

House Joint Resolution 2006 - Introduced

HOUSE JOINT RESOLUTION 2006

BY ANDERSON

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1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the rights of a crime
3 victim.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:

5 **Crime Victims — Rights.** SEC. 26. The rights of a crime
6 victim as the general assembly may by law define shall not be
7 denied or abridged by the state, insofar as the constitutional
8 rights of the accused are not denied or abridged. The victim
9 of a crime shall have the right to be treated with fairness,
10 respect, and dignity by the state. A victim shall also have
11 the right to reasonable notice of public proceedings relating
12 to the offense, to be consulted before pleas are entered and
13 accepted, to be present at the sentencing, and to be free
14 from unreasonable procedural delay in the case. The safety
15 of the victim of a crime shall be considered by the court and
16 the victim shall be entitled to restitution. The victim or
17 a lawful representative of the victim has standing to fully
18 assert and enforce these rights in any court. This section
19 shall not provide grounds for a new trial for a defendant or
20 any claim for damages against the government.

21 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
22 amendment to the Constitution of the State of Iowa is referred
23 to the general assembly to be chosen at the next general
24 election for members of the general assembly, and the secretary
25 of state is directed to cause the proposed amendment to be
26 published for three consecutive months previous to the date of
27 that election as provided by law.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This joint resolution proposes an amendment to the
32 Constitution of the State of Iowa relating to the rights of a
33 crime victim.

34 The joint resolution specifies that the rights of a crime
35 victim as the general assembly may by law define shall not be

1 denied or abridged by the state, insofar as the constitutional
2 rights of the accused are not denied or abridged. The joint
3 resolution provides that the victim of a crime shall have
4 the right to be treated with fairness, respect, and dignity
5 by the state. Furthermore, a victim shall have the right
6 to reasonable notice of public proceedings relating to the
7 offense, be consulted before pleas are entered and accepted,
8 be present at the sentencing, and be free from unreasonable
9 procedural delay in the case. The joint resolution specifies
10 that the safety of the victim of a crime shall be considered by
11 the court and the victim shall be entitled to restitution, and
12 that the victim or a lawful representative of the victim has
13 standing to fully assert and enforce these rights in any court.
14 This joint resolution does not provide grounds for a new trial
15 or any claim for damages against the government.

16 The joint resolution, if adopted, would be published and
17 then referred to the next general assembly (Eighty-sixth)
18 for adoption a second time, before being submitted to the
19 electorate for ratification.