

**CHAPTER 279**

## VICTIM ASSISTANCE AND SENTENCE PROCEDURE

*H.F. 700*

**AN ACT** relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments, reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 13.25 VICTIM ASSISTANCE PROGRAM.**

A victim assistance program is established in the department of justice, which shall do all of the following:

1. Administer grants received under the federal Victims of Crime Act pursuant to Pub. L. No. 98-473, title 2, chapter 14, 42 U.S.C. § 10601, as amended by the federal Children's Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903 (1986).
2. Administer the state crime victim reparation program as provided in chapter 912.
3. Administer the domestic abuse program provided in chapter 236.
4. Administer the family violence prevention and services grants pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. § 10401.

Sec. 2. Section 236.2, subsection 5, Code 1989, is amended to read as follows:

5. "Department" means the department of ~~human services~~ justice.

Sec. 3. Section 236.2, subsection 6, Code 1989, is amended by striking the subsection.

Sec. 4. Section 236.9, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The department of public safety may compile statistics and issue reports on domestic abuse in Iowa, provided individual identifying details of the domestic abuse are deleted. The statistics and reports may include nonidentifying information on the personal characteristics of perpetrators and victims. The department of public safety may request the cooperation of the department of ~~human services~~ justice in compiling the statistics and issuing the reports. The department of public safety may provide nonidentifying information on individual incidents of domestic abuse to persons conducting bona fide research, including but not limited to personnel of the department of ~~human services~~ justice.

Sec. 5. Section 236.15, Code 1989, is amended to read as follows:

**236.15 APPLICATION FOR DESIGNATION AND FUNDING AS A PROVIDER OF SERVICES FOR VICTIMS OF DOMESTIC ABUSE.**

Upon receipt of state or federal funding designated for victims of domestic abuse by the department, a public or private nonprofit organization may apply to the ~~director~~ department for designation and funding as a provider of emergency shelter services and support services to victims of domestic abuse. The application shall be submitted on a form prescribed by the department and shall include, but not be limited to, information regarding services to be provided, budget, and security measures.

Sec. 6. Section 236.16, Code 1989, is amended to read as follows:

**236.16 DEPARTMENT POWERS AND DUTIES.**

1. The ~~director~~ department shall:

- a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of domestic abuse.
- b. Design and implement a uniform method of collecting data from domestic abuse organizations funded under this chapter.

2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of domestic abuse, including but not limited to, legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The ~~director~~ department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

Sec. 7. Section 901.4, Code 1989, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. At least three days prior to the date set for sentencing, the court shall ~~make serve~~ all of the presentence investigation report ~~available for inspection to upon~~ the defendant's attorney, and ~~to the attorney for the state, and the report shall remain confidential except upon court order.~~ However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Sec. 8. Section 910A.1, subsection 3, Code 1989, is amended to read as follows:

3. "Registered" means having provided the ~~appropriate office, agency, or department~~ county attorney with the victim's written request for ~~notification~~ registration and current mailing address and telephone number.

Sec. 9. NEW SECTION. 910A.2 REGISTRATION.

The county attorney shall be the sole registrar of victims under this chapter. A victim may register by filing a written request-for-registration form with the county attorney. The county attorney shall notify the victims in writing and advise them of their registration and rights under this chapter. The county attorney shall provide the appropriate offices, agencies, and departments with a registered victim list for notification purposes.

Sec. 10. Section 910A.5A, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A victim may file a signed victim impact statement with the ~~presentence investigator~~ county attorney, and a filed impact statement shall be included in the presentence investigation report. If a presentence investigation report is not ordered by the court, a filed victim impact statement shall be provided to the court prior to sentencing.

Sec. 11. Section 910A.6, subsection 5, Code 1989, is amended by striking the subsection.

Sec. 12. Section 910A.7, Code 1989, is amended to read as follows:

910A.7 NOTIFICATION BY CLERK OF COURT.

The clerk of court shall notify a victim registered with the ~~office of the clerk of court~~ victim of all dispositional orders of the case in which the victim was involved and may advise the victim of any other orders regarding custody or confinement.

Sec. 13. NEW SECTION. 910A.7A NOTIFICATION BY CLERK OF THE SUPREME COURT.

The clerk of the supreme court shall notify a registered victim of all dispositional orders of a case currently on appeal in which the victim was involved.

Sec. 14. Section 910A.8, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The local police department or county sheriff's department shall advise a victim of the right to register with the county attorney, and shall provide a request-for-registration form to each victim. The county sheriff or other person in charge of the local jail or detention facility shall notify a victim registered with the jail or detention facility victim of the following:

Sec. 15. Section 910A.9, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The department of corrections shall notify a victim registered with the department victim, regarding an offender convicted of a violent crime and committed to the custody of the director of the department of corrections, of the following:

Sec. 16. Section 910A.9, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. The date on which the offender is expected to be released from an institution or facility pursuant to a plan of parole or work release, or upon discharge of sentence.

Sec. 17. Section 910A.10, subsection 1, unnumbered paragraph 1 and paragraph a, Code 1989, are amended to read as follows:

The board of parole shall notify a victim registered with the board victim, regarding an offender who has committed a violent crime, as follows:

a. Not less than five twenty days prior to conducting a hearing at which the board will interview an offender, the board shall notify the victim of the interview and inform the victim that the victim may submit the victim's opinion concerning the release of the offender in writing prior to the hearing or may appear personally or by counsel at the hearing to express an opinion concerning the offender's release.

Sec. 18. Section 910A.10, subsection 2, Code 1989, is amended to read as follows:

2. Offenders who are being considered for release on parole may be informed of a victim's registration with the board county attorney and the substance of any opinion submitted by the victim regarding the release of the offender.

Sec. 19. Section 912.1, subsections 1 and 6, Code 1989, are amended to read as follows:

1. "Department" means the department of public safety justice.
6. "Reparation" means compensation awarded by the commissioner department as authorized by this chapter.

Sec. 20. Section 912.1, subsection 2, Code 1989, is amended by striking the subsection.

Sec. 21. **NEW SECTION.** 912.2A CRIME VICTIM ASSISTANCE BOARD.

1. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

- a. A county attorney or assistant county attorney.
- b. A person engaged full time in law enforcement.
- c. A public defender or an attorney practicing primarily in criminal defense.
- d. A hospital medical staff person involved with emergency services.
- e. A public member who has received victim services.
- f. A victim service provider.
- g. A person licensed pursuant to chapter 154B or 154C.

Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

2. The board shall adopt rules pursuant to chapter 17A relating to program policies and procedures.

3. A victim aggrieved by the denial or disposition of the victim's claim may appeal to the district court within thirty days of receipt of the board's decision.

Sec. 22. Section 912.4, subsections 2, 4, and 5, Code 1989, are amended to read as follows:

2. A person is not eligible for reparation unless the crime was reported to the local police department or county sheriff department within ~~twenty-four~~ seventy-two hours of its occurrence. ~~However, if~~ If the crime cannot reasonably be reported within that time period, the crime shall have been reported within ~~twenty-four~~ seventy-two hours of the time a report can reasonably be made.

4. When immediate or short-term medical services or mental health services are provided to a victim under section 910A.16, the department of human services shall file the claim for reparation as provided in subsection 3 for the victim ~~and the provisions of section 912.7, subsection 2, paragraphs "b" and "c" do not apply.~~

5. When immediate or short-term medical services to a victim are provided pursuant to section 910A.16 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for reparation, unless the department of human services is required to file the claim under this section, ~~and the provisions of section 912.7, subsection 2, paragraphs "b" and "c" do not apply.~~ The requirement to report the crime to the local police department or county sheriff department under subsection 2 does not apply to this subsection.

Sec. 23. Section 912.6, subsection 3, Code 1989, is amended to read as follows:

3. Reasonable charges incurred for victim counseling provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 236A.1, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, not to exceed five hundred dollars.

Sec. 24. Section 912.6, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 236A.1, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 147 or 150A. The allowable charges under this subsection shall not exceed five hundred dollars per person or a total of two thousand dollars per victim death.

Sec. 25. Section 912.7, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. ~~From or on behalf of, the~~ a person who committed the crime or who is otherwise responsible for damages resulting from the crime.

Sec. 26. Section 912.7, subsection 2, paragraphs b and c, Code 1989, are amended by striking the paragraphs.

Sec. 27. Section 912.7, subsections 3 and 4, Code 1989, are amended by striking the subsections.

Sec. 28. Sections 236.17 and 236.18, Code 1989, are repealed.

Approved June 1, 1989