

FILED MAR 10 2005

SENATE FILE 331
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1016)

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

A BILL FOR

1 An Act to establish an automated victim notification system in
2 the department of justice.

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

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SF 331

1 Section 1. Section 915.10, subsections 1 and 2, Code 2005,
2 are amended to read as follows:

3 1. "Notification" means mailing by regular mail or
4 providing for hand delivery of appropriate information or
5 papers. However, this notification procedure does not
6 prohibit an office, agency, or department from also providing
7 appropriate information to a registered victim by telephone,
8 electronic mail, or other means.

9 2. "Registered" means having provided the county attorney
10 with the victim's written request for registration and current
11 mailing address and telephone number. If an automated victim
12 notification system is implemented pursuant to section
13 915.10A, "registered" also means having filed a request for
14 registration with the system pursuant to the rules adopted by
15 the attorney general.

16 Sec. 2. NEW SECTION. 915.10A AUTOMATED VICTIM
17 NOTIFICATION SYSTEM.

18 1. The department of justice may establish under the
19 direction of the attorney general an automated victim
20 notification system to assist public officials in informing
21 crime victims or other interested persons as provided in this
22 subchapter and where otherwise specifically provided. The
23 system shall receive necessary information from participating
24 officials and agencies and disseminate the information to
25 registered victims and witnesses through telephonic,
26 electronic, or other means of access. The attorney general
27 may enter into necessary contracts and arrangements to
28 implement and operate the system.

29 2. The department of corrections, department of human
30 services, board of parole, clerks of the district court,
31 county attorneys, and local correctional facilities shall
32 provide access to information as necessary for the effective
33 operation of the system.

34 3. An office, agency, or department may satisfy a
35 notification obligation to registered victims required by this

1 subchapter through participation in the system to the extent
2 information is available for dissemination through the system.
3 Nothing in this section shall relieve a notification
4 obligation under this subchapter due to the unavailability of
5 information for dissemination through the system.

6 4. The attorney general may adopt rules necessary to
7 implement and operate the automated victim notification
8 system.

9 5. Notwithstanding section 232.147, information concerning
10 juveniles charged with a felony offense shall be released to
11 the extent necessary to comply with this section.

12 6. The attorney general may apply for federal funds
13 available to assist in the establishment of an automated
14 victim notification system.

15 Sec. 3. Section 915.11, Code 2005, is amended to read as
16 follows:

17 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

18 A local police department or county sheriff's department
19 shall advise a victim of the right to register with the county
20 attorney, and shall provide a request-for-registration form to
21 each victim. If an automated victim notification system is
22 implemented pursuant to section 915.10A, a local police
23 department or county sheriff's department shall provide a
24 telephone number and website to each victim to register with
25 the system.

26 Sec. 4. Section 915.12, Code 2005, is amended to read as
27 follows:

28 915.12 REGISTRATION.

29 ~~1. The county attorney shall be the sole registrar of~~
30 ~~victims under this subchapter.~~

31 2. 1. A victim may register by filing a written request-
32 for-registration form with the county attorney. The county
33 attorney shall notify the victims in writing and advise them
34 of their registration and rights under this subchapter.

35 3. The county attorney shall provide a registered victim

1 list to the offices, agencies, and departments required to
2 provide information under this subchapter for notification
3 purposes.

4 2. If an automated victim notification system is
5 implemented pursuant to section 915.10A, a victim or other
6 interested person may register with the system pursuant to the
7 rules adopted by the attorney general by filing a request for
8 registration through written, telephonic, or electronic means.
9 The registrants shall be notified of their registration and
10 rights under this subchapter pursuant to rules adopted by the
11 attorney general.

12 ~~4-~~ 3. Notwithstanding chapter 22 or any other contrary
13 provision of law, a victim's or other interested person's
14 registration shall be strictly maintained in a separate
15 confidential file or other confidential medium, and shall be
16 available only to the offices, agencies, and departments
17 required to provide information under this subchapter.

18 Sec. 5. Section 915.29, Code 2005, is amended by adding
19 the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The notification required
21 pursuant to this section may occur through the automated
22 victim notification system established in section 915.10A to
23 the extent such information is available for dissemination
24 through the system.

25 Sec. 6. Section 915.45, Code 2005, is amended by adding
26 the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The notification required
28 pursuant to this section may occur through the automated
29 victim notification system established in section 915.10A to
30 the extent such information is available for dissemination
31 through the system.

32 Sec. 7. Section 915.82, Code 2005, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 4. The board shall advise the attorney
35 general on matters pertaining to the implementation and

1 operation of an automated victim notification system
2 implemented pursuant to section 915.10A.

3 EXPLANATION

4 This bill relates to the establishment of an automated
5 victim notification system in the department of justice under
6 the direction of the attorney general. The attorney general
7 may establish the system to assist public officials in
8 informing crime victims of information required to be provided
9 to the victim which may include a schedule of court
10 proceedings or parole hearings, and the release, escape,
11 transfer, or pardon of an offender. Notifications required to
12 victims of juvenile and sexual offenders are also permitted
13 through the system. The attorney general may permit other
14 interested persons access to the system by rule and may enter
15 into necessary contracts to implement and operate the system.

16 The department of corrections, the department of human
17 services, the board of parole, clerks of the district court,
18 county attorneys, and local corrections institutions are
19 required to provide access to information as necessary to
20 implement the system. The attorney general may adopt rules to
21 implement and operate the system and may apply for federal
22 funds to assist in the establishment of the system. The crime
23 victim assistance board shall advise the attorney general
24 regarding the implementation and operation of the system.

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Kreiman
Wanstadt
Ward
Lamberti

Succeeded By
SF/HF 331

SSB# 1016
Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO-CHAIRPERSON KREIMAN)

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

A BILL FOR

1 An Act to establish a crime victim and witness notification
2 system and advisory council in the department of justice and
3 providing an effective date.

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

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S.F. _____ H.F. _____

1 Section 1. Section 331.756, subsection 83A, Code 2005, is
2 amended to read as follows:

3 83A. Carry out the duties imposed under ~~sections-915-12~~
4 and section 915.13.

5 Sec. 2. Section 915.10, subsections 1 and 2, Code 2005,
6 are amended to read as follows:

7 1. "Notification" means mailing by regular mail or
8 providing for hand delivery of appropriate information or
9 papers. However, this notification procedure does not
10 prohibit an office, agency, or department from also providing
11 appropriate information to a registered victim by telephone,
12 electronic mail, or other means.

13 2. "Registered" means having provided the ~~county~~ attorney
14 general with the victim's written request for registration and
15 current mailing address and telephone number.

16 Sec. 3. NEW SECTION. 915.10A CRIME VICTIM AND WITNESS
17 NOTIFICATION SYSTEM.

18 1. There is established in the department of justice under
19 the direction of the attorney general a crime victim and
20 witness notification system to assist public officials in
21 informing crime victims and witnesses as provided in this
22 subchapter and where otherwise specifically provided. The
23 system shall receive necessary information from participating
24 officials and agencies and disseminate the information to
25 registered victims and witnesses through telephonic,
26 electronic, or other means of access established by the crime
27 victim and witness notification advisory council. The
28 attorney general may enter into necessary contracts and
29 arrangements to implement and operate the system.

30 2. The department of corrections, department of human
31 services, board of parole, clerks of the district court,
32 county attorneys, and local correctional facilities shall
33 assist the attorney general with the implementation of the
34 system and provide information as necessary for the effective
35 operation of the system.

1 3. An office, agency, or department may satisfy a
2 notification obligation to registered victims required by this
3 subchapter through participation in the system to the extent
4 information is available for dissemination through the system.
5 Nothing in this section shall relieve a notification
6 obligation under this subchapter due to the unavailability of
7 information for dissemination through the system.

8 4. The attorney general may provide necessary equipment,
9 software, or training necessary to implement the system to
10 those entities participating in the system.

11 5. The attorney general may adopt rules to provide for the
12 registration of certain witnesses of crime and any other rules
13 necessary to implement the crime victim and witness
14 notification system.

15 Sec. 4. NEW SECTION. 915.10B CRIME VICTIM AND WITNESS
16 NOTIFICATION ADVISORY COUNCIL.

17 1. A crime victim and witness notification advisory
18 council is established in the department of justice. The
19 council shall advise the attorney general on matters
20 pertaining to the implementation and operation of the crime
21 victim and witness notification system.

22 2. The council shall consist of seven voting members
23 appointed by the attorney general. The members shall be
24 persons representing victim advocates, juvenile officers,
25 sheriffs and local law enforcement, the department of
26 corrections, the board of parole, and any other interested
27 persons appointed by the attorney general. Each member shall
28 serve a two-year term or a length of time as adopted by rule
29 pursuant to this section. The attorney general shall serve as
30 an ex officio, nonvoting member.

31 3. The council, with the assistance of the attorney
32 general, may establish rules regarding terms of office, the
33 election of council officers, meeting dates and locations, and
34 any other procedural requirements necessary to maintain the
35 council.

1 Sec. 5. Section 915.11, Code 2005, is amended to read as
2 follows:

3 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

4 A local police department or county sheriff's department
5 shall advise a victim of the right to register with the county
6 attorney general, and shall provide a request-for-
7 registration form to each victim.

8 Sec. 6. Section 915.12, Code 2005, is amended to read as
9 follows:

10 915.12 REGISTRATION.

11 1. The county attorney general shall be the sole registrar
12 of victims under this subchapter.

13 2. A victim may register by filing a written request-for-
14 registration form with the county attorney general or by any
15 other method approved by the attorney general. ~~The county~~
16 ~~attorney shall notify the victims in writing and advise them~~
17 ~~of their registration and rights under this subchapter.~~

18 3. The county attorney general shall provide a registered
19 victim list to the offices, agencies, and departments required
20 to provide information under this subchapter for notification
21 purposes.

22 4. Notwithstanding chapter 22 or any other contrary
23 provision of law, a victim's registration shall be strictly
24 maintained in a separate confidential file or other medium,
25 and shall be available only to the offices, agencies, and
26 departments required to provide information under this
27 subchapter.

28 Sec. 7. Section 915.13, subsection 1, unnumbered paragraph
29 1, Code 2005, is amended to read as follows:

30 The county attorney shall notify a victim registered with
31 the county-attorney's office of the attorney general of the
32 following:

33 Sec. 8. Section 915.18, subsection 2, Code 2005, is
34 amended to read as follows:

35 2. Offenders who are being considered for release on

1 parole may be informed of a victim's registration with the
2 county attorney general and the substance of any opinion
3 submitted by the victim regarding the release of the offender.

4 Sec. 9. Section 915.19, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. The county attorney may notify an offender being
7 considered for a reprieve, pardon, or commutation of sentence
8 of a victim's registration with the county attorney general
9 and the substance of any opinion submitted by the victim
10 concerning the reprieve, pardon, or commutation of sentence.

11 Sec. 10. Section 915.29, Code 2005, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The notification required
14 pursuant to this section may occur through the crime victim
15 and witness notification system established in section 915.10A
16 to the extent such information is available for dissemination
17 through the system.

18 Sec. 11. Section 915.45, Code 2005, is amended by adding
19 the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The notification required
21 pursuant to this section may occur through the crime victim
22 and witness notification system established in section 915.10A
23 to the extent such information is available for dissemination
24 through the system.

25 Sec. 12. TRANSITIONAL PROVISION. The attorney general
26 shall establish a schedule by which each county attorney shall
27 transfer all registrations under section 915.12 existing prior
28 to the effective date of this Act to the attorney general.

29 Sec. 13. EFFECTIVE DATE. This Act takes effect July 1,
30 2006.

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EXPLANATION

32 This bill establishes a crime victim and witness
33 notification system and advisory council in the department of
34 justice under the direction of the attorney general. The
35 purpose of the system is to assist public officials in

1 informing crime victims of information required to be provided
2 to the victim which may include a schedule of court
3 proceedings or parole hearings, and the release, escape,
4 transfer, or pardon of an offender. Notifications required to
5 victims of juvenile and sexual offenders are also permitted
6 through the system. The attorney general may permit certain
7 witnesses access to the system by rule and may enter into
8 necessary contracts to implement and operate the system.

9 A crime victim and witness notification advisory council is
10 established to advise the attorney general regarding the
11 implementation and operation of the system. The attorney
12 general shall appoint seven voting members and participate as
13 a nonvoting member. The council may establish by rule
14 provisions regarding terms of office, election of officers,
15 and other requirements necessary to maintain the council. The
16 bill transfers current victim registration authority from the
17 county attorneys to the attorney general and requires the
18 attorney general to establish a schedule by which to make the
19 transition.

20 The bill takes effect July 1, 2006.

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