

4-7-97 Referred Back Judiciary

FILED MAR 12 1997

SENATE FILE 421
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 278)

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

A BILL FOR

1 An Act relating to the right of crime victims to be present at
2 all public proceedings where the accused or convicted persons
3 have the right to be present, and providing a notification
4 procedure.

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

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S.F. 421

1 Section 1. Section 910A.2, Code 1997, is amended to read
2 as follows:

3 910A.2 REGISTRATION -- RIGHT TO BE PRESENT AT PUBLIC
4 PROCEEDINGS.

5 1. The county attorney shall be the sole registrar of
6 victims under this chapter. A victim may register by filing a
7 written request-for-registration form with the county
8 attorney.

9 2. A victim has the right to be present at all public
10 proceedings where the accused or convicted person has a right
11 to be present, with regard to any criminal case relating to
12 the crime for which the victim is registered.

13 3. The county attorney shall notify the victims in writing
14 and advise them of their registration and rights under this
15 chapter. The county attorney shall provide the appropriate
16 offices, agencies, and departments with a registered victim
17 list for notification purposes.

18 Sec. 2. Section 910A.6, subsection 1, Code 1997, is
19 amended to read as follows:

20 1. With regard to any criminal case relating to the crime
21 for which the victim is registered:

22 a. The victim's right to be present at all public
23 proceedings where the accused or convicted person has a right
24 to be present.

25 b. The scheduled date, time, and place of ~~trial~~ any public
26 proceeding where the accused or convicted person has a right
27 to be present, and the cancellation or postponement of a court
28 proceeding that was expected to require the victim's
29 attendance, ~~in any criminal case relating to the crime for~~
30 ~~which the person is a registered victim.~~

31 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
32 3, shall not apply to this Act.

33 EXPLANATION

34 This bill amends chapter 910A to provide an express right
35 for a crime victim to be present at all public proceedings

1 where the accused or convicted person has the right to be
2 present. The county attorney must notify a crime victim of
3 this right in conjunction with established notification
4 procedures under the chapter, and must notify the victim of
5 the scheduled time, date, and place of such public
6 proceedings.

7 This bill may include a state mandate as defined in Code
8 section 25B.3. This bill makes inapplicable Code section
9 25B.2, subsection 3, which would relieve a political
10 subdivision from complying with a state mandate if funding for
11 the cost of the state mandate is not provided or specified.
12 Therefore, political subdivisions are required to comply with
13 any state mandate included in this bill.

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**SENATE FILE 421
FISCAL NOTE**

A fiscal note for Senate File 421 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.

Senate File 421 requires county attorneys to notify a crime victim of all public proceedings where the accused or convicted person has the right to be present. The victim must be notified of the scheduled time, date, and place of all public proceedings.

ASSUMPTIONS

1. The actual number of notices that would be required to be sent to victims for all public proceedings is unknown. County attorneys currently notify victims of major proceedings.
2. The Judicial Department would have no significant cost impact to court operations.
3. Currently, there are eleven victim/witness coordinator positions that handle public proceeding notices for fourteen counties. Eighty-five counties do not have a coordinator to handle this function.
4. Coordinator costs would range from approximately \$25,000 to \$32,000 annually.

FISCAL IMPACT

The fiscal impact of Senate File 421 to the Judicial Department would not be significant. The fiscal impact to the counties cannot be determined. If all eighty-five counties establish a coordinator position at an average cost of \$28,500 the cost would be approximately \$2.4 million annually. The number of counties who would require a coordinator position is unknown.

SOURCE

Judicial Department
Iowa Association of Counties

(LSB 2576SV, TCF)

FILED MARCH 31, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 421

S-3157

1 Amend Senate File 421 as follows:

2 1. Page 1, by inserting before line 31 the
3 following:

4 "Sec. ____ . Section 910A.18, Code 1997, is amended
5 to read as follows:

6 910A.18 IMMUNITY -- ACTION IN TORT.

7 1. This chapter does not create a civil cause of
8 action and a person is not liable for damages
9 resulting from an act or omission in regard to any
10 responsibility or authority created by this chapter,
11 and such acts or omissions shall not be used in any
12 proceeding for damages. This section does not apply
13 to acts or omissions which constitute a willful and
14 wanton disregard for the rights or safety of another.

15 2. Notwithstanding subsection 1, a victim shall
16 have a cause of action pursuant to the provisions of
17 chapters 669 and 670 for a violation of the right
18 granted under section 910A.2, subsection 2. The
19 minimum award in such a cause of action shall be one
20 thousand dollars."

21 2. By renumbering as necessary.

By TOM VILSACK

S-3157 FILED MARCH 18, 1997

SENATE FILE 421

S-3212

1 Amend Senate File 421 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "registered" the following: "except for an original
4 intake interview in proceedings in which the accused
5 is a juvenile".

By JOHNIE HAMMOND

S-3212 FILED MARCH 24, 1997