

Comment Report

HSB 525

A joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the rights of a crime victim.

Subcommittee Members: Holt-CH, Anderson, Hite

Date: 01/18/2022

Time: 12:00 PM

Location: RM 304

Name: Sandy Wilson

Comment: Citizen Engagement declares IN FAVOR of this bill.

Name: Ashley Schuiteman

Comment: I am in favor of this bill. Victims needed this amendment yesterday!

Name: Lisa Crum

Comment: I am in favor of this bill. It absolutely floors me that we, as victims, must fight for our rights. Meanwhile the person who hurt us (who has been found GUILTY in a court of law) is automatically granted them.

Name: Michelle DeClerck

Comment: Please prioritize and get this passed like it is in a majority of the states. Victims deserve rights in every state. Thank you.

Name: Jaime DeClerck

Comment: Please prioritize and get this passed like it is in a majority of the states. Victims deserve rights in every state. Thank you.

Name: Karter Smith

Comment: Please prioritize and get this passed like it is in a majority of the states. Victims deserve rights in every state. Thank you.

Name: Duane Fox

Comment: Don't let victims go unheard. Pass the Bill!

Name: Audrey Hartzler

Comment: I am in favor of this bill we, as victims, have a right to notification of the status of the offender. We victims deserve to have equal footing to defendants in the criminal justice system.

Name: Amy Crane

Comment: Victims have rights

Name: Linda Chapman

Comment: Please pass this important legislation on so crime victims have rights everywhere in Iowa. As a crime victim survivor, it is so important that victims get to know when all court proceedings are taking place. They also should be able to know who the defender is and be advised on how the judicial system works. This is not always happening in Iowa even though we have advocates in many counties. Please give innocent victims their right to know.

Name: Kirsten Kuhre-Holmquist

Comment: I am asking you to please support HSB 525. As a survivor/victim it would give better rights to those of us who have been victims of domestic violence and abuse. And it would hold courts to take the seriousness of those abuses and domestic violence. I have been a victim of physical(early in marriage he pushed me down and I miscarried my unborn child and he and his father tried to bully me into terminating my youngest child, I not only wanted a family but i also wanted to adopt special needs children at the time), sexual assault throughout the marriage(where he had several protective orders on him for that which also included physical force contact),He was abusive to his children as well subjecting them to inappropriate material and abuse including physical. He committed verbal degrading tactics, financial abuse, emotional abuse ,and environmental abuse as well on me before and during the relationship and marriage and subsequently(breaking into the home while I was with my new born granddaughter in the hospital There was proof of his modifying a furnace which was leaking CO and almost killed me and breakins and stalking. He continues to harass me through other means including through court documents. I will leave this at just some of the what he has done. But, this HSB 525 will help judges and lawyers take the concerns of the victims more serious in the Family Court System and otherwise. There were several counties where this took place. ThankyouKirsten (Kuhre) HolmquistP.O. Box 205Atalissa,Iowa527200205

Name: Amy Shaw

Comment: I am just a friend. I am just a friend who saw her best friend Lisa go from being an outgoing happy person to a person withdrawn, scared for her life, scared for her childrens life, scared for her friends lives, she was just scared. Being held in your own house at gunpoint unable to pick up your own cell phone that is beside you to reach out for help or to call out to your son who is upstairs because the gun is beside you and he says do not call out or I will kill you all. That is the reason this is such an important bill and it needs to be heard and it needs to be passed. Theres a difference between someone that is a stocker, and someone who has an infatuation. Thank you to all who have brought this to light, and keep the torch burning.

Name: Bryan Bierma

Comment: Please prioritize and get this passed like it is in a majority of the states. Victims deserve rights in every state. Thank you.

Name: Linda Larson

Comment: This bill would finally prevent victims from being further Victimized by the criminal justice system.

Name: Kylie Mast

Comment: Please support and pass this bill.

Name: Brent Kilburg

Comment: If anyone deserves rights, it's the victims, not the offenders. Somehow that often gets reversed.

Name: Melissa Chavas-Miller

Comment: The rights victims have right now in Iowa are not enough.I support this bill because we need to ensure victims rights are enforceable and meaningful.

Name: Dorene MacVey

Comment: Victim should have rights and not have to fight for them.

Name: Jana Fox

Comment: We need to protect our victims now and always

Name: Dennis Kelly

Comment: Please consider passing this bill so that crime victims can be treated fairly in the State of Iowa. Thank You

Name: Jennifer Pierce

Comment: It's important to remember that victim rights does not overlap the rights of the accused. This is not either or, it's about equality. When victims are not given rights such as restitution you hurt the state and even small business owners. The small business owner I work for pays for my health insurance. Nov and Dec 2021 that insurance was billed over 200,000 from an assault that has required multiple surgeries. Yet my attacker was ordered to pay 0 in restitution because he lost his job most likely because he threatened my life. He is now living his best life and there are many of us still suffering because Iowa doesn't protect victims. This bill is so important and has a much wider impact than you realize. Please help us ensure no other Iowan has to be revictimized by the system. You have the ability to be part of the solution.

Name: Katie Ingham

Comment: Victims have rights. Vote to validate that fact.

Name: Renee Connor

Comment: My name is Renee Connor! I am a sexual assault, domestic violence, police racketeering, gang racketeering, stalking, identity theft, attempted murder, medical fraud and insurance fraud survivor. I was human trafficked through the judicial system 5 years begging for my justice and my civil rights to live free of fear and retaliation! Please allow me my Civil Rights!

Name: Kayla Konidas

Comment: Please pass HSB 525 to help victims of violent crime get the enforceable rights they need to keep their families safe!!

Name: Dylan DeClerck

Comment: In Iowa, victims of crime have no recourse if their constitutional rights are violated. Please approve HSB 525 so we can protect those who need it the most. It's time to make crime victims a priority in our state!

Name: Mary Whisenand

Comment: I am a commissioner on the Department of Human Rights Community Action Commission. We see the negative impact on people who are trying to recover from many of life's problems. Passing Marcy's Law will give them the knowledge that they can feel safe. One less worry.

Name: Jill Miller

Comment: I support this bill because we need to ensure victims rights are enforceable and meaningful.

Name: Christy Williams

Comment: I support this. I have been a victim in Iowa more than once. In the end, I always felt more victimized. It's already a struggle to overcome what happened to us, but when there seems like we get no justice, it's more disheartening. Should have been done years ago!

Name: Christy Williams

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years ago!

Name: Angela Sifuentes

Comment: Vote yes for victims to be treated with respect, fairness and hopefully even a little bit of dignity. Currently victims have less rights than those that are found guilty of a crime, please help change that.

Name: Darius Potts

Comment: I support this bill.

Name: Lori Day

Comment: Please provide for the rights of the victims of crimes by passing this bill.

Name: Karen Labenz

Comment: I support this bill to ensure that victims have meaningful rights that are enforceable. Thank you!

Name: Pam Schoffner

Comment: Give victims a voice! I urge you to pass this legislation for victim rights. Give these individuals notification of court proceedings, the right to speak at trial and notification of when their attacker is released. Thank you!

Name: Victoria Kuper

Comment: As a victim of extreme stalking, I am asking you to pass HSB 525, which would raise victim rights to the level of criminal rights in the Iowa Constitution. As you may know, there are no rights for victims in the Iowa Constitution. This fact often ends up with victims being revictimized in our judicial system. No doubt lives have been lost due to this lack of support for crime victims. Please support this bill.

Name: Ruth Hardin

Comment: For several years, before Covid, my organization provided twelve weekly classes inside the Polk County Jail to reduce recidivism. I feel this bill should be a priority and also feel it is only right to have the rights of victims balanced with the accused.

Name: Sharon Hobart

Comment: Please pass this bill. I can only imagine the fear these poor victims deal with. Their rights need to be recognized and supported. Thank you

Name: Carol Stephens

Comment: This is needed in Iowa to help protect the rights of crime victims. Victims need the same rights as everyone else involved in a crime. Victims need their voice to be heard and have the same rights as the person/persons who committed a crime against. Please vote yes for the rights of victims in Iowa.

Name: Denise Vernon

Comment: Iowa can do better! Protect victims of abuse! I support this bill as it is long overdue and needed ASAP.

Name: Renee Gorman

Comment: Victim rights need to be protected. Criminals are afforded more rights than the victims, and that is just WRONG. I support this bill!

Name: Lisa Bonifas

Comment: This bill should be passed.

Name: Josie Ford

Comment: This bill is necessary and needs to be passed. Thank you!

Name: Gerry Stoll

Comment: Please protect victims and pass this bill.

Name: Jane Whalen

Comment: Please prioritize and get this bill passes. This is important to ALL of us!!

Name: Christine Miller

Comment: Iowa victims need full rights just like the majority of other states. Were very far behind and need this law now.Thank you for doing the right thing!Christine Miller

Name: Mary Core

Comment: I support this bill because we need to ensure victims rights are enforceable and meaningful.

Name: Kendra Howard

Comment: Victims deserve equal rights to their perpetrators, and to not be victimized again by that which should be protecting them.

Name: Angela Stabile

Comment: For some crime victims, having strong rights can be the difference between life and death. Please pass this bill

Name: Marilyn Woltz

Comment: I support this bill because we need to ensure victims rights are enforceable and meaningful

Name: Pete McRoberts

Comment: We respectfully oppose this, and recommend that the proposal. As you may know, arguably the most important legal matter the ACLU of Iowa worked on with Legislators over the years was to protect crime victims from government neglect or further abuse. We are with crime victims and survivors. The proper way to make judicial system more fair for them is to ensure that all levels of government serve and help every person fairly and equally. This proposal is wellintentioned, and we agree with the intentions. It is however flawed on two vital areas. First, while the identity of a victim is known immediately upon the commission of a crime. It is only after due process that an offender is confirmed. Virtually all of these provisions in the proposed amendment are invoked before a finding of guilt. As hard as this sounds, under longstanding American practices, the defendant is innocent until proven guilty. The provisions of this proposal delay a speed trial, and frankly put the finger on the scale of the government in what simply has to be a neutral and fair trial. Second, the Iowa Constitution should not be used for the enforcement of policies that should be in code and subject to regular Legislative oversight and renewal as needed. If ratified, the defects in this proposal could only be fixed by another amendment. The Constitution simply should not be stretched in that direction. Finally, Iowas victims rights law is on the books, and it needs work. The Legislature can plug the gaps in it immediately for the Governors signature. We encourage advocates and members of the Legislature to take their honorable motives, their good ideas, and get under the hood in the Iowa Code. That is where prescriptive policy directives belong. And, if and when they arent workable, then you as the Legislature can refine them and make them better. We appreciate the intentions of the advocates and will continue to work on matters of victim and survivors rights, particularly in the historically underserved area of domestic violence. We are with Legislators as a resource on constitutional and legal matters when we can be of assistance. We urge the Members to take that approach instead of opening up the Iowa Constitution to the unintended yet inevitable degradation of the justice system and process that comes when the governments

power outweighs that of a person who has yet to be tried by a jury of their peers. We are ready to help. Respectfully, Pete McRoberts
ACLU of Iowa

Name: Rita Carter

Comment: The United Methodist Church is always concerned with support and care for victims/survivors of crimes. We are registered Undecided on this bill because Iowa law already includes substantial provisions for these persons. If there are needed additions, why can't this be done by adding to or changing what's there? Why do we need to go through this lengthy and costly constitutional amendment process that may result in costly court proceedings? We are not convinced that this bill is necessary in Iowa when we already have addressed many needs of crime victims in our current laws. Funding for agencies and organizations that provide services is the real need.

Name: Leigh Bauder (Frink)

Comment: Horrific, unthinkable trauma brought Audrey Hartzler and myself together and has forever linked our lives. Early March 1979, in a small town in Marshall County; we were kidnapped, held as prisoners for hours, raped multiple times, beat repeatedly and our lives were threatened multiple times. That day, at age 17, I resigned myself to thinking I would never realize my dreams to attend my senior prom, graduate, go to college, be married or have a family because I was convinced I would die when our perpetrator shoved a loaded gun down my throat and pulled the trigger. I prayed fiercely that my family/friends would be spared from the emotional fallout of what I felt was inevitable. However, by the grace of GOD, a miracle happened when the gun would not fire. I thought Audrey would be murdered as our perpetrator made me watch while he continually cut her with a huge hunting knife, beat her and strangled her. After negotiations with the county sheriff, the perpetrator traded the "broken" gun for the sheriff's gun (which had been disabled by the sheriff when he broke the firing pin). Then the building where we were being held prisoner was bombed with tear gas. County and state law enforcement officers stormed the building and carried us to the safety of waiting ambulances. Our rescue was an answer to the prayers of hundreds of people around the US that were praying for us that day. The nightmare of that day can only be matched by a day more than 38 years later when my niece called me with LOTS of questions because she happened to notice through a web search of our family that this crime had occurred. She found that the man convicted of this crime had been sentenced to 100 years in prison but he now had a parole hearing coming up and was scheduled to be released. It was a nightmare event that I had planned on NEVER sharing with the younger generation and had made the decision to take the event to my grave. Since I did not want to take the risk of anyone being hurt, I had intentionally separated myself from family and friends that knew of the event. The perpetrator had made it clear throughout the years that if he ever got out or escaped prison, he was going to come after me, kill me and then commit suicide. We found out quickly that the legal system that was supposed to protect us, did NOT do so. We had been reassured multiple times that the perpetrator would have to fully serve his 100 year sentence and he would die in prison. Because he was getting out and now has been released, I was forced into sharing this horrific event with my children and friends while we worked in developing a solid safety plan with our local law enforcement to protect ourselves, our families, friends and community. This safety plan has cost me a substantial amount of time and money. This does not take into account the stress induced medical issues and unspeakable anxiety/grief. I now have a daughter that will not speak me to me or let me see my only grandchild partly due to concerns of safety. NOT one single person from any level of the criminal justice system let us know what was going on. This happened even though I had been put in a program designed to protect minors. This program consisted of guarantees that all activity of this perpetrator would be given to my attorney. My attorney was shocked when I contacted him about what my niece had found during an innocent web search of family history because he had never been notified. Please note this attorney has been

my attorney for decades and his office has always been in the same location and his phone number has been the same. Because of the inappropriate actions, decisions and interpretations by the Iowa legal system and Iowa criminal justice system, it became clear that our rights as victims of a violent crime were not important. When asking questions with Iowa Attorney General's Office and Department of Corrections to help design our safety plan, it was evident that the perpetrators have always had all the rights. It felt like we were revictimized all over again and we had to scramble for answers to dozens of questions. Many of these questions still remain unanswered 5 years later. A crime victims rights amendment will ensure victims in Iowa have equality in our justice system. Commonsense rights such as providing notice of all proceedings; allowing victims to be present at trial; to be present and heard in any proceeding involving a release, sentencing or parole; notice of any release or escape of the defendant, the right to restitution, and truth in sentencing laws. The laws on the books today do NOT do this as they are subject to interpretation by the county attorneys and the courts. The VINE notification system often does NOT notify timely (if at all). The safe at home program does not work for those who have lives that depend on public exposure (I am an insurance agent and rely on public contact). There has been no reimbursement for expenditures (security systems) to keep my family safe. The emotional trauma that comes from the indifference of the system that was supposed to protect us is overwhelming. Victim rights were never afforded to Audrey or me and I can tell you, it matters! It matters because violent crimes DO NOT discriminate! You never know when you or a loved one may become a victim of a violent crime and literally thrown into the complexity, chaos and expense of the criminal justice and legal system. It is time to recognize we can all do more for victims and my prayer is NO ONE has to live through the trauma that Audrey and I have been subjected to. Passing Marsys Law for Iowa is a good start as it will help victims move towards becoming survivors of a violent crime that was beyond their control. Thank you.