

FILED MAR 05 2006

SENATE FILE 2323  
BY COMMITTEE ON  
GOVERNMENT OVERSIGHT

(SUCCESSOR TO SSB 3212)

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

A BILL FOR

1 An Act creating a criminal code revisions task force.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2323

1 Section 1. CRIMINAL CODE REVISIONS TASK FORCE.

2 1. The division of criminal and juvenile justice planning  
3 of the department of human rights shall establish a task force  
4 to study and propose revisions to the criminal code including  
5 establishing greater uniformity and proportionality among  
6 criminal penalties, clarifying and removing conflicting  
7 provisions, reorganizing chapters to enhance the overall  
8 readability of the criminal code, and any other proposals the  
9 task force deems necessary that are within the overall  
10 framework of revising the criminal code. The task force shall  
11 file a report with recommendations with the general assembly  
12 by December 15, 2007.

13 2. The membership of the task force shall consist of the  
14 following:

15 a. One member to be selected by the democratic floor  
16 leader of the senate.

17 b. One member to be selected by the republican floor  
18 leader of the senate.

19 c. One member to be selected by the majority leader of the  
20 house of representatives.

21 d. One member to be selected by the minority leader of the  
22 house of representatives.

23 e. One member of the Iowa judges association.

24 f. One member of the Iowa county attorneys association.

25 g. One representative of the judicial branch.

26 h. One member of the Iowa association of the chiefs of  
27 police and peace officers.

28 i. One member of the Iowa state troopers association.

29 j. One member of the Iowa state sheriffs and deputies  
30 association.

31 k. One member of the Iowa association of criminal defense  
32 lawyers.

33 1. The attorney general or the attorney general's  
34 designee.

35 m. One representative of the state public defender's

1 office.

2 n. One representative of the American civil liberties  
3 union of Iowa.

4 o. One representative of the Iowa justice reform  
5 consortium.

6 p. One representative of the department of corrections.

7 q. One representative of the board of parole.

8 r. One representative of the Iowa organization of victim  
9 assistance.

10 s. A licensed mental health professional, experienced in  
11 counseling criminal offenders, representing the Iowa  
12 psychological association.

13 t. A licensed substance abuse professional, experienced in  
14 counseling criminal offenders, representing the Iowa substance  
15 abuse program directors' association.

16 u. A juvenile court officer or chief juvenile court  
17 officer, to be selected by the chief juvenile court officers'  
18 association.

19 v. Four persons who have been convicted of a crime in  
20 Iowa, to be selected by the governor.

21 w. Four persons who have been the victim of a crime in  
22 Iowa, to be selected by the governor.

23 3. The organizations or governmental entities selecting a  
24 member of the task force shall make every effort to ensure  
25 minorities are appointed to the task force.

26 EXPLANATION

27 This bill creates a criminal code revisions task force.  
28 The bill provides that the division of criminal and juvenile  
29 justice planning of the department of human rights shall  
30 establish a task force to study and propose revisions to the  
31 criminal code including establishing greater uniformity and  
32 proportionality among criminal penalties, clarifying and  
33 removing conflicting provisions, reorganizing chapters to  
34 enhance the overall readability of the criminal code, and any  
35 other proposals the task force deems necessary that are within

1 the overall framework of revising the criminal code.  
2 The task force shall consist of 29 members and the task  
3 force shall file a report with recommendations with the  
4 general assembly by December 15, 2007.

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**SENATE FILE 2323**

**S-5123**

1 Amend Senate File 2323 as follows:  
2 1. Page 1, by inserting after line 32 the  
3 following:  
4 "\_\_\_\_. One member of the Iowa state bar  
5 association."  
6 2. By renumbering, redesignating, and correcting  
7 internal references as necessary.

**By** THOMAS G. COURTNEY

**S-5123** FILED MARCH 23, 2006

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**SENATE FILE 2323**

**S-5073**

1 Amend Senate File 2323 as follows:  
2 1. Page 1, by inserting after line 32 the  
3 following:  
4 "\_\_\_\_. One member of the Iowa trial lawyers  
5 association criminal defense core group."  
6 **By** THOMAS G. COURTNEY

**S-5073** FILED MARCH 15, 2006

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2323 - Criminal Code Task Force (LSB 6034 SV)

Analyst: Jennifer Acton (Phone: [515] 281-7846) ([jennifer.acton@legis.state.ia.us](mailto:jennifer.acton@legis.state.ia.us))

Fiscal Note Version - New

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**Description**

Senate File 2323 creates a Criminal Code Revisions Task Force to study and propose revisions to the Criminal Code, including establishing greater uniformity and proportionality among criminal penalties, clarifying and removing conflicting provisions, and reorganizing Chapters to enhance the overall readability. The Task Force will consist of 29 members and a report with recommendations is to be filed with the General Assembly by December 15, 2007.

**Background**

The last major Criminal Code revision was accomplished in four years (1969 - 1972). The new Code was enacted in SF 85, Acts of the 66<sup>th</sup> General Assembly (1976), with an effective date of January 1, 1978. During this revision, the Committee regrouped offenses under general headings, ranked the offenses according to class, and determined the maximum penalty for each offense class. The Iowa Crime Commission obtained a \$5,000 federal grant for the planning phase during the 1969 interim. At least two additional grants, each in the amount of \$50,000, were applied for and obtained for the project through January 1, 1973. Matching funds were required in the proportion of 60.0% federal funds, 40.0% State funds.

**Assumptions**

1. The Criminal and Juvenile Justice Planning Division would require \$125,000 and 1.5 FTE positions to provide research, planning, and overall coordination of effort.
2. The Division would require \$50,000 to support task force meetings, office expenses, and contract services for consultation and technical assistance.
3. The Division is anticipating the Legislative Services Agency staff will be available for this task force to provide legal, fiscal, and code editing research and support as needed. Staff time for research and support is estimated to cost approximately \$75,000 in FY 2007 and \$25,000 in FY 2008.
4. The Task Force will be disbanded on December 15, 2007, when the final report is issued.

**Fiscal Impact**

The fiscal impact for SF 2323 is approximately \$250,000 for FY 2007 and \$112,500 in FY 2008. State costs could be reduced if grant money became available.

**Source**

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJPD)  
Legislative Services Agency

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/s/ Holly M. Lyons

March 10, 2006

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Lundby co-chair  
Courtney co-chair

Succeeded By  
SF/HF 2323 SSB# 3212  
Government Oversight

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CO-CHAIRPERSONS COURTNEY  
AND LUNDBY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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33 other proposals the task force deems necessary that are within  
34 the overall framework of revising the criminal code.

35 The task force shall consist of 28 members and the task

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1 force shall file a report with recommendations with the  
2 general assembly by December 15, 2007.

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