

House Study Bill 79

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

Passed Senate, Date _____ Passed House, 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 1139DP 82
4 rh/sh/8

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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 filed a
1 12 request for registration with the automated victim
1 13 notification system established pursuant to section 915.10A.

1 14 Sec. 3. Section 915.10A, subsection 1, Code 2007, is
1 15 amended to read as follows:

1 16 1. An automated victim notification system ~~may be utilized~~
1 17 is established within the crime victim assistance division of
1 18 the department of justice to assist public officials in
1 19 informing crime victims, the victim's family, or other
1 20 interested persons as provided in this subchapter and where
1 21 otherwise specifically provided. The system shall disseminate
1 22 the information to registered users through telephonic,
1 23 electronic, or other means of access.

1 24 Sec. 4. Section 915.11, Code 2007, is amended to read as
1 25 follows:

1 26 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

1 27 A local police department or county sheriff's department
1 28 shall advise a victim of the right to register with the county
1 29 attorney, and shall provide a request-for-registration form to
1 30 each victim. ~~if an automated victim notification system is~~

~~1 31 available pursuant to section 915.10A, a~~ A local police
1 32 department or county sheriff's department shall provide a
1 33 telephone number and website to each victim to register with
1 34 the automated victim notification system established pursuant
1 35 to section 915.10A.

2 1 Sec. 5. Section 915.12, subsection 2, Code 2007, is
2 2 amended to read as follows:

~~2 3 2. if an automated victim notification system is available~~
~~2 4 pursuant to section 915.10A, a~~ A victim, the victim's family,
2 5 or other interested person may register with the automated
2 6 victim notification system established pursuant to section
2 7 915.10A by filing a request for registration through written,
2 8 telephonic, or electronic means.

2 9 Sec. 6. Section 915.80, subsection 2, Code 2007, is
2 10 amended to read as follows:

2 11 2. "Crime" means conduct that occurs or is attempted in
2 12 this state, poses a substantial threat of personal injury or
2 13 death, and is punishable as a felony or misdemeanor, or would
2 14 be so punishable but for the fact that the person engaging in
2 15 the conduct lacked the capacity to commit the crime under the
2 16 laws of this state. "Crime" does not include conduct arising
2 17 out of the ownership, maintenance, or use of a motor vehicle,
2 18 motorcycle, motorized bicycle, train, boat, or aircraft except
2 19 for violations of section 321.261, 321.277, 321J.2, 462A.7,
2 20 462A.12, 462A.14, or 707.6A, or when the intention is to cause

2 21 personal injury or death. A license revocation under section
2 22 321J.9 or 321J.12 shall be considered by the department as
2 23 evidence of a violation of section 321J.2 for the purposes of
2 24 this subchapter. A license suspension or revocation under
2 25 section 462A.14, 462A.14B, or 462A.23 shall be considered by
2 26 the department as evidence of a violation of section 462A.14
2 27 for the purposes of this subchapter.

2 28 Sec. 7. Section 915.86, subsections 1, 3, 5, 7, 8, and 12,
2 29 Code 2007, are amended to read as follows:

2 30 1. Reasonable charges incurred for medical care not to
2 31 exceed ~~fifteen~~ ~~twenty-five~~ thousand dollars. Reasonable
2 32 charges incurred for mental health care not to exceed ~~three~~
2 33 ~~five~~ thousand dollars which includes services provided by a
2 34 psychologist licensed under chapter 154B, a person holding at
2 35 least a master's degree in social work or counseling and

3 1 guidance, or a victim counselor as defined in section 915.20A.

3 2 3. Loss of income from work that the victim's parent or
3 3 caretaker would have performed and for which the victim's
3 4 parent or caretaker would have received remuneration for up to
3 5 three days after the crime or the discovery of the crime to

3 6 allow the victim's parent or caretaker to assist the victim

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

3 10 5. Reasonable replacement value of clothing that is held
3 11 for evidentiary purposes not to exceed ~~one~~ two hundred
3 12 dollars.

3 13 7. Loss of support for dependents resulting from death or
3 14 a period of disability of the victim of sixty days or more not
3 15 to exceed ~~two~~ four thousand dollars per dependent.

3 16 8. In the event of a victim's death, reasonable charges
3 17 incurred for counseling the victim's spouse, children,
3 18 parents, siblings, or persons cohabiting with or related by
3 19 blood or affinity to the victim if the counseling services are
3 20 provided by a psychologist licensed under chapter 154B, a
3 21 victim counselor as defined in section 915.20A, subsection 1,
3 22 or an individual holding at least a master's degree in social
3 23 work or counseling and guidance, and reasonable charges
3 24 incurred by such persons for medical care counseling provided
3 25 by a psychiatrist licensed under chapter 147 or 150A. The
3 26 allowable charges under this subsection shall not exceed ~~three~~
3 27 five thousand dollars per person.

3 28 12. Reasonable charges incurred for mental health care for
3 29 secondary victims which include the services provided by a
3 30 psychologist licensed under chapter 154B, a person holding at
3 31 least a master's degree in social work, counseling, or a
3 32 related field, a victim counselor as defined in section
3 33 915.20A, or a psychiatrist licensed under chapter 147, 148, or
3 34 150A. The allowable charges under this subsection shall not
3 35 exceed ~~one~~ two thousand dollars per secondary victim.

4 1 Sec. 8. Section 915.86, Code 2007, is amended by adding
4 2 the following new subsections:

4 3 NEW SUBSECTION. 13. Reasonable dependent care expenses
4 4 incurred by the victim, the victim's parent or caretaker, or
4 5 the survivor of a homicide victim as described in subsection
4 6 10 for the care of dependents while attending criminal justice
4 7 proceedings or medical or counseling services, not to exceed
4 8 one thousand dollars per person.

4 9 NEW SUBSECTION. 14. Reasonable expenses incurred by a
4 10 victim, the victim's parent or caretaker, or the survivor of a
4 11 victim as described in subsection 10 to replace locks,
4 12 windows, and other residential security items at the victim's
4 13 residence or at the residential scene of a crime, not to
4 14 exceed five hundred dollars per residence.

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

4 21 Sec. 9. Section 915.94, Code 2007, is amended to read as
4 22 follows:

4 23 915.94 VICTIM COMPENSATION FUND.

4 24 A victim compensation fund is established as a separate
4 25 fund in the state treasury. Moneys deposited in the fund
4 26 shall be administered by the department and dedicated to and
4 27 used for the purposes of section 915.41 and this subchapter.
4 28 In addition, the department may use moneys from the fund for
4 29 the purpose of the department's prosecutor-based victim
4 30 service coordination, including the duties defined in sections
4 31 910.3 and 910.6 and this chapter, and for the award of funds

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

5 6 EXPLANATION

5 7 This bill relates to the crime victim compensation fund.

5 8 The bill expands the categories of crime victims eligible
5 9 to receive victim compensation to include victims of hit-and=
5 10 run boating and victims of careless or reckless boating,
5 11 waterskiing, surfboarding, and use of similar devices. The
5 12 bill provides that a license suspension or revocation for
5 13 operating a motorboat or sailboat while intoxicated shall be
5 14 considered by the department of justice as evidence of such a
5 15 crime.

5 16 The bill increases the maximum compensation amounts for the
5 17 following reimbursement categories for economic losses
5 18 incurred as a direct result of an injury to or death of a
5 19 victim:

5 20 1. Increases the benefit for medical care for a victim
5 21 from \$15,000 to \$25,000.

5 22 2. Increases the benefit for a victim and for homicide
5 23 survivors of a victim (including the victim's spouse,
5 24 children, parents, siblings, or persons cohabiting with or
5 25 certain persons related by blood or affinity to the victim)
5 26 for counseling services from \$3,000 to \$5,000.

5 27 3. Increases the benefit for the replacement cost of
5 28 clothing held in evidence from \$100 to \$200.

5 29 4. Increases the loss of support benefit for secondary
5 30 victims for counseling services from \$1,000 to \$2,000.

5 31 5. Increases the loss of support for dependents resulting
5 32 from death or a period of disability of the victim of 60 days
5 33 or more from \$2,000 to \$4,000.

5 34 The bill specifies that a dependent victim's parent or
5 35 caretaker may receive lost wages which the parent or caretaker
6 1 accompanies the victim to medical or counseling services not
6 2 to exceed \$1,000 per parent or caretaker.

6 3 The bill creates a new child care reimbursement benefit for
6 4 child and dependent care that allows a victim, the victim's
6 5 parent or caretaker, or the survivor of a homicide victim
6 6 reasonable expenses for the care of dependents while attending
6 7 criminal justice proceedings or medical or counseling
6 8 appointments, not to exceed \$1,000.

6 9 The bill creates a new benefit to reimburse victims for
6 10 replacement of locks, windows, or other property security
6 11 items at a residential crime scene or at the residence of the
6 12 crime victim or survivor of a homicide victim, not to exceed
6 13 \$500 per residence.

6 14 The bill creates a new benefit to reimburse a victim, a
6 15 secondary victim, the parent or guardian of a victim, or the
6 16 survivor of a homicide victim for transportation costs for
6 17 medical, counseling, funeral, and criminal justice
6 18 proceedings, not to exceed \$1,000 per person.

6 19 The bill provides for the establishment of an automated
6 20 victim notification system within the crime victim assistance
6 21 division of the department of justice pursuant to Code section
6 22 915.10A and further provides that moneys from the victim
6 23 compensation fund may be used for the support of this
6 24 automated victim notification system.

6 25 LSB 1139DP 82

6 26 rh:rj/sh/8.1