



SJR 2010 – Criminal Victim Rights Constitutional Amendment (LSB5459SV)
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Fiscal Note Version – New

Description

[Senate Joint Resolution 2010](#) proposes an amendment to the Constitution of the State of Iowa relating to the rights of a crime victim. [Senate Joint Resolution 2010](#) specifies that a victim shall have rights which shall be protected in a manner not less than the rights afforded a defendant. The Joint Resolution requires that a victim have the right to be treated with fairness and dignity by the State, and the victim's safety and privacy shall be respected. The victim also has the right to be informed of all rights enumerated in the Resolution.

The Joint Resolution provides that upon request, a victim shall have the right to:

- Reasonable and timely notice of all proceedings involving a criminal offense or delinquent act;
- Be present at all court proceedings;
- Be heard in any proceeding involving a release, plea, sentencing, disposition, parole, and any other proceedings during which a right of the victim is implicated.

The Joint Resolution also provides that a victim shall:

- Be afforded no-contact orders or release conditions issued by the court, which are reasonably necessary to protect the victim;
- Be provided notice of any release or escape of the defendant;
- Be entitled to full and timely restitution, proceedings free from unreasonable delay, and the prompt conclusion of a criminal case;
- Have the right to confer with the attorney for the government.

The Joint Resolution defines a victim as any person who is harmed as a direct result of any indictable offense or comparable delinquent act, or any nonindictable offense or comparable delinquent act involving an act or threat of violence. The definition does not include the defendant or a person the court finds would not act in the best interests of a victim who is deceased, incompetent, or incapacitated, or a minor.

The Joint Resolution, if adopted, would be published and then referred to the next General Assembly for adoption a second time, before being submitted to the electorate for ratification.

Background

Under Iowa Code section [915.10](#), a victim is defined as a person who has suffered physical, emotional, or financial harm as the result of a public offense or a delinquent act, other than a simple misdemeanor, committed in this State. The definition also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense. The Joint Resolution broadens the definition of a victim under current law.

Current Victim Notification Requirements — Iowa Code Chapter 915

Under current law, a registered victim has the right to notification from certain local and State agencies as required in Iowa Code chapter [915](#). In addition to the right to notification, a victim has the right to be present at case proceedings, to be heard at sentencing and parole hearings, to request restitution, and to be notified of any change in the convicted offender's status, location, release, escape, or death.

A registered victim is someone who has provided the county attorney with a written request for registration or has filed a request for registration with the Iowa Victim Information and Notification Everyday (IowaVINE) system. The local police department or county sheriff's department is required to advise the victim of the right to register with the county attorney, and must provide a request-for-registration form to each victim. The county attorney must provide a list of registered victims to the offices, agencies, and departments required to provide information under Iowa Code chapter [915](#) for notification purposes.

IowaVINE System

IowaVINE is the automated victim notification system that allows crime victims to seek information and notification of a change in the custody status of an offender. The system is maintained by the Crime Victim Assistance Division of the Iowa Department of Justice. Victims may be notified by phone or email when an offender is moved between facilities, is released to the community, or dies while incarcerated. A victim, or the victim's family or other interested person, may register with the automated victim notification system.

Constitutional Amendment Requirements

Once the General Assembly adopts an amendment for the first time, the Secretary of State is required to publish the proposed amendment in two newspapers in each of the four congressional districts. Each publication needs to be run once in each newspaper for three consecutive months prior to the convening of the next General Assembly. Once the second General Assembly approves the proposed amendment, the Secretary of State places the public measure on the next general election ballot. Prior to the general election, the public measure is published in each of the 99 counties, once each month for the three consecutive months immediately preceding the election.

Assumptions

- Analysis assumes that the Joint Resolution will become law.
- As of January 1, 2018, there are 78,841 pending criminal cases (excluding State traffic and ordinance violations). It is assumed that half of those cases involve victims who wish to speak at hearings, and that each case involves three hearings a year.
- Victims' statements add 10 minutes to each hearing, resulting in an additional 19,710 hours of court time per year.
- The average cost per hour for a court hearing (judge and court staff time) is \$212.
- There is an average of 1.2 victims per case, with an estimated 94,609 victims per year.
- Court staff will spend 15 minutes per year per victim managing the victim's information and hearing notices. The total additional court staff time for this purpose will be 23,652 hours per year.
- The average cost per hour for a Judicial Specialist is \$26.
- The SOS is required to publish the proposed amendment in 8 different newspapers.
- Publication cost is \$0.96 per word. The public measure would be approximately 600 words at a total cost of \$600 per publication.

- The first publication would occur in FY 2019 after first approval by the General Assembly and the second publication would occur in FY 2020 after second approval by the next General Assembly.

Fiscal Impact

The overall fiscal impact of [SJR 2010](#) cannot be accurately determined at this time. The provisions of the Joint Resolution securing the rights to notice of release or escape, to be present at case proceedings, to be heard at sentencing and parole hearings, and to restitution are already required by State law. [Senate Joint Resolution 2010](#) contains new mandates for local and State agencies that may result in a fiscal impact on the individual agencies. The expanded definition of a victim under the Joint Resolution may result in a greater demand on the IowaVINE system and increase the notification burden on local and State agencies.

Judicial Branch Impact

[Senate Joint Resolution 2010](#) is estimated to have a fiscal impact on the Judicial Branch operating budget. The Joint Resolution will likely increase time spent by the court on criminal case hearings due to the requirement that victims have a right to be heard at any of the proceedings. The estimated additional cost per year for judge and court staff time is \$4.2 million. The Joint Resolution will also likely increase time spent by court staff on the management of victim identification and notification under the new requirements. The cost of increased time spent by court staff for these purposes is estimated to be approximately \$618,000. As a result, [SJR 2010](#) is estimated to have a total fiscal impact of \$4.8 million on the Judicial Branch operating budget.

Local Government Impact

[Senate Joint Resolution 2010](#) may have an impact on local law enforcement and county attorneys. In other states where a similar amendment has been implemented, there has been an increased need for counties to hire more victim support staff and attorneys to remain in compliance with the amendment. It is uncertain whether additional staff will also be necessary in Iowa once the law is implemented. In addition, compliance training for local officials and law enforcement may be necessary. County jails may also experience some impact if they are required to hold a defendant longer until the victim has the chance to be heard before the defendant's release. Due to the varying availability of local victim services across the State, a case-by-case analysis would be necessary to determine what would be needed at the local level.

Secretary of State Impact

The Secretary of State will incur costs from publication in FY 2019 and FY 2020. After the initial passage by the General Assembly, the proposed amendment would need to be published in eight different newspapers in October, November, and December of 2018. The publications are estimated to cost approximately \$14,000 in FY 2019. After the second passage by the next General Assembly, the public measure would be placed on the 2020 general election ballot. The proposed amendment would need to be published in each of the 99 counties, in August, September, and October 2020. The cost for publishing the proposed amendment in FY 2020 prior to the general election is estimated to be approximately \$178,200. The funding for the publications would be provided for through the Secretary of State operating budget.

Sources

Iowa Judicial Branch
Iowa Department of Justice
Office of the Secretary of State

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
