

FILED FEB 7 2002

SENATE FILE 2139  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2036)

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 2139

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.

## SENATE FILE 2139

S-5037

1 Amend Senate File 2139 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 915.13, subsection 1,  
5 paragraph d, Code 2001, is amended to read as follows:

6 d. The victim's right to make a victim impact  
7 statement, in ~~one or both~~ any of the following  
8 formats:

9 (1) Written victim impact statement, delivered in  
10 court in the presence of the defendant. Notification  
11 shall include the procedures for filing such a  
12 statement.

13 (2) Oral victim impact statement, delivered in  
14 court in the presence of the defendant. The victim  
15 shall also be notified of the time and place for such  
16 statement.

17 (3) Video victim impact statement, delivered in  
18 court in the presence of the defendant. Notification  
19 shall include the procedures for making and filing the  
20 video recording.

21 (4) Audio victim impact statement, delivered in  
22 court in the presence of the defendant. Notification  
23 shall include the procedures for making and filing the  
24 audio recording.

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

27 a. A victim may file a signed victim impact  
28 statement with the county attorney, and a filed impact  
29 statement shall be included in the presentence  
30 investigation report. If a presentence investigation  
31 report is not ordered by the court, a filed victim  
32 impact statement shall be provided to the court prior  
33 to sentencing. Upon request of the victim, the victim  
34 impact statement shall be presented at the sentencing  
35 hearing in the presence of the defendant, and at any  
36 hearing regarding reconsideration of sentence. The  
37 victim impact statement may be presented by the victim  
38 or the victim's attorney or designated representative.

39 Sec. 3. Section 915.21, subsection 1, Code 2001,  
40 is amended by adding the following new paragraphs:

41 NEW PARAGRAPH. bb. A victim may make a video  
42 recording of a statement or, if available, may make a  
43 statement from a remote location through a video  
44 monitor at the sentencing hearing, in the presence of  
45 the defendant, and at any hearing regarding  
46 reconsideration of sentence.

47 NEW PARAGRAPH. bc. A victim may make an audio  
48 recording of the statement or appear by audio via a  
49 speakerphone to make a statement, to be delivered in  
50 court in the presence of the defendant, and at any

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1 hearing regarding reconsideration of sentence.

2 Sec. 4. Section 915.21, Code 2001, is amended by

3 adding the following new subsection:

4 NEW SUBSECTION. 3. Nothing in this section shall  
5 be construed to affect the inherent power of the court  
6 to regulate the conduct of persons present in the  
7 courtroom."

**By** O. GENE MADDUX  
ROBERT E. DVORSKY

**S-5037** FILED FEBRUARY 13, 2002