

House File 370 - Introduced

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY
(SUCCESSOR TO HSB 79)

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

A BILL FOR

1 An Act relating to crime victim compensation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1139HV 82
4 rh/je/5

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1 1 Section 1. Section 13.31, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. Administer an automated victim
1 4 notification system as authorized pursuant to section 915.10A.
1 5 Sec. 2. Section 915.10, subsection 2, Code 2007, is
1 6 amended to read as follows:
1 7 2. "Registered" means having provided the county attorney
1 8 with the victim's written request for registration and current
1 9 mailing address and telephone number. ~~If an automated victim~~
~~1 10 notification system is implemented pursuant to section~~
~~1 11 915.10A, "registered" "Registered" also means having provided~~
~~1 12 the county attorney notice in writing that the victim has~~
~~1 13 filed a request for registration with the automated victim~~
~~1 14 notification system established pursuant to section 915.10A.~~
1 15 Sec. 3. Section 915.10A, subsection 1, Code 2007, is
1 16 amended to read as follows:
1 17 1. An automated victim notification system ~~may be utilized~~
1 18 is established within the crime victim assistance division of
~~1 19 the department of justice to assist public officials in~~
1 20 informing crime victims, the victim's family, or other
1 21 interested persons as provided in this subchapter and where
1 22 otherwise specifically provided. The system shall disseminate
1 23 the information to registered users through telephonic,
1 24 electronic, or other means of access.
1 25 Sec. 4. Section 915.11, Code 2007, is amended to read as
1 26 follows:
1 27 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
1 28 A local police department or county sheriff's department
1 29 shall advise a victim of the right to register with the county
1 30 attorney, and shall provide a request-for-registration form to
1 31 each victim. ~~If an automated victim notification system is~~
~~1 32 available pursuant to section 915.10A, a A local police~~
1 33 department or county sheriff's department shall provide a
1 34 telephone number and website to each victim to register with
1 35 the automated victim notification system established pursuant
~~2 1 to section 915.10A.~~
2 2 Sec. 5. Section 915.12, subsection 2, Code 2007, is
2 3 amended to read as follows:
2 4 2. ~~If an automated victim notification system is available~~
~~2 5 pursuant to section 915.10A, a A victim, the victim's family,~~
2 6 or other interested person may register with the automated
~~2 7 victim notification system established pursuant to section~~
~~2 8 915.10A by filing a request for registration through written,~~
2 9 telephonic, or electronic means.
2 10 Sec. 6. Section 915.80, subsection 2, Code 2007, is
2 11 amended to read as follows:
2 12 2. "Crime" means conduct that occurs or is attempted in
2 13 this state, poses a substantial threat of personal injury or
2 14 death, and is punishable as a felony or misdemeanor, or would
2 15 be so punishable but for the fact that the person engaging in
2 16 the conduct lacked the capacity to commit the crime under the
2 17 laws of this state. "Crime" does not include conduct arising
2 18 out of the ownership, maintenance, or use of a motor vehicle,
2 19 motorcycle, motorized bicycle, train, boat, or aircraft except

2 20 for violations of section 321.261, 321.277, 321J.2, 462A.7,
2 21 462A.12, 462A.14, or 707.6A, or when the intention is to cause
2 22 personal injury or death. A license revocation under section
2 23 321J.9 or 321J.12 shall be considered by the department as
2 24 evidence of a violation of section 321J.2 for the purposes of
2 25 this subchapter. A license suspension or revocation under
2 26 section 462A.14, 462A.14B, or 462A.23 shall be considered by
2 27 the department as evidence of a violation of section 462A.14
2 28 for the purposes of this subchapter.

2 29 Sec. 7. Section 915.86, subsections 1, 3, 5, 7, 8, and 12,
2 30 Code 2007, are amended to read as follows:

2 31 1. Reasonable charges incurred for medical care not to
2 32 exceed ~~fifteen~~ twenty-five thousand dollars. Reasonable
2 33 charges incurred for mental health care not to exceed ~~three~~
2 34 five thousand dollars which includes services provided by a
2 35 psychologist licensed under chapter 154B, a person holding at
3 1 least a master's degree in social work or counseling and
3 2 guidance, or a victim counselor as defined in section 915.20A.

3 3 3. Loss of income from work that the victim's parent or
3 4 caretaker would have performed and for which the victim's
3 5 parent or caretaker would have received remuneration for up to
3 6 three days after the crime or the discovery of the crime to

3 7 allow the victim's parent or caretaker to assist the victim
3 8 and when the victim's parent or caretaker accompanies the
3 9 victim to medical and counseling services, not to exceed one
3 10 thousand dollars per parent or caretaker.

3 11 5. Reasonable replacement value of clothing that is held
3 12 for evidentiary purposes not to exceed ~~one~~ two hundred
3 13 dollars.

3 14 7. Loss of support for dependents resulting from death or
3 15 a period of disability of the victim of sixty days or more not
3 16 to exceed ~~two~~ four thousand dollars per dependent.

3 17 8. In the event of a victim's death, reasonable charges
3 18 incurred for counseling the victim's spouse, children,
3 19 parents, siblings, or persons cohabiting with or related by
3 20 blood or affinity to the victim if the counseling services are
3 21 provided by a psychologist licensed under chapter 154B, a
3 22 victim counselor as defined in section 915.20A, subsection 1,
3 23 or an individual holding at least a master's degree in social
3 24 work or counseling and guidance, and reasonable charges
3 25 incurred by such persons for medical care counseling provided
3 26 by a psychiatrist licensed under chapter 147 or 150A. The
3 27 allowable charges under this subsection shall not exceed ~~three~~
3 28 five thousand dollars per person.

3 29 12. Reasonable charges incurred for mental health care for
3 30 secondary victims which include the services provided by a
3 31 psychologist licensed under chapter 154B, a person holding at
3 32 least a master's degree in social work, counseling, or a
3 33 related field, a victim counselor as defined in section
3 34 915.20A, or a psychiatrist licensed under chapter 147, 148, or
3 35 150A. The allowable charges under this subsection shall not
4 1 exceed ~~one~~ two thousand dollars per secondary victim.

4 2 Sec. 8. Section 915.86, Code 2007, is amended by adding
4 3 the following new subsections:

4 4 NEW SUBSECTION. 13. Reasonable dependent care expenses
4 5 incurred by the victim, the victim's parent or caretaker, or
4 6 the survivor of a homicide victim as described in subsection
4 7 10 for the care of dependents while attending criminal justice
4 8 proceedings or medical or counseling services, not to exceed
4 9 one thousand dollars per person.

4 10 NEW SUBSECTION. 14. Reasonable expenses incurred by a
4 11 victim, the victim's parent or caretaker, or the survivor of a
4 12 victim as described in subsection 10 to replace locks,
4 13 windows, and other residential security items at the victim's
4 14 residence or at the residential scene of a crime, not to
4 15 exceed five hundred dollars per residence.

4 16 NEW SUBSECTION. 15. Reasonable expenses incurred by the
4 17 victim, a secondary victim, the parent or guardian of a
4 18 victim, or the survivor of a homicide victim as described in
4 19 subsection 10 for transportation to medical, counseling,
4 20 funeral, or criminal justice proceedings, not to exceed one
4 21 thousand dollars per person.

4 22 Sec. 9. Section 915.94, Code 2007, is amended to read as
4 23 follows:

4 24 915.94 VICTIM COMPENSATION FUND.

4 25 A victim compensation fund is established as a separate
4 26 fund in the state treasury. Moneys deposited in the fund
4 27 shall be administered by the department and dedicated to and
4 28 used for the purposes of section 915.41 and this subchapter.
4 29 In addition, the department may use moneys from the fund for
4 30 the purpose of the department's prosecutor-based victim

4 31 service coordination, including the duties defined in sections
4 32 910.3 and 910.6 and this chapter, and for the award of funds
4 33 to programs that provide services and support to victims of
4 34 domestic abuse or sexual assault as provided in chapter 236,
4 35 ~~and to victims of section 710A.2, and for the support of an~~
5 1 ~~automated victim notification system established in section~~
5 2 ~~915.10A.~~ The department may also use up to one hundred
5 3 thousand dollars from the fund to provide training for victim
5 4 service providers. Notwithstanding section 8.33, any balance
5 5 in the fund on June 30 of any fiscal year shall not revert to
5 6 the general fund of the state.

5 7 EXPLANATION

5 8 This bill relates to the crime victim compensation fund.

5 9 The bill expands the categories of crime victims eligible
5 10 to receive victim compensation to include victims of hit-and-
5 11 run boating and victims of careless or reckless boating,
5 12 waterskiing, surfboarding, and use of similar devices. The
5 13 bill provides that a license suspension or revocation for
5 14 operating a motorboat or sailboat while intoxicated shall be
5 15 considered by the department of justice as evidence of such a
5 16 crime.

5 17 The bill increases the maximum compensation amounts for the
5 18 following reimbursement categories for economic losses
5 19 incurred as a direct result of an injury to or death of a
5 20 victim:

5 21 1. Increases the benefit for medical care for a victim
5 22 from \$15,000 to \$25,000.

5 23 2. Increases the benefit for a victim and for homicide
5 24 survivors of a victim (including the victim's spouse,
5 25 children, parents, siblings, or persons cohabiting with or
5 26 certain persons related by blood or affinity to the victim)
5 27 for counseling services from \$3,000 to \$5,000.

5 28 3. Increases the benefit for the replacement cost of
5 29 clothing held in evidence from \$100 to \$200.

5 30 4. Increases the loss of support benefit for secondary
5 31 victims for counseling services from \$1,000 to \$2,000.

5 32 5. Increases the loss of support for dependents resulting
5 33 from death or a period of disability of the victim of 60 days
5 34 or more from \$2,000 to \$4,000.

5 35 The bill specifies that a dependent victim's parent or
6 1 caretaker may receive lost wages which the parent or caretaker
6 2 accompanies the victim to medical or counseling services not
6 3 to exceed \$1,000 per parent or caretaker.

6 4 The bill creates a new child care reimbursement benefit for
6 5 child and dependent care that allows a victim, the victim's
6 6 parent or caretaker, or the survivor of a homicide victim
6 7 reasonable expenses for the care of dependents while attending
6 8 criminal justice proceedings or medical or counseling
6 9 appointments, not to exceed \$1,000.

6 10 The bill creates a new benefit to reimburse victims for
6 11 replacement of locks, windows, or other property security
6 12 items at a residential crime scene or at the residence of the
6 13 crime victim or survivor of a homicide victim, not to exceed
6 14 \$500 per residence.

6 15 The bill creates a new benefit to reimburse a victim, a
6 16 secondary victim, the parent or guardian of a victim, or the
6 17 survivor of a homicide victim for transportation costs for
6 18 medical, counseling, funeral, and criminal justice
6 19 proceedings, not to exceed \$1,000 per person.

6 20 The bill provides for the establishment of an automated
6 21 victim notification system within the crime victim assistance
6 22 division of the department of justice pursuant to Code section
6 23 915.10A and further provides that moneys from the victim
6 24 compensation fund may be used for the support of this
6 25 automated victim notification system.

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