

SENATE FILE 2036
BY DVORSKY

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

A BILL FOR

1 An Act relating to reading a victim impact statement at a
2 criminal sentencing hearing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2036
JUDICIARY

1 Section 1. Section 915.13, subsection 1, paragraph d,
2 subparagraph (1), Code 2001, is amended to read as follows:

3 (1) Written victim impact statement, delivered in court in
4 the presence of the defendant. Notification shall include the
5 procedures for filing such a statement.

6 Sec. 2. Section 915.21, subsection 1, paragraph a, Code
7 2001, is amended to read as follows:

8 a. A victim may file a signed victim impact statement with
9 the county attorney, and a filed impact statement shall be
10 included in the presentence investigation report. If a
11 presentence investigation report is not ordered by the court,
12 a filed victim impact statement shall be provided to the court
13 prior to sentencing. Upon request of the victim, the victim
14 impact statement shall be read at the sentencing hearing in
15 the presence of the defendant. The victim impact statement
16 may be read by the victim or the victim's attorney or
17 designated representative.

18 Sec. 3. Section 915.21, subsection 1, paragraph c, Code
19 2001, is amended to read as follows:

20 c. If the victim is unable to make an oral or written
21 statement because of the victim's age, or mental, emotional,
22 or physical incapacity, the victim's attorney or a designated
23 representative shall have the opportunity to make a statement
24 on behalf of the victim at the sentencing hearing in the
25 presence of the defendant.

26 EXPLANATION

27 This bill relates to reading a victim impact statement at a
28 criminal sentencing hearing.

29 The bill requires that a written victim impact statement be
30 read at a defendant's sentencing hearing in the presence of
31 the defendant, if the victim requests it be read. The bill
32 also permits the impact statement to be read by the victim's
33 attorney or designated representative. Current law provides
34 that a written victim impact statement be provided to the
35 court prior to sentencing.