

Restitution for Medicaid Expenditures

This Act directs that certain criminal case restitution orders include restitution from the offender to the state Medical Assistance Program to pay expenses their victims charged to the program because of the offender’s crime against them.

Submitted as:

Iowa

[House File 2307 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Act.*] This Act shall be cited as “An Act Providing for Restitution for
2 Certain Medicaid Expenditures.”

3
4 Section 2. [*Restitution.*]

5 (A) If restitution is ordered by the court pursuant to [insert citation], and the victim is a
6 recipient of medical assistance for whom expenditures were made as a result of the offender’s
7 criminal activities, restitution may be made to the medical assistance program established under
8 [insert citation] and in accordance with this Act.

9 (B) In all criminal cases in which there is a plea of guilty, verdict of guilty, or special
10 verdict upon which a judgment of conviction is rendered, the sentencing court shall order that
11 restitution be made by each offender to the victims of the offender’s criminal activities, to the
12 clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably
13 able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to
14 [insert citation], court costs including correctional fees approved pursuant to [insert citation],
15 court-appointed attorney fees ordered pursuant to [insert citation], including the expense of a
16 public defender, when applicable, contribution to a local anticrime organization, or restitution to
17 the medical assistance program pursuant to [insert citation] for expenditures paid on behalf of the
18 victim resulting from the offender’s criminal activities.

19 (C) However, victims shall be paid in full before fines, penalties, and surcharges, crime
20 victim compensation program reimbursement, public agencies, court costs including correctional
21 fees approved pursuant to [insert citation], court-appointed attorney fees ordered pursuant to
22 [insert citation], including the expenses of a public defender, contributions to a local anticrime
23 organization, or the medical assistance program are paid.

24 (D) In structuring a plan of restitution, the court shall provide for payments in the
25 following order of priority: victim, fines, penalties, and surcharges, crime victim compensation
26 program reimbursement, public agencies, court costs including correctional fees approved
27 pursuant to [insert citation], court-appointed attorney fees ordered pursuant to [insert citation],
28 including the expense of a public defender, contribution to a local anticrime organization, and the
29 medical assistance program.

30
31 Section 3. [*Community Service.*]

32 (A) When the offender is not reasonably able to pay all or a part of the crime victim
33 compensation program reimbursement, public agency restitution, court costs including

34 correctional fees approved pursuant to [insert citation], court-appointed attorney fees ordered
35 pursuant to [insert citation], including the expense of a public defender, contribution to a local
36 anticrime organization, or medical assistance program restitution, the court may require the
37 offender in lieu of that portion of the crime victim compensation program reimbursement, public
38 agency restitution, court costs including correctional fees approved pursuant to [insert citation],
39 court-appointed attorney fees ordered pursuant to [insert citation], including the expense of a
40 public defender, contribution to a local anticrime organization, or medical assistance program
41 restitution for which the offender is not reasonably able to pay, to perform a needed public
42 service for a governmental agency or for a private nonprofit agency which provides a service to
43 the youth, elderly, or poor of the community.

44 (B) When community service is ordered, the court shall set a specific number of hours of
45 service to be performed by the offender which, for payment of court-appointed attorney fees
46 ordered pursuant to [insert citation], including the expenses of a public defender, shall be
47 approximately equivalent in value to those costs. The [judicial district department of correctional
48 services] shall provide for the assignment of the offender to a public agency or private nonprofit
49 agency to perform the required service.

50

51 Section 4. [*Severability.*] [Insert severability clause.]

52

53 Section 5. [*Repealer.*] [Insert repealer clause.]

54

55 Section 6. [*Effective Date.*] [Insert effective date.]