

JAN 15 1997  
STATE GOVERNMENT

HOUSE JOINT RESOLUTION  
BY WEIGEL

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of  
2 the State of Iowa providing certain rights to victims of  
3 crimes.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. The following amendment to the Constitution of  
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is  
4 amended by adding the following new section which shall be  
5 applicable to criminal proceedings occurring after  
6 ratification of this amendment by the electorate:

7 RIGHTS OF VICTIMS OF CRIME. Sec. 10A. An individual who  
8 has suffered physical, emotional, or financial harm as the  
9 result of a crime, public offense, or delinquent act committed  
10 in this state, other than a simple misdemeanor, as the General  
11 Assembly may by law provide, shall have the right to notice  
12 of, and to be present at, all public proceedings where the  
13 accused or convicted person has a right to be present; to be  
14 heard if present at any public proceeding related to the  
15 accused or convicted person involving a postrelease decision,  
16 a negotiated plea, sentencing, or a postconviction release  
17 from confinement; to be informed of any pretrial or posttrial  
18 release or escape of the accused or convicted person; to have  
19 that individual's safety considered as an element in  
20 determining the accused or convicted person's release from  
21 custody; to receive a final disposition of the case that is  
22 free from unreasonable delay; to receive restitution from the  
23 person convicted of the criminal conduct that caused pecuniary  
24 loss to the individual; and to be informed of the  
25 constitutional and statutory rights of victims of crime.

26 An individual referred to in this section shall have  
27 standing to assert the rights established by this section.  
28 However, this section shall not be construed to create or  
29 support any cause of action by such an individual or by an  
30 accused or convicted person against the state, any political  
31 subdivision, or any public official; or to allow such an  
32 individual to challenge, or a court to set aside, any finding  
33 of guilt or acceptance of a plea of guilty in a criminal case.

34 Sec. 2. The foregoing amendment to the Constitution of the  
35 State of Iowa is referred to the General Assembly to be chosen

1 at the next general election for members of the General  
2 Assembly, and the Secretary of State is directed to cause the  
3 same to be published for three consecutive months previous to  
4 the date of that election as provided by law.

5 EXPLANATION

6 This Joint Resolution proposes an amendment to the  
7 Constitution of the State of Iowa regarding the establishment  
8 of certain constitutional rights for the victims of criminal  
9 and juvenile delinquent offenses. The resolution, if adopted,  
10 would be referred to the next general assembly, and if again  
11 adopted, would be submitted to the electorate for  
12 ratification, in accordance with the procedures detailed in  
13 Article X, section 1, of the Iowa Constitution.

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