

A LOOK AT IOWA CODE SECTION 910.3B AND ITS REPERCUSSIONS: THE POWER OF A MANDATORY MINIMUM IN RESTITUTION DAMAGES

ABSTRACT

In 1991, the Iowa Legislature enacted Iowa Code Section 910.3B. This section requires a defendant who is found guilty of a crime that caused the death of another person to pay a mandatory minimum of \$150,000 to the victim's estate or heirs. Since its enactment, defendants have raised many potential constitutional questions regarding this statute, however the Supreme Court of Iowa has determined that though punitive, Iowa Code Section 910.3B is constitutional. Although there are situations where this restitution award seems just, there are other situations where the minimum \$150,00 award does not make sense. The nation saw an example of this in 2022 when teenager, Pieper Lewis, was ordered to pay \$150,000 to her sex-traffickers family after killing him for raping her.

In 2023, the Iowa House of Representatives introduced legislation to change section 910.3B, however, even this proposed legislation does not fix the problem. This Note proposes an amendment to section 910.3B that would fix the current flaws of section 910.3B. This amendment would allow the court to consider factors that make a defendant more or less morally blameworthy—such as the circumstances of the case and the defendant's age—and then would give the court discretion in determining an appropriate amount in restitution as opposed to having a mandatory minimum.

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I. INTRODUCTION

Every victim of a crime deserves restitution that attempts to compensate for the wrong done onto them, and similarly, every defendant found guilty of a crime deserves punishment that is proportionate to their actions. Although this is easy to agree on, the tougher issue to determine is how much restitution to award the victim or how much punishment to impose onto the defendant. Though there are several code sections in Iowa that regulate Iowa's restitution laws, this Note will address Iowa Code Section 910.3B which was enacted in 1997.¹

First, this Note will define restitution generally as well as lay out what section 910.3B specifically entails.² Next, follows a discussion on the legislative intent of the Iowa Legislature when they enacted section 910.3B.³ Then, this Note will address several constitutional issues defendants have unsuccessfully raised in their defense and discuss how the Iowa Supreme Court has recognized section 910.3B as punitive, but constitutional.⁴ This Note will also examine other state's restitution statutes, specifically Midwest states' statutes, and compare them to Iowa Code Section 910.3B.⁵ This comparison will reveal that not only is section 910.3B far more punitive than other statutes, but it is also a total outlier among any other state's restitution statute in the United States.⁶ Lastly, this Note will explain

1. See IOWA CODE § 910.3B (2025).

2. See *infra* Parts II, III.

3. See *infra* Part IV.

4. See *infra* Part V.

5. See *infra* Part VI.

6. See *infra* Part VI.

why section 910.3B is flawed and will propose an amended Iowa Code Section 910.3B in order to resolve the issues of the current statute.⁷

II. RESTITUTION DEFINED

Iowa Code Section 910.1 defines three standard categories of restitution. First, Category A restitution is defined as “fines, penalties, and surcharges.”⁸ Category B restitution is “the contribution of funds to a local anticrime organization[s] which provided assistance” to a number of organizations and agencies in the offender’s case.⁹ A third type of restitution, pecuniary damages, refers to

all damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium.¹⁰

Iowa Code Section 910.3B is a form of restitution that does not fall under any of these three categories.¹¹ Instead, section 910.3B is restitution ordered in addition to the standard restitution ordered under section 910.3.¹²

III. WHAT IOWA CODE SECTION 910.3B SAYS AND WHO IT APPLIES TO

Iowa Code Section 910.3B consists of four sections, however, this Note will only address the contents of section one.¹³ Section 910.3B(1) reads as follows:

In all criminal cases in which the offender is convicted of a felony in which the act or acts committed by the offender caused the death of another person, in addition to the amount determined to be payable and ordered to be paid to a victim for pecuniary damages, as defined under section 910.1, and determined under section 910.3, the court *shall* also order the offender to pay at least one hundred fifty thousand dollars in restitution to the victim’s estate if the victim died testate. If the victim died intestate the court shall order the offender to pay the restitution to the victim’s heirs at law as determined pursuant to section 633.210. The obligation to pay the additional amount shall not be dischargeable in any proceeding under the federal Bankruptcy Act.

7. *See infra* Parts VII, VIII.

8. IOWA CODE § 910.1(1) (2025).

9. *Id.* § 910.1(2).

10. *Id.* § 910.1(6).

11. *Compare* IOWA CODE § 910.3B (2025) *with* IOWA CODE § 910.1 (2025).

12. *See* IOWA CODE § 910.3B (2025).

13. *Id.* § 910.3B(1).

Payment of the additional amount shall have the same priority as payment of a victim's pecuniary damages under section 910.2, in the offender's plan for restitution.¹⁴

Not only does this statute say a lot, but its application greatly affects those convicted of a crime that makes this statute come into effect—thus, it is important to break down what the statute says.¹⁵

Iowa Code Section 910.3B is a mandatory order of restitution in addition to the standard restitution ordered according to Iowa Code Section 910.3.¹⁶ As the statute states, this mandatory restitution applies only to defendants that are convicted of a felony where they caused the death of another person.¹⁷ However, this mandatory restitution is not “imposed in a case involving an unintentional or negligent offender.”¹⁸

The statute also states the mandatory restitution ordered under section 910.3B is not dischargeable by bankruptcy.¹⁹ This is an important component of section 910.3B, considering the statute requires the judge to order *at least* \$150,000 in restitution if the offender is convicted of a felony in which they caused the death of another person.²⁰ Further, this restitution follows the offender as a “judgment lien[,] attaching to their assets, credit rating, and affecting the[ir] ability to obtain loans until it is discharged.”²¹

One issue that has been raised by this component of the statute was whether it violated the Supremacy Clause, however, courts have found that “[u]ltimately, federal law, not state law, governs the determination of the dischargeability of debt”²² and “[i]n the absence of a meaningful conflict between 910.3B and federal law, [there is] no violation of the Supremacy Clause.”²³ Thus, though it may seem

14. *Id.* (emphasis added).

15. *See id.*

16. *Id.*

17. *Id.*

18. *State v. Richardson*, 890 N.W.2d 609, 621 (Iowa 2017) (quoting *State v. Izzolena*, 609 N.W.2d 541, 550 (Iowa 2000)).

19. IOWA CODE § 910.3B(1).

20. *See id.*

21. Matthew Lindholm, *From Rape to Restitution—A Look at Iowa's Death Restitution Statute*, GOURLEY, REHKEMPER & LINDHOLM, PLC (Sept. 28, 2022), <https://www.grllaw.com/blog/from-rape-to-restitution-a-look-at-iowas-death-restitution-statute/> [<https://perma.cc/653E-Q6B9>].

22. *State v. Ayers*, No. 01-0365, 2002 WL 985007, at *3 (Iowa Ct. App. May 15, 2002) (quoting *State v. Klawonn*, 609 N.W.2d 515, 518, n.1 (Iowa 2000)).

23. *Id.*

harsh, offenders are not allowed to use bankruptcy as a way to relieve themselves of this debt.²⁴

The harshness of the statute in not allowing the defendant to declare bankruptcy in order to absolve this debt is somewhat reconciled by the statute's allowance for the offender to have a payment plan.²⁵ When determining the payment plan, the defendant's income and other circumstances that affect their ability to make payments are considered.²⁶ Further, the payment plan is somewhat flexible because it can be amended as circumstances in the defendant's life change.²⁷

Though the \$150,000 mandatory minimum in restitution seems just in some situations, the amount is rather extreme in others. Thus, it is important to explore the legislative history and consider what the Iowa Legislature intended this statute to accomplish when it enacted it.

IV. LEGISLATIVE INTENT FOR ENACTING IOWA CODE SECTION 910.3B

Though Iowa Code Section 910.3B seems straightforward on its face, it has raised questions as to whether this order for restitution is an absolute requirement or allows judge discretion in determining the amount.²⁸ Therefore, exploring the legislative intent and the policy justifications for the statute is essential to understanding section 910.3B's enactment.

The intent of the legislature and its policy justifications for enacting a statute is insightful. Though there is not much legislative history pertaining to section 910.3B, precedent suggests what the legislature's intent was when enacting this statute.²⁹

In *State v. Klawonn*, the Supreme Court of Iowa concluded that the legislature intended to give the judge no discretion in determining the amount of restitution the defendant is ordered to pay under section 910.3B.³⁰ In determining this, the court noted that "the word 'may' can mean 'shall,'" however, "shall"

24. *See id.*

25. *See* IOWA CODE § 910.3B(1) (2025).

26. *State v. Richardson*, 890 N.W.2d 609, 624 (Iowa 2017) (citing IOWA CODE §910.5(1)(d)(1) (2017)).

27. *Id.* (citing IOWA CODE ANN. §910.5(1)(d)(2), .7(2) (2017); *State v. Morris*, 858 N.W.2d 11, 16 & n.4 (Iowa 2015); *State v. Izzolena*, 609 N.W.2d 541, 553 n.8 (Iowa 2000); *State v. Klawonn*, 609 N.W.2d 515, 519 (Iowa 2000)).

28. *See Klawonn*, 609 N.W.2d at 521–22.

29. *See id.*

30. *See id.* at 522.

cannot mean “may.”³¹ Further, the court explained that the legislature made itself clear when drafting the Iowa Code when it said “the use of ‘shall’ imposes a duty;” but “‘may’ confers a power.”³² Thus, the legislature intended that whenever a defendant is convicted of a felony in which it is found that the defendant caused the death of another person, the judge has *a duty*, rather than *the authority* to impose a restitution award of at least \$150,000 to the victim’s estate or heirs.³³

Additionally, the Supreme Court of Iowa has opined that it believes the legislature’s intent was compensation and deterrence when enacting section 910.3B.³⁴ The court in *State v. Corwin* explained one purpose for enacting this code was to provide an enhanced penalty for crimes that result in death, which consequentially, would deter others from engaging in similar conduct.³⁵ Further, the *Klawonn* court concluded there were multiple purposes for enacting section 910.3B.³⁶ These include “a remedial purpose in compensating the victim’s estate,” a “punitive purpose in punishing the defendant,” and “a rehabilitative purpose for the defendant.”³⁷ Based off of these conclusions, it seems as though the intent of the legislature and its policy justifications were sound and were primarily focused on deterring crime that results in causing the death of another person. Further, it seems as though section 910.3B is a legitimate means to meet these purposes; however, it has raised a number of constitutional questions.³⁸

V. THE SUPREME COURT OF IOWA DETERMINED THAT IOWA CODE SECTION 910.3B IS PUNITIVE BUT RULED IT IS CONSTITUTIONAL

The enactment of this statute raised concern for a number of potential constitutional issues. Defendants whose charges triggered this statute if they were

31. *Id.* at 521.

32. *Id.* at 521–22 (citing IOWA CODE § 4.1(30)(a), (c) (2020)).

33. *Id.* at 522.

34. *See State v. Corwin*, 616 N.W.2d 600, 602 (Iowa 2000) (en banc); *Klawonn*, 609 N.W.2d at 520.

35. 616 N.W.2d at 602.

36. *Klawonn*, 609 N.W.2d at 520.

37. *Id.*

38. *See State v. Richardson*, 890 N.W.2d 609, 620 (Iowa 2017) (arguing that a mandatory restitution order on a juvenal homicide offender violates the Eight Amendment); *State v. Davison*, 973 N.W.2d 276, 282 (Iowa 2022) (arguing that the restitution was “unconstitutional because it was an excessive fine, a violation of due process, and violation of double jeopardy); *State v. Izzolena*, 609 N.W.2d 541, 545 (Iowa 2000) (arguing that the restitution award violated the Eighth Amendment, double jeopardy, and due process); *Klawonn*, 609 N.W.2d at 517 (arguing that section 910.3B violated Excessive Fines, Double Jeopardy, and Due Process clauses of both the U.S. and Iowa constitutions).

convicted raised these issues under both the U.S. Constitution and the Iowa constitution in their defense.³⁹ These issues included whether the mandatory restitution constituted a punitive fine; whether the statute violated the Sixth Amendment of the U.S. Constitution; whether the statute violated the Excessive Fines Clause of the Iowa or U.S. Constitution; whether the statute afforded a defendant procedural and substantive due process; and whether the statute violated double jeopardy.⁴⁰

A. The Iowa Supreme Court Recognizes Iowa Code Section 910.3B as a Punitive Fine

It is not abnormal for a judge to order the defendant to pay restitution when the defendant is convicted of a criminal offense; however, this restitution is limited under Iowa Code section 910.1(6) to damages the victim could recover in a civil suit—which has no predetermined maximum or minimum.⁴¹ In contrast, the restitution ordered in section 910.3B is circumstance blind.⁴² Because of this mandatory minimum, the Supreme Court of Iowa has determined that section 910.3B is punitive, and therefore constitutes a fine under both the U.S. Constitution and the Iowa constitution.⁴³

B. Mandatory Restitution Damages Do Not Violate the Sixth Amendment nor the Eighth Amendment of the U.S. Constitution or Section 17 of the Iowa Constitution

After the Supreme Court of Iowa ruled that Iowa Code section 910.3B was punitive, the next concern that arose was whether the jury must find the defendant actually caused the death of another person.⁴⁴ The Supreme Court of Iowa answered this question in *State v. Davison* when the court determined that although section 910.3B does not require a jury finding that the defendant caused the death of another person, the Sixth Amendment of the U.S. Constitution does.⁴⁵ The *Davison* court explained that “[t]he United States Supreme Court has repeatedly

39. See *Richardson*, 890 N.W.2d at 609; *Davison*, 973 N.W.2d at 282; *Izzolena*, 609 N.W.2d at 545; *Klawonn*, 609 N.W.2d at 517.

40. See *Davison*, 973 N.W.2d at 282–83; *Richardson*, 890 N.W.2d at 617–18; *Izzolena*, 609 N.W.2d at 551–53; *Klawonn*, 609 N.W.2d at 520.

41. IOWA CODE § 910.1(6) (2025); see *Davison*, 973 N.W.2d at 286.

42. See *Davison*, 973 N.W.2d at 286; IOWA CODE § 910.3B (2025).

43. See *Richardson*, 890 N.W.2d at 621.

44. See *Davison*, 973 N.W.2d at 278–79.

45. *Id.* at 279.

held that the Sixth Amendment requires facts that increase the defendant's minimum or maximum punishment to be determined by a jury."⁴⁶

Though the jury must find the defendant caused the death of another person, this does not mean the charge must have an explicit element that requires the defendant to "cause the death of another person."⁴⁷ Thus, as long as the jury finds the defendant's conduct caused the death of another person, the requirement for the judge to order a minimum \$150,000 in mandatory restitution under section 910.3B does not violate the Sixth Amendment.⁴⁸

Another constitutional concern that was raised by defendants regarding Iowa Code section 910.3B was whether it violated article I, section 17 of the Iowa constitution which reads: "[e]xcessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted."⁴⁹ Similarly, the issue was raised on whether the code violated the Eighth Amendment of the U.S. Constitution which is nearly identical to the language in Iowa's constitution.⁵⁰

This issue was brought to the Supreme Court of Iowa in the case of *State v. Izzolena* where the court ultimately determined that section 910.3B does not violate Iowa's nor the United States' Excessive Fine Clause.⁵¹ The court explained that an award with punitive characteristics would violate the excessive fines clause of article I, section 17, if it is "grossly disproportionate to the gravity of the defendant's offense."⁵² Applying this test, the court conceded that although a mandatory \$150,000 order may be high, it is not "grossly disproportionate to the gravity of the offenses covered under the statute."⁵³

C. Iowa Code Section 910.3B Does Not Violate Procedural Due Process or Substantive Due Process

A third constitutional concern for defendants when section 910.3B was enacted was whether it took away their right to either procedural or substantive

46. *Id.*

47. *Id.* at 282.

48. *See id.* at 282–83.

49. IOWA CONST. art. I, § 17; *Davison*, 973 N.W.2d at 280.

50. *See Davison*, 973 N.W.2d at 280; U.S. CONST. amend. VIII.

51. 609 N.W.2d 541, 551 (Iowa 2000) (explaining that when "[c]onsidering the nature of the offense, resulting harm, and the great deference afforded the legislature, we conclude that section 910.3B does not on its face violate the Excessive Fines Clause").

52. *Id.* at 549 (quoting *United States v. Bajakajian*, 524 U.S. 321, 337 (1998)).

53. *Id.* at 551.

due process.⁵⁴ Procedural due process “requires notice and the opportunity to be heard prior to depriving one of life, liberty, or property.”⁵⁵ The *Izzolena* court considered the issue of whether section 910.3B violated a defendant’s right of procedural due process when the defendant argued that the code “provide[d] no opportunity for a hearing on the amount prior to the imposition of the restitution order.”⁵⁶ The State of Iowa rebutted this argument by citing Iowa Code Section 910.7 which allows a defendant the opportunity to call for a restitution hearing any time while restitution is pending.⁵⁷ The *Izzolena* court ultimately agreed with the State and determined that the defendant was not deprived of their procedural due process rights.⁵⁸

Further, the Supreme Court of Iowa ruled that section 910.3B does not violate a defendant’s substantive due process rights.⁵⁹ For a substantive due process analysis, the court must “identify the asserted right and determine whether it is ‘fundamental.’”⁶⁰ Next, if the court determines the “right infringed upon is not fundamental, substantive due process requires no more than ‘a “reasonable fit” between governmental purpose . . . and the means chosen to advance that purpose.’”⁶¹ The court in *State v. Klawonn* was required to rule on this issue when the defendant argued the restitution award “[bore] no rational relationship to any governmental interest.”⁶² In rejecting the defendant’s argument that section 910.3B had no relationship to Iowa’s governmental interests, the court explained that the statute “serves a remedial purpose in compensating the victim’s estate” and “serves a punitive purpose in punishing the defendant” while also serving a “rehabilitative purpose for the defendant.”⁶³ Thus, the court concluded there was a reasonable fit

54. See *id.* at 552; *State v. Klawonn*, 609 N.W.2d 515, 519 (Iowa 2020).

55. *Izzolena*, 609 N.W.2d at 552 (citing *Knight v. Knight*, 525 N.W.2d 841, 843 (Iowa 1994)).

56. *Id.*

57. *Id.*; see IOWA CODE § 910.7 (2025).

58. *Izzolena*, 609 N.W.2d at 553 (holding that the legislature is given broad discretion for determining what it believes is appropriate as a fine for a crime, however a statute could still violate a defendant’s due process rights if it “tends to shock the conscience of fair play,” and Iowa Code Section 910.3B does not “shock the conscience of fair play” (quoting *Howard v. United States*, 372 F.2d 294, 301 (9th Cir. 1967))).

59. *Klawonn*, 609 N.W.2d at 520, 522.

60. *Id.* at 519 (citation omitted).

61. *Id.* (citation omitted).

62. *Id.* (omission in original) (explaining that the court did not have to determine whether Iowa Code Section 910.3B infringed upon a fundamental right because the defendant’s argument that the restitution “[bore] no rational relationship to any governmental interest” allowed the court to apply a rational basis test regardless).

63. *Id.* at 520.

between the government's interest in compensating the victim's family while also punishing the defendant and the means through which the legislature accomplished these interests.⁶⁴ Therefore, the Supreme Court of Iowa held that section 910.3B does not violate a defendant's right to substantive due process.⁶⁵

D. Iowa Code Section 910.3B Does Not Violate Double Jeopardy

The final constitutional issue that has been raised since the enactment of section 910.3B was whether it violates double jeopardy.⁶⁶ The Fifth Amendment of the U.S. Constitution states: "No person shall . . . be subject for the same offence to be twice put in jeopardy of life or limb."⁶⁷ Additionally, article I, section 12 of the Iowa constitution provides nearly identical protection.⁶⁸ Accordingly, defendants who were ordered to pay this mandatory restitution argued section 910.3B subjected them to double jeopardy.⁶⁹

Again, we see this issue brought to the Supreme Court of Iowa in *Izzolena*. The defendant in *Izzolena* argued the order from the judge to pay \$150,000 to the decedent's estate constituted multiple punishments for only one offense; however, this was rejected.⁷⁰ When stating why the defendant's argument had no merit, the *Izzolena* court explained the Double Jeopardy Clause "protects only against the imposition of multiple *criminal* punishments for the same offense" and explained that "[r]estitution under section 910.3B is [ordered under] the sentencing process."⁷¹ Accordingly, the court distinguished the order of restitution under section 910.3B, which is ordered at the defendant's original sentencing, from a fine that is ordered after the defendant's conviction and sentence has been imposed.⁷² The court concluded that since the mandatory \$150,000 in restitution is ordered at the original sentencing, section 910.3B does not violate the Double Jeopardy Clause of the U.S. Constitution or the Iowa constitution.⁷³

Thus, according to the Supreme Court of Iowa's review, although this statute requires a judge to order punitive fines, the order of restitution is constitutional

64. *Id.*

65. *Id.*

66. *State v. Izzolena*, 609 N.W.2d 541, 551–52 (Iowa 2000).

67. U.S. CONST. amend. V.

68. *See* IOWA CONST. art. I, § 12.

69. *Izzolena*, 609 N.W.2d at 551–52.

70. *Id.*

71. *Id.* at 551.

72. *Id.* at 551–52.

73. *Id.* at 552.

under both the U.S. Constitution and the Iowa constitution so long as the jury finds the defendant caused the death of another person.⁷⁴

VI. IOWA CODE SECTION 910.3B COMPARED TO OTHER STATE'S CODES REGARDING VICTIM RESTITUTION DAMAGES

To determine if Iowa Code Section 910.3B is an outlier or if it is comparable to statutes from other states, all fifty states' statutes regarding victim restitution were examined. Not surprisingly, no other state statutes in the United States have a mandatory amount to pay to the victim or the victim's estate that is as large as Iowa's.⁷⁵ This demonstrates that Iowa's section 910.3B truly is an outlier compared to all the other states' statutes regarding victim restitution damages within the United States.⁷⁶

Though this Note will not go into detail on every state's victim restitution statute, below is an analysis of Midwestern state statutes and trends throughout the United States.

74. See *State v. Davison*, 973 N.W.2d 276, 282–83 (Iowa 2022); *State v. Richardson*, 890 N.W.2d 609, 621, 624 (Iowa 2017).

75. See ALA. CODE § 15-18-68 (2025); ALASKA STAT. ANN. § 12.55.045 (West 2025); ARIZ. REV. STAT. ANN. § 13-603 (2025); ARK. CODE ANN. § 5-4-205 (West 2025); CAL. PENAL CODE § 1202.4 (West 2025); COLO. REV. STAT. ANN. § 18-1.3-603 (West 2025); CONN. GEN. STAT. ANN. § 53a-28 (West 2025); DEL. CODE ANN. tit. 11, § 4106 (West 2025); D.C. CODE ANN. § 16-711 (West 2025); FLA. STAT. § 775.089 (2025); GA. CODE ANN. § 17-14-10 (West 2025); HAW. REV. STAT. § 706-646 (2025); IDAHO CODE § 19-5304 (2025); 730 ILL. COMP. STAT. 5/5-5-6 (2024); IND. CODE § 35-50-5-3 (2025); IOWA CODE § 910.3B (2025); KAN. STAT. ANN. § 19-4809 (West 2025); KY. REV. STAT. ANN. § 533.030 (West 2025); LA. CODE CRIM. PROC. ANN. art. 895.1 (2024); ME. STAT. tit. 17-A, § 2005 (2025); MD. CODE ANN., CRIM. PROC. § 11-603 (West 2025); MASS. GEN. LAWS ch. 258B, § 3 (2024); MICH. COMP. LAWS § 780.766 (2025); MINN. STAT. §§ 611A.04, 611A.045(1)(a) (2025); MISS. CODE ANN. § 99-37-3 (West 2025); MO. REV. STAT. § 559.105(1) (2024); MONT. CODE ANN. § 46-18-241 (2025); NEB. REV. STAT. §§ 29-2280, 29-2281 (2025); NEV. REV. STAT. § 176A.430 (2025); N.H. REV. STAT. ANN. § 651:63 (2025); N.J. STAT. ANN. §§ 2C:43-3, 2C:44-2 (West 2025); N.M. STAT. ANN. § 31-17-1 (2025); N.Y. PENAL LAW § 60.27 (McKinney 2025); N.C. GEN. STAT. ANN. § 15A-1340.35 (West 2024); N.D. CENT. CODE ANN. § 12.1-32.08 (West 2025); OHIO REV. CODE ANN. § 2929.18 (West 2025); OKLA. STAT. tit. 22, § 991f (2025); OR. REV. STAT. § 137.106 (2025); 42 PA. CONS. STAT. §§ 9721, § 1106 (2025); 12 R.I. GEN. LAWS § 12-28-5.1 (2025); S.C. CODE ANN. § 17-25-322 (2025); S.D. CODIFIED LAWS § 23A-28-1 (2025); TENN. CODE ANN. § 40-35-304 (West 2025); TEX. CODE CRIM. PROC. ANN. art. 42.037 (West 2025); UTAH CODE ANN. § 77-38b-205 (West 2025); VT. STAT. ANN. tit. 13, § 7043 (West 2025); VA. CODE ANN. § 19.2-305 (West 2025); WASH. REV. CODE § 9.94A.750 (2025); W. VA. CODE § 61-11A-4 (2025); WIS. STAT. §§ 973.20(1r), 973.20(4) (2025); WYO. STAT. ANN. § 7-9-103 (West 2025).

76. See sources cited *supra* note 75.

A. Minnesota

First to be examined is Minnesota Statutes Sections 611A.04 and 611A.045(1)(a).⁷⁷ It is important to recognize that Minnesota does not have a special statute regarding what the court should order for restitution if the defendant's actions cause the death of the victim; instead, Minnesota has standard victim restitution statutes.⁷⁸ Minnesota Statute Section 611A.04(1)(c) states as follows: "The court shall grant or deny restitution or partial restitution and shall state on the record its reasons for its decision on restitution if information relating to restitution has been presented."⁷⁹

This statute allows the court to decide whether ordering the defendant to pay restitution to the victim is proper and in doing so, the court must give its reasons on the record.⁸⁰

Further, Minnesota Statute Section 611A.045(1)(a) states factors for the court to consider when determining the proper amount of restitution which include: "the amount of economic loss sustained by the victim as a result of the offense," and "the income, resources, and obligations of the defendant."⁸¹

When looking at Minnesota Statutes Sections 611A.04 and 611A.045(1)(a) and comparing them to Iowa Code Section 910.3B, it is apparent that Minnesota's restitution statutes are not nearly as likely to produce unjust results as Iowa Code Section 910.3B.⁸² This is because Minnesota's statutes do not have a bright-line mandatory minimum like Iowa Code Section 910.3B and further, unlike section 910.3B, Minnesota's statutes allow for the court to completely grant or deny restitution.⁸³

B. Missouri

The second state statute to be examined is Missouri's. Likewise, Missouri does not have a special statute regarding the amount the defendant must pay if they cause the death of the victim.⁸⁴ Missouri Revised Statute Section 559.105(1) states as follows:

77. MINN. STAT. §§ 611A.04, 611A.045(1)(a) (2025).

78. *See id.*

79. *Id.* § 611A.04(1)(c).

80. *See id.*

81. *See* § 611A.045(1)(a).

82. *See id.* §§ 611A.04, 611A.045(1)(a); IOWA CODE § 910.3B (2025).

83. *See* MINN. STAT. §§ 611A.04, 611A.045(1)(a) (2025); IOWA CODE § 910.3B (2025).

84. *See* MO. REV. STAT. § 559.105(1) (2025). *But see* IOWA CODE § 910.3B (2025).

Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime.⁸⁵

This restitution statute is fairly straightforward and again, provides insight into how bright-line and harsh Iowa Code Section 910.3B truly is compared to other state's statutes within the Midwest.⁸⁶

C. Nebraska

Third to be examined is Revised Statutes of Nebraska Sections 29-2280 and 29-2281.⁸⁷ Similar to Minnesota and Missouri, Nebraska does not have a special statute regarding what the court should order for restitution if the defendant's actions cause the death of the victim and instead, Nebraska has standard victim restitution statutes.⁸⁸ Revised Statute of Nebraska Section 29-2280 states: "A sentencing court *may* order the defendant to make restitution for the actual physical injury or property damage or loss sustained by the victim as a direct result of the offense for which the defendant has been convicted."⁸⁹

This statute does not demand the defendant pay restitution to the victim and instead, allows the court to decide whether restitution is proper given the circumstances of what kind of injury, loss, or both, was caused by the defendant and suffered by the victim.⁹⁰ This option is given to the court by the use of the word "may" as opposed to "shall."⁹¹ Like mentioned previously, though both are short words, the use of one as opposed to the other creates a major difference in the court's authority regarding their ability to order restitution.

Further, Revised Statute of Nebraska Section 29-2281 states:

The amount of restitution shall be based on the actual damages sustained by the victim and shall be supported by evidence which shall become a part of the court record. The court shall consider the defendant's earning ability,

85. MO. REV. STAT. § 559.105(1) (2025).

86. *See id.*; IOWA CODE § 910.3B (2025).

87. NEB. REV. STAT. §§ 29-2280, 29-2281 (2025).

88. *See id.*

89. *Id.* § 29-2280 (emphasis added).

90. *See id.*

91. *See id.*

employment status, financial resources, and family or other legal obligations and shall balance such considerations against the obligation to the victim.⁹²

This statute explains how the amount of restitution should be determined if the court concludes that restitution is proper.⁹³ Note that this statute requires the court to consider “the defendant’s earning ability, employment status, financial resources, and family or other legal obligations” and then balance those “considerations against the obligations to the victim.”⁹⁴ This requirement is very different from Iowa Code Section 910.3B in the fact that under section 910.3B, the defendant’s ability to pay is not considered—the mandatory minimum is \$150,000 regardless.⁹⁵

When comparing Iowa Code Section 910.3B to Revised Statutes of Nebraska Sections 29-2280 and 29-2281, it is clear that Iowa has a much harsher and bright-line rule that requires (not permits) a court to order mandatory (not optional) restitution against a defendant who caused the death of the victim.⁹⁶

D. Wisconsin

The final state statute to examine is Wisconsin. Wisconsin Statute Section 973.20(1r) states:

When imposing sentence or ordering probation for any crime . . . for which the defendant was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record.⁹⁷

Further, Wisconsin Statute Section 973.20(4) states: “If a crime considered at sentencing resulted in death, the restitution order *may* also require that the defendant pay an amount equal to the cost of necessary funeral and related services.”⁹⁸ This a common phrase that many states includes in their restitution

92. *Id.* § 29-2281.

93. *See id.*

94. *See id.*

95. *See* IOWA CODE § 910.3B (2025); *Richardson*, 890 N.W.2d at 619.

96. *See* IOWA CODE § 910.3B (2025); NEB. REV. STAT. §§ 29-2280, 29-2281 (2025).

97. WIS. STAT. § 973.20(1r) (2025).

98. *Id.* § 973.20(4) (emphasis added).

statutes, but this is also one of the only ways in which states utilize their restitution statute as a way to punish a defendant for causing the death of the victim.⁹⁹

An example of Wisconsin's restitution statutes playing out in real life is demonstrated in *State v. Boyce*.¹⁰⁰ In *Boyce*, the defendant was convicted of felony murder and arson.¹⁰¹ The court ordered that Boyce pay \$94,728.08 in restitution.¹⁰² Given the fact the conviction was for both murder and arson, this seems like a just result.¹⁰³ However, comparing this result to the mandatory minimum of \$150,000 that a defendant would have to pay if they were convicted of these exact same offenses in Iowa, illuminates the drastic difference in the potential result under different statutory schemes.¹⁰⁴ Further, even if an Iowan was charged with similar offenses but with a fact pattern that would make them less morally blameworthy than Boyce, the Iowa defendant would still be required to pay \$150,000 in restitution because of the mandatory minimum requirement under Iowa law as opposed to a Wisconsin court being able to order full or partial restitution given the circumstances under Wisconsin law.¹⁰⁵

After examining the states' victim restitution statutes, it is clear that Iowa Code Section 910.3B is an outlier among all other victim restitution statutes.¹⁰⁶ Even among the statutes of the states in the Midwest that were examined, Iowa Code Section 910.3B is far from conforming to or even showing somewhat of a resemblance to other state's victim restitution statutes.¹⁰⁷ Although there are situations where the effects of Iowa Code Section 910.3B could seem like a better result than other victim restitution statutes, the fact that it is a mandatory minimum, makes it a harsh and not always practical bright-line rule. This is especially true

99. See ARK. CODE ANN. § 5-4-205 (West 2025); FLA. STAT. § 775.089 (2025); HAW. REV. STAT. § 706-646 (2025); IND. CODE § 35-50-5-3 (2025); MICH. COMP. LAWS § 780.766 (2025); N.H. REV. STAT. ANN. § 651:63 (2025); N.C. GEN. STAT. ANN. § 15A-1340.35 (West 2024); W. VA. CODE § 61-11A-4 (2025); WIS. STAT. § 973.20(4) (2025).

100. *State v. Boyce*, No. 2020AP589-CRNM, 2021 WL 8649425, at *2 (Wis. App. Dec. 14, 2021).

101. *Id.* at *1.

102. *Id.* at *2.

103. See *id.* at *1.

104. See *id.* at *2; IOWA CODE § 910.3B (2025).

105. See WIS. STAT. § 973.20(1r) (2025); IOWA CODE § 910.3B (2025).

106. See sources cited *supra* note 75.

107. See MINN. STAT. §§ 611A.04, 611A.045(1)(a) (2025); MO. REV. STAT. § 559.105(1) (2025); NEB. REV. STAT. §§ 29-2280, 29-2281 (2025); WIS. STAT. §§ 973.20(1r), 973.20(4) (2025); IOWA CODE § 910.3B (2025).

since no other state has something even remotely similar in terms of additional punishment onto a defendant that causes the death of a victim.¹⁰⁸

VII. IOWA CODE SECTION 910.3B IS FLAWED AND NEEDS AMENDING

There is little doubt that the legislature's intent for enacting this law was sound and especially aimed towards deterring Iowans from committing felonies that either intentionally or consequentially cause the death of another person.¹⁰⁹ However, it is doubtful the legislature intended this law to affect the variety of defendants and their circumstances in the way it did.¹¹⁰

Iowans would likely concede that if a cold-blooded killer, who was found guilty of first-degree murder and was ordered to pay their victim's estate \$150,000, they would consider that as justice being served. However, it is harder to assume an Iowan would find it reasonable that someone charged with voluntary manslaughter—say, an offender who killed another person because they were provoked—be ordered to pay the same \$150,000 in restitution that the cold-blooded killer was ordered to pay.

How is it that someone who is arguably less morally blameworthy be ordered to pay the same amount in restitution as someone who deliberately planned to kill another person? Is anyone naïve enough to believe that the facts and circumstances of each case are always so cut and dry as to require the defendant pay *at least* \$150,000 in restitution to the victim's estate so long as the jury finds that they caused the death of that person? Is that reasonable? Is that just? The answer is no—but unfortunately, this is what Iowa Code Section 910.3B not only *allows*, but *requires* a judge do. Though the legislature enacted this statute to deter people from committing felonies that ultimately cause the death of another person, the (arguably unintended) consequences this statute creates are not practical and, in some situations, not just.¹¹¹ Thus, section 910.3B needs amending.

A. *The Iowa Supreme Court Ruled that Circumstances and Age Do Not Matter*

The examples above, though not detailed, suggest the difference in the moral blameworthiness of a cold-blooded killer as opposed to someone who killed another person because they were provoked.¹¹² However, real life cases involve even more facts and circumstances regarding a crime that resulted in the death of

108. See sources cited *supra* note 75.

109. See *State v. Corwin*, 616 N.W.2d 600, 601–02 (2000).

110. See *supra* Part IV.

111. See *supra* Part IV.

112. See *supra* Part VII.

another person and the events leading up to the incident. These facts and circumstances make a seemingly black-and-white finding that the defendant caused the “death of another person” a little blurry as these go toward the defendant’s motive and moral blameworthiness—things that a person would reasonably assume affect the defendant’s punishment.¹¹³

However, when looking at the statute as written by the Iowa Legislature, the Supreme Court of Iowa ruled the circumstances of a case are not relevant.¹¹⁴ The main reason for this ruling is one short, but very powerful word found in Iowa Code Section 910.3B—“shall.”¹¹⁵

Further, the Supreme Court of Iowa ruled the defendant’s age is not a factor that would allow the court to reduce or forgo the mandatory \$150,000.¹¹⁶ The court in *Richardson* went as far as to suggest that a juvenile defendant might be in a better position to pay \$150,000 than an adult defendant because of their younger age and shorter amount of time they are incarcerated.¹¹⁷

However, Justice Brent Appel in his dissenting opinion in *Richardson* disagreed.¹¹⁸ Justice Appel opined that the “gravity of the offense includes consideration of criminal culpability.”¹¹⁹ Further, Justice Appel explained that if an offender is a juvenile, their status as a juvenile should be considered “in any punishment regime in which culpability is a factor.”¹²⁰

Nevertheless, under section 910.3B, two completely different offenders will both be ordered to pay the same minimum of \$150,000 in restitution so long as the jury found the defendant caused the death of another person.

B. Enforcing This Mandatory Minimum Is Not Always Practical or Just

There are many scenarios that could arise (and have arisen) in which enforcing section 910.3B would not only be impractical, but unjust.

113. See IOWA CODE § 910.3B(1) (2025).

114. See *State v. Klawonn*, 609 N.W.2d 515, 522 (Iowa 2000); IOWA CODE § 910.3B(1) (2025).

115. See *Klawonn*, 609 N.W.2d at 522; IOWA CODE § 910.3B(1) (2025).

116. See *State v. Richardson*, 890 N.W.2d 609, 624 (Iowa 2017).

117. See *id.* at 623–24 (holding that the diminished culpability of a fifteen-year-old defendant does not make it unconstitutional for there to be a mandatory \$150,000 restitution award imposed onto them).

118. See *id.* at 630 (Appel, J., dissenting).

119. *Id.*

120. *Id.*

An example of the restitution order being impractical was laid out in *Davison* in which the majority explained that the \$150,000 restitution must be paid “even if, hypothetically, the decedent had already been dying of a painful terminal illness; the decedent had asked the defendant to assist him in taking his own life; and the decedent’s spouse (and sole beneficiary of his estate) had been present and backed the wishes of the decedent.”¹²¹

A more extreme example—one that is not just a hypothetical, but something Iowa and the whole nation saw come into play in 2021—is the story of Pieper Lewis.¹²²

At fifteen, Pieper Lewis was a runaway in Des Moines, Iowa who sought shelter in the hallway of an apartment building.¹²³ She was befriended by a neighbor, Mr. Brown, who allowed Lewis to stay with him.¹²⁴ Lewis said that between April and June of 2020, Brown signed her up for dating sites which led to Lewis having sex for money around seven or eight times.¹²⁵

In May of 2020, Lewis was left at the residence of 37-year-old Zachary Brooks who “forced her to drink alcohol and use other intoxicants, and raped her when she was unconscious on five occasions.”¹²⁶ She was later forced by Brown to return to Brooks’s residence where the same thing happened to her again.¹²⁷ Lewis explained that, “When she awoke and realized that he had raped her a second time, despite her pleas to stop, she grabbed a knife and attacked.”¹²⁸

In June of 2021, Lewis plead guilty to voluntary manslaughter and willful injury in the killing of Brooks.¹²⁹ In September of 2022, Judge David M. Porter of Polk County District Court sentenced Lewis to “five years of probation without early release” but was also granted a deferred judgment, meaning her “guilty plea could be expunged if she meets probation requirements.”¹³⁰ Further, Judge Porter

121. *State v. Davison*, 973 N.W.2d 276, 286 (Iowa 2022).

122. Remy Tumin, *Trafficked Teenager Who Killed One of Her Abusers Ordered to Pay Restitution*, N.Y. TIMES (Sept. 13, 2022), <https://www.nytimes.com/2022/09/13/us/pieper-lewis-sex-trafficking-iowa.html>.

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

ordered her to pay \$150,000 in restitution to the family of Brooks—the man that she killed, but also the man that raped her.¹³¹

This is where Iowa Code Section 910.3B and its flaws came into play. Judge Porter did not have the option to order her to pay restitution in whole, in part, or not at all.¹³² Instead, he was required to order Lewis to pay \$150,000 to Brooks's estate regardless of the fact that Lewis was trafficked and then raped by Brooks.¹³³ Further, even though she received a deferred judgment which suggests that Judge Porter was willing to give Lewis a second chance after her probation was complete, Lewis was not able to receive any consideration or leniency in her order for restitution due to Iowa Code Section 910.3B's harsh mandatory minimum imposed onto an offender that causes the death of another.¹³⁴

Before announcing Lewis's sentence, Judge Porter asked her if she had made any mistakes in her life to which she replied:

I took a person's life My intentions that day were not just to go out and take somebody's life. In my mind I felt that I wasn't safe and felt that I was in danger, which resulted in the acts. But it doesn't take away from the fact that a crime was committed.¹³⁵

This story had not only Iowa, but the nation stunned.¹³⁶ So stunned that when Judge Porter ordered this restitution payment on September 13, 2022, a GoFundMe was created in order to assist Lewis in paying the \$150,000, and by September 16, 2022, the page raised \$501,789.¹³⁷ Clearly the donors to Lewis's GoFundMe did not feel as though the \$150,000 in restitution that section 910.3B mandated Lewis pay to Brooks's family was justice being served.¹³⁸ They were correct. Although this restitution order, or an even larger amount might be just in another situation, it seems far from just in Lewis's case.

It is important to realize that it was not only fair, but necessary, for Lewis to face repercussions for her actions. However, it is rather paradoxical that a 37-year-old man (technically his estate or heirs) who paid money to drug and then rape 15-

131. *Id.*

132. *See* Iowa Code § 910.3B (2025).

133. *See* Tumin, *supra* note 122; IOWA CODE § 910.3B (2025).

134. Tumin, *supra* note 122; *see* IOWA CODE § 910.3B (2025).

135. Tumin, *supra* note 122.

136. *See id.*

137. Iowa's News Now, *GoFundMe for Pieper Lewis Raises More than Half a Million Dollars*, KHQA (Sept. 17, 2022), <https://khqa.com/newsletter-daily/gofundme-for-pieper-lewis-raises-move-than-half-a-million-dollars> [https://perma.cc/JK56-24MG].

138. *See id.*; IOWA CODE § 910.3B (2025).

year-old Lewis would receive \$150,000 because Lewis retaliated against him for his revolting actions.¹³⁹

Lewis's story is just one example that shows how not every offender is as morally blameworthy as another. Though Lewis was and should have been punished for her actions, it does not seem as though she should have been punished as severely as someone who, for example, intentionally committed first-degree murder. This is because given the circumstances, she was not as morally blameworthy as someone who commits first-degree murder.

VIII. PROPOSED AMENDED IOWA CODE SECTION 910.3B

Although there are clearly parts of Iowa Code Section 910.3B that are flawed, there are also parts of the statute that are not. For example, the court should order some amount of restitution to the victim, and in determining that amount, the court should not consider the defendant's ability to pay. However, the mandatory \$150,000 minimum, as well as the court not being able to consider the defendant's age and the circumstances of the case, are clearly major flaws in the statute.¹⁴⁰

In 2023, the 90th General Assembly of the Iowa Legislature took interest in the potential unintended consequences of section 910.3B as currently written.¹⁴¹ In January of 2023, House File 125 was introduced into the House of Representatives of the Iowa Legislature and in March of 2023; it passed out of the Committee on Judiciary with bipartisan support.¹⁴² Once passed out of committee, House File 125 became House File 594, which is "[a]n Act relating to restitution for the death of a person caused by a victim of human trafficking."¹⁴³ In the explanation of this bill, it describes that the current \$150,000 mandatory restitution would remain in place, however, that it would not apply to "an offender whose offense was directly related to the offender being a victim of human trafficking."¹⁴⁴

It seems as though this bill is trying to fix the repercussions of the statute that the nation saw first-hand when applied to Pieper Lewis, a victim of human trafficking at the time of her offense.¹⁴⁵ Although this bill recognizes a major flaw that the Lewis case revealed with section 910.3B, it still requires any other defendant who was not a victim of human trafficking to pay at least \$150,000 in

139. See Tumin, *supra* note 122; IOWA CODE § 910.3B (2025).

140. See *supra* Part VII.

141. H.F. 125, 90th Gen. Assemb., Reg. Sess. (Iowa 2023).

142. *Id.*; H.F. 594, 90th Gen. Assemb., Reg. Sess. (Iowa 2023).

143. H.F. 594, 90th Gen. Assemb., Reg. Sess. (Iowa 2023).

144. *Id.*

145. See *id.*; *supra* Part VII.B.

restitution.¹⁴⁶ Therefore, if passed, HF 594 is only fixing the observed problem with the statute, but does not absolve of other unintended consequences that are not related to a victim of human trafficking.¹⁴⁷ Although reassuring to see the Iowa House of Representatives taking a step in the right direction in terms of amending this statute, even if House File 594 becomes the new law, it is still flawed.¹⁴⁸

Therefore, the Iowa Legislature should dispose of the mandatory minimum that is currently required by section 910.3B. Further, the section should be amended to allow the court to consider the defendant's age and the facts and circumstances of every case.

Amended Iowa Code Section 910.3B would read as follows:

- 1) In all criminal cases in which the offender is convicted of a felony in which the act or acts committed by the offender caused the death of another person, in addition to the amount determined to be payable and ordered to be paid to a victim for pecuniary damages, as defined under section 910.1, and determined under section 910.3, the court shall also order the offender to make full or partial restitution to the victim's estate if the victim died testate unless the court finds substantial reason not to do so and states the reason on the record. If the victim died intestate the court shall order the offender to pay the restitution to the victim's heirs at law as determined pursuant to section 633.210.
- 2) When determining the amount of restitution to be paid, the court shall consider the following factors: 1) the defendant's age, 2) the facts and circumstances of the case, and 3) any other factor the court deems necessary in determining the amount owed to the victim. However, the court cannot consider the defendant's ability to pay the restitution ordered. The obligation to pay the additional amount shall not be dischargeable in any proceeding under the federal Bankruptcy Act. Payment of the additional amount shall have the same priority as payment of a victim's pecuniary damages under section 910.2, in the offender's plan for restitution.

146. See H.F. 594, 90th Gen. Assemb., Reg. Sess. (Iowa 2023); *supra* Part VII.B.

147. See H.F. 594, 90th Gen. Assemb., Reg. Sess. (Iowa 2023); *see also* State v. Davison, 973 N.W.2d 276, 286 (Iowa 2022) (explaining a hypothetical situation where the victim begs the defendant to end his life, and the wife (who is also the beneficiary) agrees to allow the defendant to end the victim's life, yet restitution would still be ordered and awarded to the wife). The bill died after leaving the House Judiciary Committee. *Iowa House Bill 594*, LEGISCAN, <https://legiscan.com/IA/bill/HF594/2023> [<https://perma.cc/Q9VR-HK6X>].

148. See H.F. 594, 90th Gen. Assemb., Reg. Sess. (Iowa 2023); *see, e.g., Davison*, 973 N.W.2d at 286.

Although much of section 910.3B would remain the same, the amendments would have an immense impact on the court's ability to use its discretion—just as it is permitted to do in other situations, such as sentencing.¹⁴⁹ These amendments would allow the court to ensure that justice is served according to the facts and circumstances of each case as opposed to enforcing a one-size-fits-all mandatory restitution order onto all offenders whose circumstances and moral blameworthiness are not comparable.

IX. CONCLUSION

The current Iowa Code Section 910.3B assumes that all offenders who are found to have caused the death of another person deserve the same level of punishment regarding restitution.¹⁵⁰ However, this is certainly not the case. Although offenders who were affected by this law attempted to raise constitutional issues with section 910.3B, the Supreme Court of Iowa has ruled that section 910.3B, though punitive, is constitutional.¹⁵¹ It is not disputed that section 910.3B as written is constitutional; however, the way the section is currently written does not always produce just results.¹⁵²

When comparing Iowa Code Section 910.3B to every other state's restitution statute, and more specifically, statutes within the Midwest, section 910.3B is by far the most punitive restitution statute and its equal effect onto different offenders does not accomplish a just result.¹⁵³ Therefore, the Iowa Legislature should strongly consider amending section 910.3B as proposed in this Note in order to ensure that justice is truly being served in every situation.

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149. See IOWA CODE §§ 901.5, 910.3B(1) (2025).

150. See *id.* § 910.3B(1).

151. See *id.*; State v. Richardson, 890 N.W.2d 609, 624 (Iowa 2017); *Davison*, 973 N.W.2d at 282; State v. Izzolena, 609 N.W.2d 541, 552 (Iowa 2000); State v. Klawonn, 609 N.W.2d 515, 520 (Iowa 2000).

152. See IOWA CODE § 910.3B(1) (2025).

153. See sources cited *supra* note 75.

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