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MAR 22 1989

HOUSE FILE 700

Place On Calendar

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 129)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to victims of certain criminal acts, by providing
2 for the distribution of the presentence investigation report
3 to counsel, registration of victims with the county attorney,
4 filing of the victim impact statement, notification to victims
5 by various departments, reorganizing crime victim assistance
6 programs and services within the department of justice, and
7 modifying the state crime victim reparation program.

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

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HF 700

1 Section 1. NEW SECTION. 13.25 DIVISION OF VICTIM
2 ASSISTANCE.

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

5 1. Administer grants received under the federal Victims of
6 Crime Act pursuant to Pub. L. No. 98-473, title 2, chapter 14,
7 42 U.S.C. § 10601, as amended by the federal Children's
8 Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903
9 (1986).

10 2. Administer the state crime victim reparation program as
11 provided in chapter 912.

12 3. Administer the domestic abuse program provided in
13 chapter 236.

14 4. Administer the family violence prevention and services
15 grants pursuant to the federal Child Abuse Amendments of 1984,
16 Pub. L. No. 98-457, 42 U.S.C. § 10401.

17 5. Administer payments for sexual abuse medical
18 examinations as provided in section 709.10.

19 Sec. 2. Section 709.10, Code 1989, is amended to read as
20 follows:

21 709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF SEXUAL
22 ABUSE.

23 The cost of a medical examination for the purpose of
24 gathering evidence and the cost of treatment for the purpose
25 of preventing venereal disease shall be borne by the ~~fewa~~
26 division of victim assistance of the department of public
27 health justice.

28 Sec. 3. Section 901.4, Code 1989, is amended to read as
29 follows:

30 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

31 The presentence investigation report is confidential and
32 the court shall provide safeguards to ensure its
33 confidentiality, including but not limited to sealing the
34 report, which may be opened only by further court order. At
35 least three days prior to the date set for sentencing, the

1 court shall make serve all of the presentence investigation
2 report ~~available-for-inspection-to~~ upon the defendant's
3 attorney, and ~~to~~ the attorney for the state, and the report
4 shall remain confidential except upon court order. However,
5 the court may conceal the identity of the person who provided
6 confidential information. The report of a medical examination
7 or psychological or psychiatric evaluation shall be made
8 available to the attorney for the state and to the defendant
9 upon request. The reports are part of the record but shall be
10 sealed and opened only on order of the court. If the
11 defendant is committed to the custody of the Iowa department
12 of corrections and is not a class "A" felon, a copy of the
13 presentence investigation report shall be forwarded to the
14 director with the order of commitment by the clerk of the
15 district court and to the board of parole at the time of
16 commitment. The defendant or the defendant's attorney may
17 file with the presentence investigation report, a denial or
18 refutation of the allegations, or both, contained in the
19 report. The denial or refutation shall be included in the
20 report.

21 Sec. 4. Section 910A.1, subsection 3, Code 1989, is
22 amended to read as follows:

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

27 Sec. 5. NEW SECTION. 910A.2 REGISTRATION.

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

1 Sec. 6. Section 910A.5A, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

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

9 Sec. 7. Section 910A.6, subsection 5, Code 1989, is
10 amended by striking the subsection.

11 Sec. 8. Section 910A.7, Code 1989, is amended to read as
12 follows:

13 910A.7 NOTIFICATION BY CLERK OF COURT.

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

19 Sec. 9. NEW SECTION. 910A.7A NOTIFICATION BY CLERK OF
20 THE SUPREME COURT.

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

24 Sec. 10. Section 910A.8, unnumbered paragraph 1, Code
25 1989, is amended to read as follows:

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

33 Sec. 11. Section 910A.9, unnumbered paragraph 1, Code
34 1989, is amended to read as follows:

35 The department of corrections shall notify a ~~victim~~

1 registered ~~with-the-department~~ victim, regarding an offender
2 convicted of a violent crime and committed to the custody of
3 the director of the department of corrections, of the
4 following:

5 Sec. 12. Section 910A.9, Code 1989, is amended by adding
6 the following new subsection:

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

11 Sec. 13. Section 910A.10, subsection 1, unnumbered
12 paragraph 1 and paragraph a, Code 1989, are amended to read as
13 follows:

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

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

24 Sec. 14. Section 910A.10, subsection 2, Code 1989, is
25 amended to read as follows:

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

30 Sec. 15. Section 912.1, subsections 1, 2, and 6, Code
31 1989, are amended to read as follows:

32 1. "Department" means the department of ~~public-safety~~
33 justice.

34 2. "Commissioner Division" means the ~~commissioner~~ division
35 of victim assistance of the department ~~or-the-commissioner's~~

1 designee of justice.

2 6. "Reparation" means compensation awarded by the
3 commissioner division as authorized by this chapter.

4 Sec. 16. NEW SECTION. 912.2A CRIME VICTIM REPARATION
5 BOARD.

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

9 a. A county attorney or assistant county attorney.

10 b. A person engaged full time in law enforcement.

11 c. A public defender or an attorney practicing primarily
12 in criminal defense.

3622 13 d. A person licensed pursuant to chapter 148, 149, 150A,
14 151, or 152.

15 e. A public member.

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

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

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

23 Sec. 17. Section 912.4, subsections 2, 4, and 5, Code
24 1989, are amended to read as follows:

3620-25 2. A person is not eligible for reparation unless the
26 crime was reported to the local police department or county
27 sheriff department within twenty-four hours of its occurrence.
28 ~~However,~~ if the crime cannot reasonably be reported within
29 that time period, the crime shall have been reported within
30 twenty-four hours of the time a report can reasonably be made.
31 However, crimes of sexual abuse and domestic abuse shall be
32 reported within seventy-two hours of their occurrence or
33 within seventy-two hours of the time a report can reasonably
34 be made.

35 4. When immediate or short-term medical services or mental

1 health services are provided to a victim under section
2 910A.16, the department of human services shall file the claim
3 for reparation as provided in subsection 3 for the victim and
4 ~~the provisions of section 912.77, subsection 2, paragraphs "b"~~
5 ~~and "c" do not apply.~~

6 5. When immediate or short-term medical services to a
7 victim are provided pursuant to section 910A.16 by a
8 professional licensed or certified by the state to provide
9 such services, the professional shall file the claim for
10 reparation, unless the department of human services is
11 required to file the claim under this section ~~and the~~
12 ~~provisions of section 912.77, subsection 2, paragraphs "b" and~~
13 ~~"c" do not apply.~~ The requirement to report the crime to the
14 local police department or county sheriff department under
15 subsection 2 does not apply to this subsection.

16 Sec. 18. Section 912.6, subsection 3, Code 1989, is
17 amended to read as follows:

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

24 Sec. 19. Section 912.6, Code 1989, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 3A. In the event of a victim's death,
27 reasonable charges incurred for counseling the victim's
28 spouse, children, parents, siblings, or persons cohabiting
29 with or related by blood or affinity to the victim if the
30 counseling services are provided by a psychologist licensed
31 under chapter 154B, a victim counselor as defined in section
32 236A.1, subsection 1, or an individual holding at least a
33 master's degree in social work or counseling and guidance, and
34 reasonable charges incurred by such persons for medical care
35 counseling provided by a psychiatrist licensed under chapter

1 147 or 150A. The allowable charges under this subsection
2 shall not exceed five hundred dollars per person or a total of
3 two thousand dollars per victim death.

4 Sec. 20. Section 912.7, subsection 1, paragraph a, Code
5 1989, is amended to read as follows:

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

9 Sec. 21. Section 912.7, subsection 2, paragraphs b and c,
10 Code 1989, are amended by striking the paragraphs.

3622-11 Sec. 22. Section 912.7, subsection 3, is amended to read
12 as follows:

13 3. ~~Notwithstanding-subsection-27-paragraph-"b"-or-"c",~~
14 ~~reparation-for-medical-care-under-section-912.67-subsection-1~~
15 ~~or-for-counseling-under-section-912.67-subsection-17-27-or-3~~
16 Reparation shall not be made if the bodily injury or death for
17 which reparation is sought was caused by an act of domestic
18 abuse, as defined in section 236.2, ~~committed-by-a-spouse-of~~
19 ~~the-victim-or-by-a-person-living-in-the-same-household-with~~
20 ~~the-victim,~~-if unless the victim seeks and receives victim
21 counseling which qualifies for reparation under section 912.6,
22 subsection 1, 2, or 3, and one of the following applies:

23 a. The act is the first act of domestic abuse involving
24 the alleged perpetrator reported by the victim.

25 b. The act is the second or subsequent act of domestic
26 abuse involving the same alleged perpetrator reported by the
27 victim, and a criminal complaint or trial information is filed
28 or a grand jury returns an indictment against the alleged
29 perpetrator.

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EXPLANATION

31 This bill provides for serving an offender's presentence
32 investigation report on counsel for the defendant and for the
33 state. The bill provides for victim registration with the
34 county attorney, for filing the victim impact statement with
35 the county attorney, and for victim notification by various

1 agencies and departments.

2 The various victim programs currently administered by
3 several state departments are consolidated into a newly
4 created division of victim assistance in the department of
5 justice. The crime victim reparation program is to be
6 administered by the department of justice, and a crime victim
7 reparation board is established. Currently, the program is
8 administered by the department of public safety.

9 Modifications are made regarding persons eligible for
10 reparation, and certain conditions imposed upon eligibility
11 for reparation.

12 This bill may include a state mandate as defined in chapter
13 25B.

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HOUSE FILE 700

H-3762

1 Amend the amendment, H-3622, to House File 700 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "____. Page 1, by inserting after line 18 the
6 following:

7 "Sec. _____. Section 236.2, subsections 5 and 6,
8 Code 1989, are amended to read as follows:

9 5. "Department" means the department of human
10 services justice.

11 6. "~~Director~~ Division" means the ~~director-of-human~~
12 services division of victim assistance of the
13 department of justice.

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

16 The department of public safety may compile
17 statistics and issue reports on domestic abuse in
18 Iowa, provided individual identifying details of the
19 domestic abuse are deleted. The statistics and
20 reports may include nonidentifying information on the
21 personal characteristics of perpetrators and victims.
22 The department of public safety may request the
23 cooperation of the department of human-services
24 justice in compiling the statistics and issuing the
25 reports. The department of public safety may provide
26 nonidentifying information on individual incidents of
27 domestic abuse to persons conducting bona fide
28 research, including but not limited to personnel of
29 the department of human-services justice.

30 Sec. _____. Section 236.15, Code 1989, is amended to
31 read as follows:

32 236.15 APPLICATION FOR DESIGNATION AND FUNDING AS
33 A PROVIDER OF SERVICES FOR VICTIMS OF DOMESTIC ABUSE.

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

44 Sec. _____. Section 236.16, Code 1989, is amended to
45 read as follows:

46 236.16 DEPARTMENT POWERS AND DUTIES.

47 1. The ~~director~~ division shall:

48 a. Designate and award grants for existing and
49 pilot programs pursuant to this chapter to provide
50 emergency shelter services and support services to

H-3762

Page 2

1 victims of domestic abuse.

2 b. Design and implement a uniform method of
3 collecting data from domestic abuse organizations
4 funded under this chapter.

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

11 3. The director division may accept, use, and
12 dispose of contributions of money, services, and
13 property made available by an agency or department of
14 the state or federal government, or a private agency
15 or individual."

16 2. Page 1, by inserting before line 2 the
17 following:

18 "____. Page 5, line 4, by striking the word
19 "REPARATION" and inserting the following:
20 "ASSISTANCE".

21 _____. Page 5, line 6, by striking the word
22 "reparation" and inserting the following:
23 "assistance".

24 3. Page 1, by inserting after line 21 the
25 following:

26 "____. Page 7, by inserting after line 29 the
27 following:

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

30 4. By renumbering as necessary.

By CARPENTER of Polk
JAY of Appanoose

H-3762 FILED MARCH 31, 1989

HOUSE FILE 700

B-3622

- 1 Amend House File 700 as follows:
2 1. Page 5, by striking lines 13 through 15 and
3 inserting the following:
4 "d. A hospital medical staff person involved with
5 emergency services.
6 e. A public member who has received victim
7 services.
8 f. A victim service provider.
9 g. A person licensed pursuant to chapter 154B or
10 154C."
11 2. Page 5, line 27, by striking the word "twenty-
12 four" and inserting the following: "twenty-four
13 seventy-two".
14 3. Page 5, line 30, by striking the word "twenty-
15 four" and inserting the following: "twenty-four
16 seventy-two".
17 4. Page 5, by striking lines 31 through 34.
18 5. Page 7, by striking lines 11 through 29 and
19 inserting the following:
20 "Sec. ____ . Section 912.7, subsections 3 and 4,
21 Code 1989, are amended by striking the subsections."
22 6. Renumber as necessary.

By JAY of Appanoose

B-3622 FILED MARCH 27, 1989

HOUSE FILE 700

B-3650

- 1 Amend amendment, B-3622, to House File 700 as
2 follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "____ . Page 7, by inserting after line 29 the
6 following:
7 "Sec. ____ . Sections 236.15, 236.16, 236.17, and
8 236.18, Code 1989, are repealed."
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By JAY of Appanoose

B-3650 FILED MARCH 28, 1989

2 of 2
1/7/89

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CORRECTED TITLE PAGE

HOUSE FILE 700

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 129)

(As Amended and Passed by the House April 6, 1989)

Passed House, Date ⁽⁰²²⁴⁴⁾ 5/2/89 Passed Senate, Date 5/2/89
Vote: Ayes 92 Nays 0 Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

1 An Act relating to victims of certain criminal acts, by providing
2 for the distribution of the presentence investigation report
3 to counsel, registration of victims with the county attorney,
4 filing of the victim impact statement, notification to victims
5 by various departments, reorganizing crime victim assistance
6 programs and services within the department of justice, and
7 modifying the state crime victim reparation program.

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

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House Amendments _____
Deleted Language *

1 Section 1. NEW SECTION. 13.25 DIVISION OF VICTIM
2 ASSISTANCE.

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

5 1. Administer grants received under the federal Victims of
6 Crime Act pursuant to Pub. L. No. 98-473, title 2, chapter 14,
7 42 U.S.C. § 10601, as amended by the federal Children's
8 Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903
9 (1986).

10 2. Administer the state crime victim reparation program as
11 provided in chapter 912.

12 3. Administer the domestic abuse program provided in
13 chapter 236.

14 4. Administer the family violence prevention and services
15 grants pursuant to the federal Child Abuse Amendments of 1984,
16 Pub. L. No. 98-457, 42 U.S.C. § 10401.

17 5. Administer payments for sexual abuse medical
18 examinations as provided in section 709.10.

19 Sec. 2. Section 236.2, subsections 5 and 6, Code 1989, are
20 amended to read as follows:

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

23 6. "~~Director~~ Division" means the ~~director of human~~
24 services division of victim assistance of the department of
25 justice.

26 Sec. 3. Section 236.9, unnumbered paragraph 2, Code 1989,
27 is amended to read as follows:

28 The department of public safety may compile statistics and
29 issue reports on domestic abuse in Iowa, provided individual
30 identifying details of the domestic abuse are deleted. The
31 statistics and reports may include nonidentifying information
32 on the personal characteristics of perpetrators and victims.
33 The department of public safety may request the cooperation of
34 the department of ~~human-services~~ justice in compiling the
35 statistics and issuing the reports. The department of public

1 safety may provide nonidentifying information on individual
2 incidents of domestic abuse to persons conducting bona fide
3 research, including but not limited to personnel of the
4 department of human services justice.

5 Sec. 4. Section 236.15, Code 1939, is amended to read as
6 follows:

7 236.15 APPLICATION FOR DESIGNATION AND FUNDING AS A
8 PROVIDER OF SERVICES FOR VICTIMS OF DOMESTIC ABUSE.

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

18 Sec. 5. Section 236.16, Code 1989, is amended to read as
19 follows:

20 236.16 DEPARTMENT POWERS AND DUTIES.

21 1. The director division shall:

22 a. Designate and award grants for existing and pilot
23 programs pursuant to this chapter to provide emergency shelter
24 services and support services to victims of domestic abuse.

25 b. Design and implement a uniform method of collecting
26 data from domestic abuse organizations funded under this
27 chapter.

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

33 3. The director division may accept, use, and dispose of
34 contributions of money, services, and property made available
35 by an agency or department of the state or federal government,

1 or a private agency or individual.

2 Sec. 6. Section 709.10, Code 1989, is amended to read as
3 follows:

4 709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF SEXUAL
5 ABUSE.

6 The cost of a medical examination for the purpose of
7 gathering evidence and the cost of treatment for the purpose
8 of preventing venereal disease shall be borne by the Iowa
9 division of victim assistance of the department of public
10 health justice.

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

13 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

3064 14 The presentence investigation report is confidential and
15 the court shall provide safeguards to ensure its
16 confidentiality, including but not limited to sealing the
17 report, which may be opened only by further court order. At
18 least three days prior to the date set for sentencing, the
19 court shall ~~make serve~~ serve all of the presentence investigation
20 report ~~available for inspection to~~ upon the defendant's
21 attorney; and to the attorney for the state, and the report
22 shall remain confidential except upon court order. However,
23 the court may conceal the identity of the person who provided
24 confidential information. The report of a medical examination
25 or psychological or psychiatric evaluation shall be made
26 available to the attorney for the state and to the defendant
27 upon request. The reports are part of the record but shall be
28 sealed and opened only on order of the court. If the
29 defendant is committed to the custody of the Iowa department
30 of corrections and is not a class "A" felon, a copy of the
31 presentence investigation report shall be forwarded to the
32 director with the order of commitment by the clerk of the
33 district court and to the board of parole at the time of
34 commitment. The defendant or the defendant's attorney may
35 file with the presentence investigation report, a denial or

1 refutation of the allegations, or both, contained in the
2 report. The denial or refutation shall be included in the
3 report.

Sec. 8, 3605?

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

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

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

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

19 Sec. 10. Section 910A.5A, unnumbered paragraph 1, Code
20 1989, is amended to read as follows:

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

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

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

31 910A.7 NOTIFICATION BY CLERK OF COURT.

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

Sec. 34

1 confinement.

342-2 Sec. 13. NEW SECTION. 910A.7A NOTIFICATION BY CLERK OF
3 THE SUPREME COURT.

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

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

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

16 Sec. 15. Section 910A.9, unnumbered paragraph 1, Code
17 1989, is amended to read as follows:

18 The department of corrections shall notify a victim
19 ~~registered with-the-department~~ victim, regarding an offender
20 convicted of a violent crime and committed to the custody of
21 the director of the department of corrections, of the
22 following:

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

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

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

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

35 a. Not less than ~~five~~ twenty days prior to conducting a

1 hearing at which the board will interview an offender, the
2 board shall notify the victim of the interview and inform the
3 victim that the victim may submit the victim's opinion
4 concerning the release of the offender in writing prior to the
5 hearing or may appear personally or by counsel at the hearing
6 to express an opinion concerning the offender's release.

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

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

13 Sec. 19. Section 912.1, subsections 1, 2, and 6, Code
14 1989, are amended to read as follows:

15 1. "Department" means the department of public-safety
16 justice.

17 2. "Commissioner Division" means the commissioner division
18 of victim assistance of the department or the commissioner's
19 designee of justice.

20 6. "Reparation" means compensation awarded by the
21 commissioner division as authorized by this chapter.

22 Sec. 20. NEW SECTION. 912.2A CRIME VICTIM ASSISTANCE
23 BOARD.

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

27 a. A county attorney or assistant county attorney.

28 b. A person engaged full time in law enforcement.

29 c. A public defender or an attorney practicing primarily
30 in criminal defense.

31 d. A hospital medical staff person involved with emergency
32 services.

33 e. A public member who has received victim services.

34 f. A victim service provider.

35 g. A person licensed pursuant to chapter 154B or 154C.

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

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

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

8 Sec. 21. Section 912.4, subsections 2, 4, and 5, Code
9 1989, are amended to read as follows:

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

* 17 4. When immediate or short-term medical services or mental
18 health services are provided to a victim under section
19 910A.16, the department of human services shall file the claim
20 for reparation as provided in subsection 3 for the victim and
21 ~~the provisions of section 912.7, subsection 2, paragraphs "b"~~
22 ~~and "c" do not apply.~~

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

33 Sec. 22. Section 912.6, subsection 3, Code 1989, is
34 amended to read as follows:

35 3. Reasonable charges incurred for victim counseling

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

6 Sec. 23. Section 912.6, Code 1989, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 3A. In the event of a victim's death,
9 reasonable charges incurred for counseling the victim's
10 spouse, children, parents, siblings, or persons cohabiting
11 with or related by blood or affinity to the victim if the
12 counseling services are provided by a psychologist licensed
13 under chapter 154B, a victim counselor as defined in section
14 236A.1, subsection 1, or an individual holding at least a
15 master's degree in social work or counseling and guidance, and
16 reasonable charges incurred by such persons for medical care
17 counseling provided by a psychiatrist licensed under chapter
18 147 or 150A. The allowable charges under this subsection
19 shall not exceed five hundred dollars per person or a total of
20 two thousand dollars per victim death.

21 Sec. 24. Section 912.7, subsection 1, paragraph a, Code
22 1989, is amended to read as follows:

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

26 Sec. 25. Section 912.7, subsection 2, paragraphs b and c,
27 Code 1989, are amended by striking the paragraphs.

28 Sec. 26. Section 912.7, subsections 3 and 4, Code 1989,
29 are amended by striking the subsections.

30 Sec. 27. Sections 236.17 and 236.18, Code 1989, are
31 repealed.

32
33
34
35

HOUSE FILE 700

S-3605

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 3 the
4 following:

5 "Sec. ____ . Section 906.5, Code 1989, is amended to
6 read as follows:

7 906.5 RECORD REVIEWED -- RULES.

8 1. Within one year after the commitment of a
9 person other than a class "A" felon, class "B" felon
10 convicted of murder in the second degree and serving a
11 sentence of more than twenty-five years, or a felon
12 serving a mandatory minimum sentence, other than a
13 class "A" felon, to the custody of the director of the
14 Iowa department of corrections, unless good cause is
15 shown, a member of the board shall interview the
16 person. Thereafter, at regular intervals, not to
17 exceed one year, unless good cause is shown, the board
18 shall interview the person and consider the person's
19 prospects for parole or work release. Not less than
20 twenty days prior to conducting a hearing at which the
21 board will interview the person, the board shall
22 notify the department of corrections of the scheduling
23 of the interview, and the department shall take the
24 person available to the board at the person's
25 institutional residence as scheduled in the notice.
26 However, if health, safety, or security conditions
27 require moving the person to another institution or
28 facility prior to the scheduled interview, the
29 department of corrections shall so notify the board.

30 2. At the time of an interview required under this
31 section, the board shall consider all pertinent
32 information regarding the person, including the
33 circumstances of the person's offense, any presentence
34 report which is available, the previous social history
35 and criminal record of the person, the person's
36 conduct, work, and attitude in prison, and the reports
37 of physical and mental examinations that have been
38 made.

39 3. A person while on parole or work release is
40 under the supervision of the district department of
41 correctional services of the district designated by
42 the board of parole. The department of corrections
43 shall prescribe rules for governing persons on parole
44 or work release. The board may adopt other rules not
45 inconsistent with the rules of the department of
46 corrections as the board deems proper or necessary for
47 the performance of its functions.

48 Sec. ____ . Section 908.4, Code 1989, is amended to
49 read as follows:

50 908.4 PAROLE REVOCATION HEARING.

S-3605

Page 2

1 The parole revocation hearing shall be conducted by
2 a an administrative parole revocation-officer judge
3 who is an attorney appointed pursuant to section
4 904A.5. The revocation hearing shall determine the
5 following:

- 6 1. Whether the alleged parole violation occurred.
- 7 2. Whether the violator's parole should be
8 revoked.

9 The administrative parole revocation-officer judge
10 shall make a verbatim record of the proceedings. The
11 alleged violator shall be informed of the evidence
12 against the violator, shall be given an opportunity to
13 be heard, shall have the right to present witnesses
14 and other evidence, and shall have the right to cross-
15 examine adverse witnesses, except if the revocation
16 officer judge finds that a witness would be subjected
17 to risk or harm if the witness' identity were
18 disclosed. The revocation hearing may be conducted
19 electronically.

20 Sec. ____ . Section 908.5, Code 1989, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 908.5 DISPOSITION.

24 if a violation of parole is established, the
25 administrative parole judge may continue the parole
26 with or without any modification of the conditions of
27 parole. The administrative parole judge may revoke
28 the parole and require the parolee to serve the
29 sentence originally imposed, or may revoke the parole
30 and reinstate the parolee's work release status. The
31 order of the administrative parole judge shall contain
32 findings of fact, conclusions of law, and a
33 disposition of the matter.

34 Sec. ____ . Section 908.6, Code 1989, is amended to
35 read as follows:

36 908.6 APPEAL OR REVIEW.

37 The order of the administrative parole revocation
38 officer judge shall become the final decision of the
39 board of parole unless, within the time provided by
40 rule, the parole violator appeals the decision or a
41 panel of the board reviews the decision on its own
42 motion. On appeal or review of the administrative
43 parole revocation-officer's judge's decision, the
44 board panel has all the power which it would have in
45 initially making the revocation hearing decision. The
46 appeal or review shall be conducted pursuant to rules
47 adopted by the board of parole. The record on appeal
48 or review shall be the record made at the parole
49 revocation hearing conducted by the administrative
50 parole revocation-officer judge.

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Page 3

1 Sec. ____ . Section 908.7, Code 1989, is amended to
2 read as follows:

3 908.7 WAIVER OF PAROLE REVOCATION HEARING.

4 The alleged parole violator may waive the parole
5 revocation hearing, in which event the administrative
6 parole revocation-officer judge shall proceed to
7 determine the disposition of the matter. The
8 administrative parole revocation-officer judge shall
9 dispose of the case as provided in section 908.4. The
10 administrative parole revocation-officer judge shall
11 make a verbatim record of the proceedings. The waiver
12 proceeding may be conducted electronically.

13 Sec. ____ . Section 908.10, Code 1989, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

17 When a person is convicted and sentenced to
18 incarceration in this state for a felony committed
19 while on parole, or is convicted and sentenced to
20 incarceration under the laws of any other state of the
21 United States or a foreign government or country for
22 an offense committed while on parole, and which is
23 committed in this state would be a felony, the
24 person's parole shall be deemed revoked as of the date
25 of the commission of the new felony offense.

26 The parole officer shall inform the sentencing
27 judge that the convicted defendant is a parole
28 violator. The term for which the defendant shall be
29 imprisoned as a parole violator shall be the same as
30 that provided in cases of revocation of parole for
31 violation of the conditions of parole. The new
32 sentence of imprisonment for conviction of a felony
33 shall be served consecutively with the term imposed
34 for the parole violation, unless a concurrent term of
35 imprisonment is ordered by the court.

36 The parolee shall be notified in writing that
37 parole has been revoked on the basis of the new felony
38 conviction, and a copy of the commitment order shall
39 accompany the notification. The inmate's record shall
40 be reviewed pursuant to the provisions of section
41 906.5, or as soon as practical after a final reversal
42 of the new felony conviction.

43 An inmate may appeal the revocation of parole under
44 this section according to the board of parole's rules
45 relating to parole revocation appeals. Neither the
46 administrative parole judge nor the board panel shall
47 retry the facts underlying any conviction."

48 2. Title page, by striking line 1 and inserting
49 the following: "An Act relating to criminal offenses,
50 by providing for review of an offender's record,

Page 4

1 revocation of an offender's parole,".

2 3. Title page, line 2, by striking the word

3 "for".

4 4. By renumbering as necessary.

By DONALD V. DOYLE

BOB CARR

EUGENE FRAISE

MICHAEL E. GRONSTAL

S-3605 FILED APRIL 10, 1989

Put in Order 52-59 (p1918)

HOUSE FILE 700

S-3664

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 19 and 20 and
4 inserting the following: "court shall make all of the
5 presentence investigation report available to the
6 defendant's".

7 2. Page 4, by inserting after line 3 the
8 following:

9 "Sec. ____ . Section 906.5, Code 1989, is amended to
10 read as follows:

11 906.5 RECORD REVIEWED -- RULES.

12 1. Within one year after the commitment of a
13 person other than a class "A" felon, class "B" felon
14 convicted of murder in the second degree and serving a
15 sentence of more than twenty-five years, or a felon
16 -serving a mandatory minimum sentence, other than a
17 class "A" felon, to the custody of the director of the
18 Iowa department of corrections, a member of the board
19 shall interview the person. Thereafter, at regular
20 intervals, not to exceed one year, the board shall
21 interview the person and consider the person's
22 prospects for parole or work release. However, if the
23 registration of a victim prohibits conducting a timely
24 interview as provided in this subsection, the
25 interview may be conducted within a reasonable period
26 of time after the one-year period or interval has
27 expired in order to provide the victim notice as
28 provided in section 910A.10, subsection 1, paragraph
29 "a".

30 Not less than twenty days prior to conducting a
31 hearing at which the board will interview the person,
32 the board shall notify the department of corrections
33 of the scheduling of the interview, and the department
34 shall make the person available to the board at the
35 person's institutional residence as scheduled in the
36 notice. However, if health, safety, or security
37 conditions require moving the person to another
38 institution or facility prior to the scheduled
39 interview, the department of corrections shall so
40 notify the board.

41 2. At the time of an interview required under this
42 section, the board shall consider all pertinent
43 information regarding the person, including the
44 circumstances of the person's offense, any presentence
45 report which is available, the previous social history,
46 and criminal record of the person, the person's
47 conduct, work, and attitude in prison, and the reports
48 of physical and mental examinations that have been
49 made.

50 3. A person while on parole or work release is

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1 under the supervision of the district department of
2 correctional services of the district designated by
3 the board of parole. The department of corrections
4 shall prescribe rules for governing persons on parole
5 or work release. The board may adopt other rules not
6 inconsistent with the rules of the department of
7 corrections as the board deems proper or necessary for
8 the performance of its functions.

9 Sec. _____. Section 908.4, Code 1989, is amended to
10 read as follows:

11 908.4 PAROLE REVOCATION HEARING.

12 The parole revocation hearing shall be conducted by
13 ~~a~~ an administrative parole revocation-officer judge
14 who is an attorney appointed pursuant to section
15 904A.5. The revocation hearing shall determine the
16 following:

- 17 1. Whether the alleged parole violation occurred.
- 18 2. Whether the violator's parole should be
19 revoked.

20 The administrative parole revocation-officer judge
21 shall make a verbatim record of the proceedings. The
22 alleged violator shall be informed of the evidence
23 against the violator, shall be given an opportunity to
24 be heard, shall have the right to present witnesses
25 and other evidence, and shall have the right to cross-
26 examine adverse witnesses, except if the revocation
27 officer judge finds that a witness would be subjected
28 to risk or harm if the witness' identity were
29 disclosed. The revocation hearing may be conducted
30 electronically.

31 Sec. _____. Section 908.5, Code 1989, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 908.5 DISPOSITION.

35 If a violation of parole is established, the
36 administrative parole judge may continue the parole
37 with or without any modification of the conditions of
38 parole. The administrative parole judge may revoke
39 the parole and require the parolee to serve the
40 sentence originally imposed, or may revoke the parole
41 and reinstate the parolee's work release status. The
42 order of the administrative parole judge shall contain
43 findings of fact, conclusions of law, and a
44 disposition of the matter.

45 Sec. _____. Section 908.6, Code 1989, is amended to
46 read as follows:

47 908.6 APPEAL OR REVIEW.

48 The order of the administrative parole revocation
49 officer judge shall become the final decision of the
50 board of parole unless, within the time provided by

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1 rule, the parole violator appeals the decision of a
2 panel of the board reviews the decision on its own
3 motion. On appeal or review of the administrative
4 parole revocation-officer's judge's decision, the
5 board panel has all the power which it would have in
6 initially making the revocation hearing decision. The
7 appeal or review shall be conducted pursuant to rules
8 adopted by the board of parole. The record on appeal
9 or review shall be the record made at the parole
10 revocation hearing conducted by the administrative
11 parole revocation-officer judge.

12 Sec. ____ . Section 908.7, Code 1989, is amended to
13 read as follows:

14 908.7 WAIVER OF PAROLE REVOCATION HEARING.

15 The alleged parole violator may waive the parole
16 revocation hearing, in which event the administrative
17 parole revocation-officer judge shall proceed to
18 determine the disposition of the matter. The
19 administrative parole revocation-officer judge shall
20 dispose of the case as provided in section 908.4. The
21 administrative parole revocation-officer judge shall
22 make a verbatim record of the proceedings. The waiver
23 proceeding may be conducted electronically.

24 Sec. ____ . Section 908.10, Code 1989, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

28 When a person is convicted and sentenced to
29 incarceration in this state for a felony committed
30 while on parole, or is convicted and sentenced to
31 incarceration under the laws of any other state of the
32 United States or a foreign government or country for
33 an offense committed while on parole, and which is
34 committed in this state would be a felony, the
35 person's parole shall be deemed revoked as of the date
36 of the commission of the new felony offense.

37 The parole officer shall inform the sentencing
38 judge that the convicted defendant is a parole
39 violator. The term for which the defendant shall be
40 imprisoned as a parole violator shall be the same as
41 that provided in cases of revocation of parole for
42 violation of the conditions of parole. The new
43 sentence of imprisonment for conviction of a felony
44 shall be served consecutively with the term imposed
45 for the parole violation, unless a concurrent term of
46 imprisonment is ordered by the court.

47 The parolee shall be notified in writing that
48 parole has been revoked on the basis of the new felony
49 conviction, and a copy of the commitment order shall
50 accompany the notification. The inmate's record shall

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1 be reviewed pursuant to the provisions of section
2 906.5, or as soon as practical after a final reversal
3 of the new felony conviction.

4 An inmate may appeal the revocation of parole under
5 this section according to the board of parole's rules
6 relating to parole revocation appeals. Neither the
7 administrative parole judge nor the board panel shall
8 retry the facts underlying any conviction."

9 3. By striking page 4, line 34 through page 5,
10 line 1 and inserting the following: "orders of the
11 case in which the victim was involved and may advise
12 the victim of any other orders regarding custody or
13 confinement."

14 4. Page 5, by striking lines 2 through 6.

15 5. Title page, by striking line 1 and inserting
16 the following: "An Act relating to criminal offenses,
17 by providing for review of an offender's record,
18 revocation of an offender's parole,".

19 6. Title page, line 2, by striking the word
20 "for".

21 7. By renumbering as necessary.

By DONALD V. DOYLE
EUGENE FRAISE

BOB CARR
MICHAEL E. GRONSTAL

S-3664 FILED APRIL 12, 1989

Att of Miller 52-84 (p: 817)

**HOUSE FILE 700
FISCAL NOTE**

A fiscal note for **HOUSE FILE 700** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 700 requires the county attorney to be the sole registrar for victims of crime. The county attorney would then notify registered victims of their rights. The county attorney would also provide relevant agencies with a registered victim list for purposes of notification. State Departments maintain their duties regarding notification to victims. Local law enforcement officers are required to advise victims of their right to register with the county attorney, and shall provide a registration form to each victim.

House File 700 also transfers various victim of crime programs to the Department of Justice. A Division of Victim Assistance is established within the Department of Justice, to administer the various programs. A Crime Victim Reparation Board is established within the Department of Justice. Victim's eligibility for payment of claims is expanded. House File 700 requires the Department of Human Services to file claims for reparation in cases of child sexual abuse or child sexual assault.

Assumptions

1. For the provisions relating to the centralization of victim registration, State Departments would maintain their duties regarding notification to victims.
2. The Crime Victim Reparation Board will meet 12 times per year, and each meeting will last one day.
3. Each of the five Board members will receive expenses.
4. One Board member is eligible for a \$40 per diem.
5. The FTE positions associated with the victim programs would be transferred, with the funds, to the newly created Division of Victim Assistance.
6. The deadline for reporting a crime of sexual or domestic abuse is extended by 48 hours. This may result in 100 additional cases at \$200 per case.
7. Extending the payment of claims to family members of murdered victims may result in 26 additional cases, at an average cost of \$1,500 per case.
8. Expansion for the payment of claims in domestic abuse cases may double the current number of cases. This may cost \$27,000.
9. Expansion for the payment of claims for counseling may result in 140 additional cases, at an average cost of \$100 per case.
10. The Department of Human Services will only file claims in cases of child sexual abuse or child sexual assault. The Department will not check the validity of the claim or the amount of the claim.
11. The number of cases handled at the local level by Department of Human Services' staff will be minimal at any particular agency.

Fiscal Impact

-2-

For the provisions relating to the centralization of victim registration, there is no fiscal impact upon State funds. There may be a fiscal impact at the local level, i.e., for mailing notifications. That cost cannot be estimated at this time.

The Crime Victim Reparation Board is estimated to cost \$4,380 per year.

Costs for establishing a new Division within the Department of Justice may not cost any significant amount of funds. Existing FTE positions associated with the victim programs will transfer to the new Division.

The Department of Public Safety estimates that the expansion of eligibility for victim claims will cost \$100,000. This cost will be incurred against the Victim Reparation Fund. Costs by program area are:

Sexual Abuse Cases	\$ 20,000
Family Counseling	39,000
Domestic Abuse Cases	27,000
Expanded Counseling	14,000

	\$100,000

The Department of Human Services estimates there will be no fiscal impact upon the Department.

Sources: Department of Corrections
 Department of Public Safety
 Judicial Department
 Parole Board
 Department of Management
 Department of Justice
 County Attorneys Association
 Department of Human Rights, Criminal and Juvenile Justice
 Planning
 Department of Human Rights, Children, Youth & Families
 Division
 Department of Human Rights, Status of Women Division
 Department of Human Services
 Department of Public Health (LSB 1266hv, BAL)

FILED MARCH 31, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 700

S-3801

- 1 Amend House File 700, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 3, and
- 4 inserting the following:
- 5 "Sec. ____ . NEW SECTION. 13.25 VICTIM ASSISTANCE
- 6 PROGRAM.
- 7 A victim assistance program is established in the".
- 8 2. Page 1, by striking lines 17 through 20 and
- 9 inserting the following:
- 10 "Sec. ____ . Section 236.2, subsection 5, Code 1989,
- 11 is amended to read as follows:".
- 12 3. Page 1, by striking lines 23 through 25 and
- 13 inserting the following:
- 14 "Sec. ____ . Section 236.2, subsection 6, Code 1989,
- 15 is amended by striking the subsection."
- 16 4. Page 2, line 12, by striking the word
- 17 "division" and inserting the following: "department".
- 18 5. Page 2, line 21, by striking the word
- 19 "division" and inserting the following: "department".
- 20 6. Page 2, line 28, by striking the words
- 21 "department division" and inserting the following:
- 22 "department".
- 23 7. Page 2, line 33, by striking the word
- 24 "division" and inserting the following: "department".
- 25 8. Page 3, by striking lines 2 through 10.
- 26 9. Page 6, line 13, by striking the figure ",
- 27 2,".
- 28 10. Page 6, by striking lines 17 through 19.
- 29 11. Page 6, line 21, by striking the word
- 30 "division" and inserting the following: "department".
- 31 12. Page 6, by inserting after line 21 the
- 32 following:
- 33 "Sec. ____ . Section 912.1, subsection 2, Code 1989,
- 34 is amended by striking the subsection."
- 35 13. By renumbering as necessary.

By RICHARD VARN

S-3801 FILED APRIL 19, 1989

Adopted 5-2-89 (p.1817)

HOUSE FILE 700

S-3800

- 1 Amend the amendment, S-3664, to House File 700, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 9 through 14.

By JOE WELSH

S-3800 FILED APRIL 19, 1989

Adopted 5-2-89 (p.1817)

SENATE AMENDMENT TO HOUSE FILE 700

H-4362

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 3, and
4 inserting the following:

5 "Sec. ____ . NEW SECTION. 13.25 VICTIM ASSISTANCE
6 PROGRAM.

7 A victim assistance program is established in the".

8 2. Page 1, by striking lines 17 through 20 and
9 inserting the following:

10 "Sec. ____ . Section 236.2, subsection 5, Code 1989,
11 is amended to read as follows:".

12 3. Page 1, by striking lines 23 through 25 and
13 inserting the following:

14 "Sec. ____ . Section 236.2, subsection 6, Code 1989,
15 is amended by striking the subsection."

16 4. Page 2, line 12, by striking the word
17 "division" and inserting the following: "department".

18 5. Page 2, line 21, by striking the word
19 "division" and inserting the following: "department".

20 6. Page 2, line 28, by striking the words
21 "department division" and inserting the following:
22 "department".

23 7. Page 2, line 33, by striking the word
24 "division" and inserting the following: "department".

25 8. Page 3, by striking lines 2 through 10.

26 9. Page 6, line 13, by striking the figure "
27 2,".

28 10. Page 6, by striking lines 17 through 19.

29 11. Page 6, line 21, by striking the word
30 "division" and inserting the following: "department".

31 12. Page 6, by inserting after line 21 the
32 following:

33 "Sec. ____ . Section 912.1, subsection 2, Code 1989,
34 is amended by striking the subsection."

35 13. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4362 FILED MAY 2, 1989

CONCURRED

52-89(p.2298)

HSB 129

Judiciary & Law Enforcement

now

HOUSE FILE 700

BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to victim notification, by providing for the
2 distribution of the presentence investigation report to
3 counsel, registration of victims with the county attorney,
4 filing of the victim impact statement, and notification to
5 victims by various departments.

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

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1 Section 1. Section 901.4, Code 1989, is amended to read as
2 follows:

3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

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

29 Sec. 2. Section 910A.1, subsection 3, Code 1989, is
30 amended to read as follows:

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

35 Sec. 3. NEW SECTION. 910A.2 REGISTRATION.

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

9 Sec. 4. Section 910A.5A, unnumbered paragraph 1, Code
10 1989, is amended to read as follows:

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

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

19 Sec. 6. Section 910A.7, Code 1989, is amended to read as
20 follows:

21 910A.7 NOTIFICATION BY CLERK OF COURT.

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

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

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

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

34 The local police department or county sheriff's department
35 shall advise a victim of the right to register with the county

1 attorney, and shall provide a request-for-registration form to
2 each victim. The county sheriff or other person in charge of
3 the local jail or detention facility shall notify a ~~victim~~
4 registered ~~with-the-jail-or-detention-facility~~ victim of the
5 following:

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

8 The department of corrections shall notify a ~~victim~~
9 registered ~~with-the-department~~ victim, regarding an offender
10 convicted of a violent crime and committed to the custody of
11 the director of the department of corrections, of the
12 following:

13 Sec. 10. Section 910A.9, Code 1989, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 5. The date on which the offender is
16 released upon discharge of sentence.

17 Sec. 11. Section 910A.10, subsection 1, unnumbered
18 paragraph 1, Code 1989, is amended to read as follows:

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

22 Sec. 12. Section 910A.11, subsection 2, Code 1989, is
23 amended to read as follows:

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

28 EXPLANATION

29 This bill provides for serving an offender's presentence
30 investigation report on counsel for the defendant and for the
31 state. The bill provides for victim registration with the
32 county attorney, for filing the victim impact statement with
33 the county attorney, and for victim notification by various
34 agencies and departments.

35 This bill may include a state mandate as defined in chapter

1 25B.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

4 Iowa crime victims have the right under the law to be
5 informed about the status of the offender in their case.

6 The Code presently requires crime victims who wish to keep
7 informed about offenders to register with five different
8 agencies. Additional concerns about the victim notification
9 process relate to the handling of presentence investigations
10 and the absence of notification on cases under appeal. This
11 bill addresses these concerns on the victim notification
12 process by providing a single registration point for victims,
13 improves notification access, and facilitates information
14 exchange between the public agencies involved.

15 This bill is the result of cooperative efforts to resolve
16 these problems. Input was received from victims rights
17 advocates, the Iowa Corrections Association, the Iowa County
18 Attorney's Association, the Iowa Sheriff's Association, and
19 the Parole Board, as well as the Department of Corrections.

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HOUSE FILE 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 912.77-subsection 27-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 912.77-subsection 27-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.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 700, Seventy-third General Assembly.

Approved June 1, 1989

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor