

## CRIMINAL CODE REVIEW STUDY COMMITTEE

### Progress Report

The Criminal Code Review Study Committee was created pursuant to Senate Joint Resolution 18, which directed that a study committee be appointed to "conduct during the 1969-1971 legislative interim a comprehensive study of the Iowa criminal code in order to provide for a workable and effective system of criminal justice."

Pursuant to the resolution a study committee was appointed by the Legislative Council, comprised of the following members:

Representative William Hill, Chairman  
Senator Quentin V. Anderson  
Senator A. Dean Arbuckle  
Senator Gene W. Glenn  
Senator Chester O. Hougen  
Senator George E. O'Malley  
Senator Harold Thordsen  
Representative Norman G. Jesse  
Representative Luverne W. Kehe  
Representative Robert M. Kreamer  
Representative Thomas A. Renda  
Representative David E. Weichman  
The Honorable James P. Denato  
The Honorable Carroll Engelkes  
Professor Ronald L. Carlson  
Professor John J. Yeager  
Mr. Charles Vanderbur  
Mr. Frederick G. White  
Mr. James Van Ginkel

Two meetings of the Study Committee have been held to date, on September 5 and 26, 1969, respectively. A summary of the business conducted by the full Study Committee and by its Subcommittees follows:

1. At its first meeting the Study Committee was informed that federal funds may be available in conducting the criminal code revision project from a congressional appropriation under the Omnibus Crime Control and Safe Streets Act of 1968. The Iowa Crime Commission was able to obtain a federal grant of \$5,000 for use by the Study Committee in initiating the planning phase of the revision project. An application has also been filed by the Study Committee with the Iowa Crime Commission for an additional federal grant of \$50,000 to be used during the year 1970 in continuing the project. Federal funds must be matched on a 60 percent federal - 40 percent state basis. The Study Committee decided that the Legislative Service Bureau should administer the funds required for the project.

2. At its second meeting the Study Committee divided its membership into four subcommittees as follows:

Substantive Criminal Law Subcommittee

Senator Glenn and Representative Kreamer, Co-Chairmen  
Senator O'Malley  
Judge Engelkes  
Mr. Vanderbur

Criminal Procedure Subcommittee

Senator Anderson and Representative Jesse, Co-Chairmen  
Representative Renda  
Judge Denato  
Mr. White

Sentencing and Postconviction Subcommittee

Senator Thordsen and Representative Hill, Co-Chairmen  
(The remainder of the Subcommittee will be named at a later date.)

Criminal Statute Consolidation Subcommittee

Senator Hougen and Representative Weichman, Co-Chairmen  
(The remainder of the Subcommittee will be named at a later date.)

The Study Committee decided that initial emphasis should be placed on revision of the substantive and procedure criminal law, and that the work of the other two Subcommittees would be clarified and facilitated by waiting until substantive and procedural revision were more nearly completed.

3. Professors Ronald L. Carlson and John J. Yeager, both Study Committee members, were retained as the professional drafting staff in charge of preparing revision proposals for Study Committee approval. Professor Carlson was assigned to the Criminal Procedure Subcommittee and Professor Yeager was assigned to the Substantive Criminal Law Subcommittee. Both professors indicated that they would employ such research assistants, secretaries, and typists as they considered necessary in preparing draft proposals. The typing and xerox facilities of the Legislative Service Bureau are being made available to the drafting staffs and the Bureau serves as the coordinating agency for the draftsmen and Subcommittees.

4. The Criminal Procedure Subcommittee held its first meeting on November 3, 1969, for the purpose of reviewing a preliminary proposed draft prepared by Professor Carlson's drafting staff. Suggestions for the revision of the preliminary proposal were made and implemented, as were suggestions concerning drafting style and commentary following each proposed section in the revision. The second meeting of the Criminal Procedure Subcommittee will be held on December 22, 1969.

5. The first meeting of the Substantive Criminal Law Subcommittee was held on November 21, 1969, for the purpose of reviewing

a preliminary proposed draft prepared by Professor Yeager's drafting staff. The Subcommittee completed an examination of the proposed draft, and made several suggestions concerning amendments. The Subcommittee chose December 12, 1969 as a tentative date for its next meeting, at which time further review of the amended proposal and any new material will be undertaken.

The Criminal Code Review Study Committee has interpreted the mandate of Senate Joint Resolution 18, that its final report and recommendations be submitted to members of the Sixty-fourth General Assembly, as permitting the submission of such report and recommendations to the second session of that General Assembly, convening January 12, 1972, and anticipates that its work will have been completed by that date. The Committee has established July 1, 1970 as the target date for completion of the revisions of the procedural segments of the criminal statutes, and October 1, 1970 as the target date for completion of the substantive revision of the criminal statutes.