

MAR 2 1999

STATE GOVERNMENT

HOUSE JOINT RESOLUTION

9

BY WEIGEL

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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HJR 9

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 constitutional
8 protection for certain rights of the victims of criminal and
9 juvenile delinquent offenses, which shall be specified by
10 statute. The resolution, if adopted, would be referred to the
11 next general assembly, and if again adopted, would be
12 submitted to the electorate for ratification, in accordance
13 with the procedures detailed in Article X, section 1, of the
14 Iowa Constitution.

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