confined in a county
35 or city jail, federal jail, prison or other federal

1 institution, or state correctional institution or other
2 institution maintained and operated by the department of
3 social services.

4 2. The amount of an award shall be reduced by one hundred
5 dollars on each claim under this Act.

6 3. If the death of a victim is proximately caused by the
7 criminal act, the benefits established by sections 85.27
8 through 85.31 and the provisions relating to payment under
9 those sections apply under this Act. However, if the criminal
10 act results in the death of a victim who was not gainfully
11 employed at the time of the criminal act and for at least
12 three consecutive months during the twelve-month period
13 immediately preceding the criminal act, benefits are payable
14 as follows:

15 a. For the services and supplies necessitated by the
16 bodily injury which resulted in the victim's death as provided
17 in section 85.27.

18 b. For burial expenses as provided in section 85.28.

19 c. A lump sum payment of three thousand seven hundred
20 fifty dollars to each dependent spouse or child of the victim
21 as determined in section 85.42 or to actual dependents of
22 the victim as provided in section 85.44.

23 4. If the criminal act proximately causes the permanent
24 total disability of a victim, the benefits established in
25 sections 85.27 and 85.34 for permanent total disability, and
26 the provisions relating to payment contained in those sections
27 apply under this Act. However, if the criminal act proximately
28 causes the permanent total disability of a victim who was
29 not gainfully employed at the time of the criminal act and
30 for at least three consecutive months during the twelve-month
31 period immediately preceding the criminal act, the victim
32 shall receive monthly during the period of the disability
33 the following percentages of the average monthly wage under
34 the provisions of section 96.3, determined as of the date
35 of the criminal act:

- 1 a. If married at the time of the criminal act, twenty-
2 nine percent.
- 3 b. If married with one child at the time of the criminal
4 act, thirty-four percent.
- 5 c. If married with two children at the time of the criminal
6 act, thirty-eight percent.
- 7 d. If married with three children at the time of the
8 criminal act, forty-one percent.
- 9 e. If married with four children at the time of the
10 criminal act, forty-four percent.
- 11 f. If married with five or more children at the time of
12 the criminal act, forty-seven percent.
- 13 g. If unmarried at the time of the criminal act, twenty-
14 five percent.
- 15 h. If unmarried with one child at the time of the criminal
16 act, thirty percent.
- 17 i. If unmarried with two children at the time of the
18 criminal act, thirty-four percent.
- 19 j. If unmarried with three children at the time of the
20 criminal act, thirty-seven percent.
- 21 k. If unmarried with four children at the time of the
22 criminal act, forty percent.
- 23 l. If unmarried with five or more children at the time
24 of the criminal act, forty-three percent.
- 25 5. If the criminal act proximately causes the permanent
26 partial disability of the victim the benefits established
27 in sections 85.27 and 85.34 for permanent partial disability
28 and the provisions relating to payment contained in those
29 sections apply under this Act. However, if the criminal act
30 proximately causes the permanent partial disability of a
31 victim who was not gainfully employed at the time of the
32 criminal act and for at least three consecutive months during
33 the twelve-month period immediately preceding the criminal
34 act, the victim shall receive the number of weeks of permanent
35 partial disability compensation as provided in section 85.34,

1 subsection 2, with the weekly compensation rate figured as
2 the same percentage of the average monthly wage as provided
3 in subsection 4.

4 6. If the criminal act proximately causes the temporary
5 total disability of the victim the benefits established in
6 sections 85.27 and 85.33 for temporary total disability and
7 the provisions relating to payment contained in those sections
8 apply under this Act. However, a person is not eligible for
9 temporary total disability benefits under this Act if the
10 person was not gainfully employed at the time of the criminal
11 act and for at least three consecutive months during the
12 twelve-month period immediately preceding the criminal act.

13 7. The benefits established in section 85.70 for vocational
14 rehabilitation and the provisions relating to payment contained
15 in that section apply under this Act.

16 8. The provisions of sections 85.30, 85.32, 85.36, 85.37,
17 85.39, 85.42, 85.44, 85.45 through 85.48, and section 85.61,
18 apply to claims for benefits under this Act to the extent
19 applicable.

20 Sec. 7. NEW SECTION. MAXIMUM AWARD. Notwithstanding
21 any other provision of this Act except section 6, subsection
22 2, benefits awarded under this Act shall not exceed five
23 thousand dollars over out-of-pocket losses or fifteen thousand
24 dollars, whichever is less, per claimant per criminal act
25 less the one hundred dollar deductible provided for by section
26 6, subsection 2. For purposes of this limitation, two or
27 more related criminal acts occurring simultaneously or in
28 succession and contributing to the injury or death, constitute
29 one criminal act.

30 Sec. 8. NEW SECTION. MARITAL STATUS--PAYMENT FOR OR ON
31 ACCOUNT OF CHILDREN. Notwithstanding the provisions of chapter
32 85 or of this Act, the marital status of a victim shall be
33 determined as of the date of the criminal act. References
34 in this Act to a surviving child refer to a living or conceived
35 child of the victim as of the date of the criminal act unless

1 the context clearly indicates the contrary.

2 Payments for or on account of a child shall cease when
3 the child is no longer dependent as provided in section 85.42
4 or 85.44, or on the death of the child, whichever occurs
5 first.

6 Sec. 9. NEW SECTION. MEDICAL AID. The benefits provided
7 in section 85.27 govern entitlement to medical benefits under
8 section 6 of this Act. However, with respect to ambulance
9 service, benefits are limited to reasonable transportation
10 costs from the place of injury to the nearest proper place
11 of emergency treatment. The attorney general may require
12 that the victim actually incur charges before benefits are
13 payable under this section.

14 Sec. 10. NEW SECTION. VICTIM COMPENSATION SURCHARGE.
15 Upon a plea of guilty, a verdict of guilty, or a special
16 verdict, upon which a judgment of conviction of a public
17 offense except a traffic offense or a conservation offense
18 is rendered in a court of this state, there shall be imposed
19 an additional cost or surcharge of ten dollars in addition
20 to any other costs or fees required by law. This surcharge
21 shall be collected by the clerk of the district court and
22 shall be forwarded to the treasurer of state to be deposited
23 in the fund established pursuant to section 11 of this Act.

24 Sec. 11. NEW SECTION. ESTABLISHMENT OF FUNDS. The
25 treasurer of state shall establish a fund in the state treasury
26 to administer this Act. Payment to the fund shall be from
27 the victim compensation surcharge, reimbursement, recoupment
28 and subrogation as provided in this Act, and from specific
29 contributions or grants. The fund shall not be commingled
30 with other funds or accounts administered by the industrial
31 commissioner.

32 Sec. 12. NEW SECTION. REIMBURSEMENT.

33 1. A person who has committed a criminal act resulting
34 in bodily injury or death compensated under this Act shall
35 reimburse the state as provided in this section.

1 2. A payment of benefits to or on behalf of a victim
2 under this Act creates a debt due and owing to the state by
3 a person found to have committed the criminal act in either
4 a civil or criminal court proceeding in which the person is
5 a party. However, the debt is limited to the amount provided
6 for in a civil judgment against the person or in a criminal
7 judgment ordering restitution.

8 3. If a convicted person who owes a debt to the state
9 as a consequence of this section, is placed on work release
10 or is released from the custody of a state correctional
11 facility on parole, the department of social services or the
12 parole board may have the schedule or amount of payments on
13 the debt set as a condition of work release or parole, subject
14 to modification based on change of circumstances.

15 4. The industrial commissioner in the interest of justice
16 and the rehabilitation of the individual may waive, decrease,
17 or adjust a requirement for payment due and owing the state
18 by a convicted person under this Act.

19 5. The industrial commissioner may bring a civil action
20 on behalf of the state in the district court to obtain
21 satisfaction of a debt created by this section.

22 Sec. 13. NEW SECTION. ERRONEOUS OR FRAUDULENT PAYMENT-
23 -REPAYMENT, WHEN--PENALTY.

24 1. If a payment or overpayment under this Act is made
25 because of clerical error, mistaken identity, innocent
26 misrepresentation by or on behalf of the recipient, or another
27 circumstance of a similar nature, not induced by fraud by
28 or on behalf of the recipient, the recipient is liable for
29 repayment. Repayment may be made by, but shall not be limited
30 to the reduction of future payments to the recipient under
31 this Act. Unless the attorney general notifies the claimant
32 of erroneous payment or overpayment within one year of the
33 making of the payment the claim for the payment or overpayment
34 is barred. The attorney general may waive, decrease, or
35 adjust the amount of a repayment claim.

1 2. If a payment or overpayment under this Act has been
2 induced by fraud by or on behalf of a recipient, the recipient
3 is liable for repayment to the fund. Repayment may be made
4 by but shall not be limited to the reduction of future payments
5 to the recipient under this Act. The recipient's liability
6 for payment or overpayment and penalty shall not be barred
7 under this subsection, if the attorney general does not notify
8 the claimant of erroneous payment or overpayment.

9 Sec. 14. NEW SECTION. COLLATERAL SOURCES OFFSET. Benefits
10 payable pursuant to this Act shall be reduced by the amount
11 of public or private insurance, workers' compensation or
12 unemployment benefits, or medical, health or disability
13 benefits available to the recipient because of the injury
14 or death, notwithstanding a contract provision to the contrary.
15 Benefits payable pursuant to this Act shall also be reduced
16 by the amount of a reimbursement directly to the recipient
17 from or on behalf of the person committing the criminal act.

18 Sec. 15. NEW SECTION. RELEASE OF INFORMATION IN
19 PERFORMANCE OF OFFICIAL DUTIES. Upon the request of the
20 industrial commissioner, a person in possession or control
21 of investigative or other information pertaining to an alleged
22 criminal act or victim claiming benefits under this Act shall
23 allow the inspection and reproduction of the information by
24 the industrial commissioner to be used only in the
25 administration and enforcement of this Act. Information and
26 records which are confidential under section 68A.7 and
27 information or records gleaned from the confidential
28 information or records remain confidential under this Act.

29 A person shall not incur legal liability by reason of
30 releasing information to the industrial commissioner under
31 this Act.

32 Sec. 16. Section 12.9, Code 1981, is amended to read as
33 follows:

34 12.9 ANNUAL REPORT OF FILING FEES. The treasurer of state
35 shall annually report to the governor and the general assembly

1 the total amount of fees and costs received by the treasurer
2 of state under section 602.55, subsection 1, and section
3 606.15, subsection 1, paragraph a, and subsection 2, for the
4 fiscal year ending June 30. The report shall be submitted
5 within ninety days following the completion of the fiscal
6 year.

7 Sec. 17. Section 606.15, Code 1981, is amended to read
8 as follows:

9 606.15 FEES.

10 1. Except in probate matters, the clerk of the district
11 court shall charge and collect the following fees, all of
12 which shall be paid into the county treasury for the use of
13 the county except as indicated:

14 1+ a. For filing any petition, appeal, or writ of error
15 and docketing the same, seven dollars. Four dollars of such
16 fee shall remain in the county treasury for the use of the
17 county, and three dollars of such fee shall be paid into the
18 state treasury and deposited in the general fund of the state.
19 In counties having a population of one hundred thousand or
20 over, an additional one dollar shall be charged and collected,
21 to be known as the journal publication fee and to be used
22 for the purposes provided for in section 618.13.

23 2+ b. For every attachment, two dollars.

24 3+ c. For every cause tried by jury, five dollars.

25 4+ d. For every cause tried by the court, two dollars
26 and fifty cents.

27 5+ e. For every equity case, three dollars.

28 6+ f. For each injunction or other extraordinary process
29 or order, five dollars.

30 7+ g. For all causes continued on application of a party
31 by affidavit, two dollars.

32 8+ h. For all other continuances, one dollar.

33 9+ i. For entering any final judgment or decree, one
34 dollar and fifty cents.

35 10+ j. For taxing costs, one dollar.

- 1 11- k. For issuing execution or other process after
2 judgment or decree, two dollars.
- 3 12- l. For filing and properly entering and endorsing
4 each mechanic's lien, three dollars, and in case a suit is
5 brought thereon, the same to be taxed as other costs in the
6 action.
- 7 13- m. For certificate and seal, two dollars.
- 8 14- n. For filing and docketing transcript of judgment
9 from another county, one dollar.
- 10 15- o. For entering any rule or order, one dollar.
- 11 16- p. For issuing writ or order, not including subpoenas,
12 two dollars.
- 13 17- q. For issuing commission to take depositions, two
14 dollars.
- 15 18- r. For entering sheriff's sale of real estate, two
16 dollars.
- 17 19- s. For entering judgment by confession, two dollars.
- 18 20- t. For entering satisfaction of any judgment, one
19 dollar.
- 20 21- u. For all copies of records, or papers filed in his
21 office, transcripts, and making complete record, fifty cents
22 for each one hundred words.
- 23 22- v. For taking and approving a bond and sureties
24 thereon, two dollars.
- 25 23- w. For receiving and filing a declaration of intention
26 and issuing a duplicate thereof, two dollars. For making,
27 filing, and docketing the petition of an alien for admission
28 as a citizen of the United States and for the final hearing
29 thereon, four dollars; and for entering the final order and
30 the issuance of the certificate of citizenship thereunder,
31 if granted, four dollars.
- 32 24- x. In addition to the fees required in the preceding
33 subsection, the petitioner shall, upon the filing of his
34 petition to become a citizen of the United States, deposit
35 with the clerk money sufficient to cover the expense of

1 subpoenaing and paying the legal fees of witnesses for whom
2 he may request a subpoena, and upon the final discharge of
3 such witnesses they shall receive, if they demand the same
4 from the clerk, the customary and usual witness fees from
5 the moneys aforesaid, and the residue, if any, except such
6 as may be necessary to pay the cost of serving subpoenas,
7 shall be returned by the clerk to the petitioner.

8 25- y. For certificates and seal to applications to procure
9 pensions, bounties, or back pay for soldiers or other persons
10 entitled thereto, no charge.

11 26- z. For making out transcripts in criminal cases
12 appealed to the supreme court, for each one hundred words,
13 fifty cents.

14 27- aa. In criminal cases, the same fees for same services
15 as in suits between private parties. When judgment is rendered
16 against the defendant, the fees shall be collected from such
17 defendant.

18 28- bb. For issuing marriage licenses, five dollars each.
19 For issuing marriage licenses when a party requests a name
20 change other than a change of surname to that of the other
21 spouse or to a hyphenated combination of the surnames of both
22 spouses, seven dollars and fifty cents each. Two dollars
23 and fifty cents of the seven dollars and fifty cents shall
24 be paid to the recorder as a recording fee for recording the
25 return of marriage. For issuing an application for an order
26 of the district court authorizing the issuance of a license
27 to marry prior to the expiration of three days from the date
28 of filing the application for the license, five dollars each.

29 29- cc. For certifying change in title of real estate,
30 two dollars.

31 30- dd. In addition to all other fees, for making a
32 complete record in cases where the same is required by law
33 or directed by an order of the court, for every one hundred
34 words, twenty cents.

35 2. The clerk of the district court shall charge and collect

1 the victim compensation surcharge as provided in section 10
2 of this Act.

3 Sec. 18. Section 805.9, subsection 6, Code 1981, is amended
4 to read as follows:

5 6. The five dollars in costs imposed by this section shall
6 be the total costs collectible from any defendant upon either
7 an admission of a violation without hearing, or upon a hearing
8 pursuant to subsection 4. Fees shall not be imposed upon
9 or collected from any defendant for the purposes specified
10 in section 606.15, subsection 97-10 1, unnumbered paragraph
11 i, j or 20 t.

12 Sec. 19. Section 905.11, unnumbered paragraph 2, Code
13 1981, is amended to read as follows:

14 Upon the conviction of a defendant of a violation specified
15 in ~~sections~~ section 805.8 or 805.10, fees shall not be imposed
16 or collected for the purposes specified in section 606.15,
17 subsection 97-10 1, unnumbered paragraph i, j or 20 t.

18 Sec. 20. This Act becomes effective January 1, 1982.
19 However, payments under this Act shall only be made to victims
20 of criminal acts which are committed on or after January 1,
21 1983.

22 EXPLANATION

23 This bill provides a scheme for the compensation of innocent
24 victims of criminal acts and their dependents financed by
25 a victim compensation surcharge on persons convicted of public
26 offenses. The compensation scheme is tied to workers'
27 compensation benefits as provided in chapter 85 of the Code.
28 If the victim is not gainfully employed at the time of the
29 bodily injury or death the bill establishes benefits based
30 on the average monthly wage in Iowa as determined by the
31 director of job service. The maximum benefit award under
32 the bill is \$5,000 over out-of-pocket expenses or \$15,000,
33 whichever is less, per claimant per criminal act or related
34 groups of criminal acts less a deductible amount of \$100.

35 The industrial commissioner is the administrator of the

1 victim compensation scheme and is responsible for seeking
2 reimbursement from a person who has committed a criminal act
3 resulting in payments to or on behalf of a victim under the
4 compensation scheme.

5 The bill would be effective on January 1, 1982, but payments
6 under the bill would be to victims of criminal acts which
7 are committed on or after January 1, 1983.

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