

House File 634 - Enrolled

House File 634

AN ACT

RELATING TO CERTAIN BOARDS AND COUNCILS IN THE DEPARTMENT OF HUMAN RIGHTS INCLUDING THE ESTABLISHMENT OF THE JUSTICE ADVISORY BOARD AND THE ELIMINATION OF THE CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL, THE PUBLIC SAFETY ADVISORY BOARD, AND THE SEX OFFENDER RESEARCH COUNCIL.

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

Section 1. Section 216A.3, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph "a", "*permanent commissions*" means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, ~~criminal and juvenile justice planning advisory council~~ justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

Sec. 2. Section 216A.131, Code 2019, is amended to read as follows:

216A.131 Definitions.

For the purpose of [this subchapter](#), unless the context otherwise requires:

1. "*Administrator*" means the administrator of the division of criminal and juvenile justice planning.

2. "*Board*" means the ~~public safety advisory board~~ justice advisory board.

3. "~~*Council*~~" means the ~~criminal and juvenile justice planning advisory council~~. "*Department*" means the department of human rights.

4. "*Division*" means the division of criminal and juvenile justice planning.

Sec. 3. Section 216A.131A, Code 2019, is amended to read as follows:

216A.131A Division of criminal and juvenile justice planning.

The division of criminal and juvenile justice planning is established to fulfill the responsibilities of [this subchapter](#), including the duties specified in sections [216A.135](#), [216A.136](#), [216A.137](#), [216A.138](#), and ~~[216A.139](#)~~ [216A.140](#).

Sec. 4. Section 216A.132, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

216A.132 Board established — terms — compensation.

1. A justice advisory board is established consisting of twenty-eight members who shall all reside in the state.

a. The governor shall appoint nine voting members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, nonsupervisory police officer, or a chief of police of a department with fewer than eleven police officers.

(2) Two persons who are knowledgeable about Iowa's juvenile justice system.

(3) One person representing the general public, who is not employed in any law enforcement, judicial, or corrections capacity.

(4) One person who is either a crime victim, or who

represents a crime victim organization.

(5) One person who represents a recognized civil rights organization that advocates for minorities.

(6) One person who was formerly under juvenile court or correctional supervision, or a representative of an organization that advocates for individuals who have been under juvenile court or correctional supervision.

b. Additional voting members of the board, each serving a four-year term, shall include one representative from each of the following:

- (1) The Iowa coalition against sexual assault.
- (2) The American civil liberties union of Iowa.
- (3) The Iowa county attorneys association.
- (4) The department of human services.
- (5) The department of corrections.
- (6) A judicial district department of correctional services.
- (7) The department of public safety.
- (8) The office on the status of African Americans.
- (9) The department of public health.
- (10) The board of parole.
- (11) The department of justice.
- (12) The state public defender.
- (13) The governor's office of drug control policy.

c. The chief justice of the supreme court shall designate one member who is a district judge and one member who is either a district associate judge or associate juvenile judge. The members appointed pursuant to this paragraph shall serve as ex officio, nonvoting members for four-year terms beginning and ending as provided in section 69.19, unless the member ceases to serve as a judge.

d. The chairperson and ranking member of the senate committee on judiciary shall be ex officio, nonvoting members. In alternating two-year terms, beginning and ending as provided in section 69.16B, the chairperson and ranking member of the house committee on judiciary or of the house committee on public safety shall be ex officio, nonvoting members, with the chairperson and ranking member of the house committee on public safety serving during the term beginning in January 2020.

2. Vacancies shall be filled by the original appointing authority in the manner of the original appointments.

3. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties and may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to nonlegislative members shall be paid from funds appropriated to the division. Legislative members shall receive compensation as provided in sections 2.10 and 2.12.

4. Members of the board shall appoint a chairperson and vice chairperson and other officers as the board deems necessary. A majority of the voting members currently appointed to the board shall constitute a quorum. A quorum shall be required for the conduct of business of the board and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the board. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

5. Membership on the board shall be bipartisan as provided in section 69.16 and gender balanced as provided in section 69.16A.

6. Meetings of the board shall be open to the public as provided in chapter 21.

7. The board may call upon any department, agency, or office of the state, or any political subdivision of the state, for information or assistance as needed in the performance of its duties. The information or assistance shall be furnished to the extent that it is within the resources and authority of the department, agency, office, or political subdivision. This section does not require the production or opening of any records which are required by law to be kept private or confidential.

Sec. 5. Section 216A.133, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

216A.133 Purpose and duties.

1. The purpose of the board shall be all of the following:
 - a. Develop short-term and long-term goals to improve the

criminal and juvenile justice systems.

b. Identify and analyze justice system issues.

c. Develop and assist others in implementing recommendations and plans for justice system improvement.

d. Provide the general assembly with an analysis of current and proposed criminal code provisions.

e. Provide for a clearinghouse of justice system information to coordinate with data resource agencies and assist others in the use of justice system data.

2. The board shall advise the division on its administration of state and federal grants and appropriations and shall carry out other functions consistent with this subchapter.

3. The duties of the board shall consist of the following:

a. Identifying issues and analyzing the operation and impact of present criminal and juvenile justice policy and making recommendations for policy changes.

b. Coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assisting agencies in the use of criminal and juvenile justice data.

c. Reporting criminal justice system needs to the governor, the general assembly, and other decision makers to improve the criminal justice system.

d. Reporting juvenile justice system needs to the governor, the general assembly, and other decision makers to address issues specifically affecting the juvenile justice system, including evidence-based programs for group foster care placements and the state training school, diversion, and community-based services for juvenile offenders.

e. Providing technical assistance upon request to state and local agencies.

f. Administering federal funds and funds appropriated by the state or that are otherwise available in compliance with applicable laws, regulations, and other requirements for purposes of study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

g. Making grants to cities, counties, and other entities pursuant to applicable law.

h. Maintaining an Iowa correctional policy project as

provided in section 216A.137.

i. Providing input to the department director in the development of budget recommendations for the division.

j. Coordinating with the administrator to develop and make recommendations to the department director pursuant to section 216A.2.

k. Serving as a liaison between the division and the public, sharing information and gathering constituency input.

l. Recommending to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the board and division.

m. Recommending legislative and executive action to the governor and general assembly.

n. Establishing advisory committees, work groups, or other coalitions as appropriate.

o. Providing the general assembly with an analysis and recommendations of current criminal code provisions and proposed legislation which include but are not limited to all of the following:

(1) Potential disparity in sentencing.

(2) Truth in sentencing.

(3) Victims.

(4) The proportionality of specific sentences.

(5) Sentencing procedures.

(6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.

(7) Best practices related to the department of corrections including recidivism rates, safety and the efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.

p. Studying and making recommendations for treating and supervising adult and juvenile sex offenders in institutions,

community-based programs, and in the community, in areas which include but are not limited to all of the following:

(1) The effectiveness of electronically monitoring sex offenders.

(2) The cost and effectiveness of special sentences pursuant to chapter 903B.

(3) Risk assessment models created for sex offenders.

(4) Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.

(5) The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.

(6) Any other related issues the board deems necessary, including but not limited to computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the sex offender registry, and the effectiveness of safety zones.

q. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

r. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

4. The board shall submit reports, in accordance with section 216A.135, to the governor and general assembly regarding actions taken, issues studied, and board recommendations.

Sec. 6. Section 216A.135, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

216A.135 Plan and report.

1. The board shall submit a three-year criminal and juvenile justice plan for the state, beginning December 1, 2020, and every three years thereafter, by December 1. The three-year plan shall be updated annually. Each three-year plan and annual updates of the three-year plan shall be submitted to the governor and the general assembly by December 1.

2. The three-year plan and annual updates shall include but are not limited to the following:

a. Short-term and long-term goals for the criminal and juvenile justice systems.

b. The identification of issues and studies on the effective treatment and supervision of adult and juvenile sex offenders in institutions, community-based programs, and the community.

c. Analysis and recommendations of current criminal code provisions.

d. The effectiveness and efficiencies of current criminal and juvenile justice policies, practices, and services.

e. Collection of criminal and juvenile justice data.

f. Recommendations to improve the criminal and juvenile justice systems.

Sec. 7. Section 216A.137, Code 2019, is amended to read as follows:

216A.137 Correctional policy project.

The division shall maintain an Iowa correctional policy project for the purpose of conducting analyses of major correctional issues affecting the criminal and juvenile justice system. The ~~council~~ board shall identify and prioritize the issues and studies to be addressed by the division through this project and shall report project plans and findings annually along with the report required in [section 216A.135](#). Issues and studies to be considered by the ~~council~~ board shall include, but are not limited to a review of the information systems available to assess corrections trends and program effectiveness, the development of an evaluation plan for assessing the impact of corrections expenditures, and a study of the desirability and feasibility of changing the state's sentencing practices, ~~a public opinion survey to assess the public's view of possible changes in current corrections practices, and the development of parole guidelines which includes a prison population forecast.~~

The division may form subcommittees for the purpose of addressing major correctional issues affecting the criminal and juvenile justice system. The division shall establish a subcommittee to address issues specifically affecting the juvenile justice system.

Sec. 8. REPEAL. Sections 216A.133A and 216A.139, Code 2019,
are repealed.

LINDA UPMEYER
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 634, Eighty-eighth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2019

KIM REYNOLDS
Governor