

February 25, 1969

Passed on File

*Judiciary 2-26, Pass 3-11*

*Reprinted 4-3*  
SENATE JOINT RESOLUTION 18

By DODERER, PALMER and  
GAUDINEER

Passed Senate, Date *4-2-69* ..... Passed House, Date .....

Vote: Ayes *52* Nays *1* ..... Vote: Ayes ..... Nays .....

Approved .....

## SENATE JOINT RESOLUTION

- 1 A Joint Resolution directing a legislative study to review
- 2 the Iowa criminal code.
- 3 WHEREAS, many provisions of the Iowa criminal code have
- 4 remained unchanged since the nineteenth century; and
- 5 WHEREAS, provisions remain in the criminal code which are
- 6 unclear as to their meaning, have been declared unconstitu-
- 7 tional by the United States supreme court, or are obsolete;
- 8 and
- 9 WHEREAS, criminal justice cannot be attained unless sup-
- 10 ported by a modern criminal code which strikes a reasonable
- 11 balance between the rights of society and of the accused,
- 12 encompasses modern learning of the causes of crime, provides
- 13 adequate and clearly defined procedures, and deals effectively
- 14 with sentencing and other post conviction problems; and
- 15 WHEREAS, the Iowa state bar association, the Iowa district
- 16 judges association, the Iowa crime commission, and the law
- 17 schools in Iowa, both at Drake University and The University
- 18 of Iowa have recommended revision of the Iowa criminal code;
- 19 NOW THEREFORE,
- 20 *Be It Resolved by the General Assembly of the State of Iowa:*
- 21 Section 1. That the appropriate standing committee of the
- 22 House of Representatives or Senate, individually or jointly, is
- 23 hereby directed to conduct during the 1969-1970 legislative in-
- 24 terim a comprehensive study of the Iowa criminal code in order to
- 25 provide for a workable and effective system of criminal justice.

- 1 The appropriate standing committee may select as nonlegis-  
 2 lative advisory members citizens knowledgeable in the field  
 3 of criminal law, procedure, and justice as deemed necessary.  
 4 Staff assistance may be provided by the legislative research  
 5 bureau, and additional staff shall be employed as deemed  
 6 necessary by the standing committee.
- 7 A report of the study shall be prepared and submitted to  
 8 members of the Sixty-fourth General Assembly and shall be  
 9 accompanied by legislative bill drafts designed to carry out  
 10 the recommendations of the committee.

#### EXPLANATION OF SENATE JOINT RESOLUTION 18

This joint resolution directs the appropriate standing committee to study the Iowa criminal code and proposes changes to bring the criminal code up to date.

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#### FISCAL NOTE SENATE JOINT RESOLUTION 18

Date prepared February 27, 1969

Requested by Senator Doderer.

Prepared in regard to a joint resolution directing a legislative study to review the Iowa criminal code.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 47:

	Total Annual Cost
1st year	\$33,700
2nd year	—
3rd year	—
4th year	—
5th year	—

Note: The above estimate assumes that the full joint House-Senate committee would meet ten times during the course of this study. If a subcommittee were set up to carry out a major portion of the study, costs could probably be reduced to less than the amount above.

Filed  
 February 28, 1969

GERRY D. RANKIN  
 Legislative Fiscal Director

April 3, 1969

*Judiciary - Part 9*

SENATE JOINT RESOLUTION 18

By DODERER, PALMER and  
GAUDINEER  
(AS PASSED BY THE SENATE)

Passed Senate, Date 4-3-69 Passed House, Date 5-6-69

Vote: Ayes 52 Nays 1 Vote: Ayes 102 Nays 0

Approved .....

**SENATE JOINT RESOLUTION**

1 A Joint Resolution directng a legislative study to review  
2 the Iowa criminal code.

3 WHEREAS, many provisions of the Iowa criminal code have  
4 remained unchanged since the nineteenth century; and

5 WHEREAS, provisions remain in the criminal code which are  
6 unclear as to their meaning, have been declared unconstitu-  
7 tional by the United States supreme court, or are obsolete;  
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9 WHEREAS, criminal justice cannot be attained unless sup-  
10 ported by a modern criminal code which strikes a reasonable  
11 balance between the rights of society and of the accused,  
12 encompasses modern learning of the causes of crime, provides  
13 adequate and clearly defined procedures, and deals effectively  
14 with sentencing and other post conviction problems; and

15 WHEREAS, the Iowa state bar association, the Iowa district  
16 judges association, the Iowa crime commission, and the law  
17 schools in Iowa, both at Drake University and The University  
18 of Iowa have recommended revision of the Iowa criminal code;  
19 NOW THEREFORE,

20 *Be It Resolved by the General Assembly of the State of Iowa:*

21 Section 1. The legislative research committee or its  
22 successor is directed to create a study committee as provided  
23 by law, which committee shall include members of the appropriate  
24 standing committees of the House of Representatives and the  
25 Senate, to conduct during the 1969-1970 legislative in-

*Passed Senate per  
House amendment  
5-9; 53-0.*

1 terim a comprehensive study of the Iowa criminal code in order to  
2 provide for a workable and effective system of criminal justice.

3 The study committee shall include nonlegislative members  
4 having special knowledge in the fields of criminal law and  
5 procedure, law enforcement, and justice. Staff assistance  
6 shall be provided by the legislative research bureau, and  
7 additional staff may be employed as deemed necessary by the  
8 legislative research committee or its successor.

9 A report of the study shall be prepared and submitted to  
10 members of the Sixty-fourth General Assembly and shall be  
11 accompanied by legislative bill drafts designed to carry out  
12 the recommendations of the committee.

#### EXPLANATION OF SENATE JOINT RESOLUTION 18

This joint resolution directs the appropriate standing committee to study the Iowa criminal code and proposes changes to bring the criminal code up to date.

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#### HOUSE AMENDMENT TO

#### SENATE JOINT RESOLUTION 18

- 1 Amend Senate Joint Resolution 18 by striking from line five (5)  
2 of section 1 the figures "1970" and inserting in lieu  
3 thereof the figures "1971".

*Senate  
concurred  
5-9*

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- 1 Amend Senate Joint Resolution 18 by striking from line five (5)  
2 of section 1 the figures "1970" and inserting in lieu thereof the  
3 figures "1971".

Filed and adopted  
May 6, 1969

HILL of Marshall

- 1 Amend Senate Joint Resolution 18 as follows:  
2 1. On page 1, strike lines 21 and 22 and the words  
3 "hereby directed" in line 23, and insert the following in lieu  
4 thereof:  
5 "Section 1. The legislative research committee or its  
6 successor is directed to create a study committee as provided  
7 by law, which committee shall include members of the appropriate  
8 standing committees of the House of Representatives and the  
9 Senate,".
- 10 2. On page 2, strike lines 1 through 6, inclusive,  
11 and insert in lieu thereof the following:  
12 "The study committee shall include nonlegislative members  
13 having special knowledge in the fields of criminal law and  
14 procedure, law enforcement, and justice. Staff assistance  
15 shall be provided by the legislative research bureau, and  
16 additional staff may be employed as deemed necessary by the  
17 legislative research committee or its successor."

Filed and adopted

April 3, 1969

By NEU, STANLEY and DODERER