



OFFICE OF THE GOVERNOR

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

March 28, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 70, an Act relating to crime victim compensation, excluding certain victim compensation payments from income taxation, and providing a retroactive applicability date.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 70

AN ACT

RELATING TO CRIME VICTIM COMPENSATION, EXCLUDING CERTAIN
VICTIM COMPENSATION PAYMENTS FROM INCOME TAXATION, AND
PROVIDING A RETROACTIVE APPLICABILITY DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 13.31, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Administer an automated victim notification system as authorized pursuant to section 915.10A.

Sec. 2. Section 422.7, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 50. Subtract, to the extent included, the amount of victim compensation awards paid under the victim compensation program, victim restitution payments received pursuant to chapter 910 or 915, and any damages awarded by a court, and received by the taxpayer, in a civil action filed by the victim against the offender, during the tax year.

Sec. 3. Section 915.10, subsection 2, Code 2007, is amended to read as follows:

2. "Registered" means having provided the county attorney with the victim's written request for registration and current mailing address and telephone number. ~~If an automated victim notification system is implemented pursuant to section 915.10A,~~ "registered" "Registered" also means having provided the county attorney notice in writing that the victim has filed a request for registration with the automated victim notification system established pursuant to section 915.10A.

Sec. 4. Section 915.10A, subsection 1, Code 2007, is amended to read as follows:

1. An automated victim notification system ~~may be utilized~~ is established within the crime victim assistance division of the department of justice to assist public officials in informing crime victims, the victim's family, or other interested persons as provided in this subchapter and where otherwise specifically provided. The system shall disseminate the information to registered users through telephonic, electronic, or other means of access.

Sec. 5. Section 915.11, Code 2007, is amended to read as follows:

915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

A 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. ~~If an automated victim notification system is available pursuant to section 915.10A,~~ a A local police department or county sheriff's department shall provide a telephone number and website to each victim to register with the automated victim notification system established pursuant to section 915.10A.

Sec. 6. Section 915.12, subsection 2, Code 2007, is amended to read as follows:

2. ~~If an automated victim notification system is available pursuant to section 915.10A,~~ a A victim, the victim's family, or other interested person may register with the automated victim notification system established pursuant to section 915.10A by filing a request for registration through written, telephonic, or electronic means.

Sec. 7. Section 915.80, subsection 2, Code 2007, is amended to read as follows:

2. "Crime" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "Crime" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section 321.261, 321.277, 321J.2, 462A.7, 462A.12, 462A.14, or 707.6A, or when the intention is to cause

personal injury or death. A license revocation under section 321J.9 or 321J.12 shall be considered by the department as evidence of a violation of section 321J.2 for the purposes of this subchapter. A license suspension or revocation under section 462A.14, 462A.14B, or 462A.23 shall be considered by the department as evidence of a violation of section 462A.14 for the purposes of this subchapter.

Sec. 8. Section 915.86, subsections 1, 3, 5, 7, 8, and 12, Code 2007, are amended to read as follows:

1. Reasonable charges incurred for medical care not to exceed ~~fifteen~~ twenty-five thousand dollars. Reasonable charges incurred for mental health care not to exceed ~~three~~ five thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 915.20A.

3. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration for up to three days after the crime or the discovery of the crime to allow the victim's parent or caretaker to assist the victim and when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars per parent or caretaker.

5. Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed ~~one~~ two hundred dollars.

7. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed ~~two~~ four thousand dollars per dependent.

8. 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 915.20A, 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 three five thousand dollars per person.

12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter 147, 148, or 150A. The allowable charges under this subsection shall not exceed one two thousand dollars per secondary victim.

Sec. 9. Section 915.86, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 13. Reasonable dependent care expenses incurred by the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 for the care of dependents while attending criminal justice proceedings or medical or counseling services, not to exceed one thousand dollars per person.

NEW SUBSECTION. 14. Reasonable expenses incurred by a victim, the victim's parent or caretaker, or the survivor of a victim as described in subsection 10 to replace locks, windows, and other residential security items at the victim's residence or at the residential scene of a crime, not to exceed five hundred dollars per residence.

NEW SUBSECTION. 15. Reasonable expenses incurred by the victim, a secondary victim, the parent or guardian of a victim, or the survivor of a homicide victim as described in subsection 10 for transportation to medical, counseling, funeral, or criminal justice proceedings, not to exceed one thousand dollars per person.

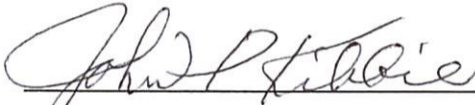
Sec. 10. Section 915.94, Code 2007, is amended to read as follows:

915.94 VICTIM COMPENSATION FUND.

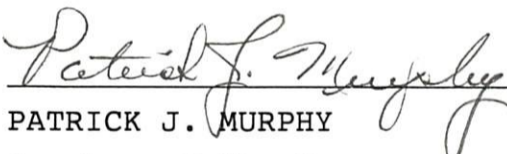
A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections

910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, and to victims of section 710A.2, and for the support of an automated victim notification system established in section 915.10A. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 11. RETROACTIVE APPLICABILITY DATE. The section of this Act amending section 422.7 applies retroactively to January 1, 2007, for tax years beginning on or after that date.




JOHN P. KIBBIE
President of the Senate



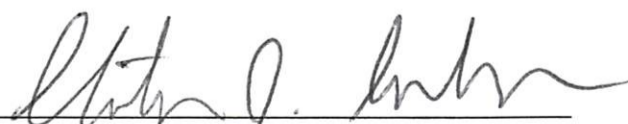
PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 70, Eighty-second General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved March 28th, 2007



CHESTER J. CULVER
Governor