

House Study Bill 649 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED CRIMINAL CODE
REORGANIZATION STUDY
COMMITTEE BILL)

A BILL FOR

1 An Act relating to the criminal and juvenile justice planning
2 advisory council, establishing a public safety advisory
3 board, and providing for implementation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216A.131, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "*Board*" means the public safety
4 advisory board.

5 Sec. 2. Section 216A.132, Code 2009, is amended to read as
6 follows:

7 **216A.132 Council established — terms — compensation.**

8 1. A criminal and juvenile justice planning advisory
9 council is established consisting of ~~twenty-three~~ twenty-five
10 members.

11 a. The governor shall appoint ~~seven~~ five members each for
12 a four-year term beginning and ending as provided in section
13 69.19 and subject to confirmation by the senate as follows:

14 (1) ~~Three~~ Two persons, each of whom is a ~~county~~
15 ~~supervisor, county sheriff, mayor, or a city chief of police,~~
16 ~~or county attorney.~~

17 (2) ~~Two persons who represent the general public and are~~
18 ~~not employed in any law enforcement, judicial, or corrections~~
19 ~~capacity~~ are knowledgeable about Iowa's juvenile justice
20 system.

21 (3) ~~Two persons who are knowledgeable about Iowa's juvenile~~
22 ~~justice system~~ One person representing a crime victim group.

23 b. The departments of human services, corrections, and
24 public safety, the division on the status of African-Americans,
25 the Iowa department of public health, the chairperson of
26 the board of parole, the attorney general, the state public
27 defender, and the governor's office of drug control policy, ~~and~~
28 ~~the chief justice of the supreme court~~ shall each designate a
29 person to serve on the council. ~~The person appointed by the~~
30 ~~Iowa department of public health shall be from the departmental~~
31 ~~staff who administer the comprehensive substance abuse program~~
32 ~~under chapter 125.~~

33 c. The chief justice of the supreme court shall appoint ~~two~~
34 ~~additional members currently serving as district judges~~ one
35 member who is a district judge and one member who is either

1 a district associate judge or associate juvenile judge.
2 ~~Two members of the senate and two members of the house~~
3 ~~of representatives shall be ex officio members and shall~~
4 ~~be appointed by the majority and minority leaders of the~~
5 ~~senate and the speaker and minority leader of the house of~~
6 ~~representatives pursuant to section 69.16 and shall serve~~
7 ~~terms as provided in section 69.16B. The chairperson and~~
8 ~~ranking member of the senate committee on judiciary shall be~~
9 ~~members. In alternating four-year intervals, the chairperson~~
10 ~~and ranking member of the house committee on judiciary or of~~
11 ~~the house committee on public safety shall be members, with the~~
12 ~~chairperson and ranking member of the house committee on public~~
13 ~~safety serving during the initial interval. Nonlegislative~~
14 ~~members appointed pursuant to this paragraph shall serve for~~
15 ~~four-year terms beginning and ending as provided in section~~
16 ~~69.19 unless the member ceases to serve as a district court~~
17 ~~judge.~~

18 d. The Iowa state bar association and the American civil
19 liberties union of Iowa shall each designate a person to serve
20 on the council.

21 e. Two members representing peace officers shall be
22 designated by the Iowa association of chiefs of police and
23 peace officers, the Iowa state troopers association, and the
24 Iowa state sheriffs' and deputies' association on a rotating
25 basis. Every four years two of the associations shall
26 designate one peace officer from their respective association
27 who is not in a supervisory position at the peace officer's
28 place of employment to serve a four-year term. The Iowa
29 association of chiefs of police and peace officers and the Iowa
30 state troopers association shall designate the initial peace
31 officer members.

32 f. The Iowa county attorneys association shall designate a
33 person to serve on the council.

34 2. Members of the council shall receive reimbursement from
35 the state for actual and necessary expenses incurred in the

1 performance of their official duties. Members may also be
2 eligible to receive compensation as provided in section 7E.6.

3 Sec. 3. Section 216A.133, subsection 1, Code 2009, is
4 amended to read as follows:

5 1. Identify issues and analyze the operation and impact
6 of present criminal and juvenile justice policy and make
7 recommendations for policy changes, ~~including recommendations~~
8 ~~pertaining to efforts to curtail criminal gang activity.~~

9 Sec. 4. Section 216A.133, Code 2009, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 8. Determine members of the public safety
12 advisory board pursuant to section 216A.133A.

13 NEW SUBSECTION. 9. Coordinate with the administrator to
14 develop and make recommendations to the department director
15 pursuant to section 216A.2.

16 NEW SUBSECTION. 10. Serve as a liaison between the general
17 public and the division.

18 NEW SUBSECTION. 11. Establish advisory committees to study
19 special issues.

20 Sec. 5. NEW SECTION. **216A.133A Public safety advisory board**
21 **— duties.**

22 1. A public safety advisory board is established whose
23 membership shall be determined by the criminal and juvenile
24 justice planning advisory council and shall consist of current
25 members of the council. Any actions taken by the board shall
26 be considered separate and distinct from the council.

27 2. The purpose of the board is to provide the general
28 assembly with an analysis of current and proposed criminal code
29 provisions.

30 3. The duties of the board shall consist of the following:

31 a. Reviewing and making recommendations relating to current
32 sentencing provisions. In reviewing such provisions the board
33 shall consider the impact on all of the following:

34 (1) Potential disparity in sentencing.

35 (2) Truth in sentencing.

1 (3) Victims.

2 (4) The proportionality of specific sentences.

3 (5) Sentencing procedures.

4 (6) Costs associated with the implementation of criminal
5 code provisions, including costs to the judicial branch,
6 department of corrections, and judicial district departments
7 of correctional services, costs for representing indigent
8 defendants, and costs incurred by political subdivisions of the
9 state.

10 (7) Best practices related to the department of corrections
11 including recidivism rates, safety and efficient use of
12 correctional staff, and compliance with correctional standards
13 set by the federal government and other jurisdictions.

14 (8) Best practices related to the Iowa child death review
15 team established in section 135.43 and the Iowa domestic abuse
16 death review team established in section 135.109.

17 *b.* Reviewing and making recommendations relating to proposed
18 legislation, in accordance with paragraph "a", as set by rule
19 by the general assembly or as requested by the executive or
20 judicial branch proposing such legislation.

21 *c.* Providing expertise and advice to the legislative
22 services agency, the department of corrections, the
23 judicial branch, and others charged with formulating fiscal,
24 correctional, or minority impact statements.

25 *d.* Reviewing data supplied by the division, the department
26 of management, the legislative services agency, the Iowa
27 supreme court, and other departments or agencies for the
28 purpose of determining the effectiveness and efficiency of the
29 collection of such data.

30 4. The board may call upon any department, agency, or office
31 of the state, or any political subdivision of the state, for
32 information or assistance as needed in the performance of its
33 duties. The information or assistance shall be furnished to
34 the extent that it is within the resources and authority of
35 the department, agency, office, or political subdivision.

1 This section does not require the production or opening of
2 any records which are required by law to be kept private or
3 confidential.

4 5. The board shall report to the legislative government
5 oversight committee all sources of funding by December 1 of
6 each year.

7 6. Membership on the board shall be bipartisan as provided
8 in section 69.16 and gender balanced as provided in section
9 69.16A.

10 7. Meetings of the board shall be open to the public as
11 provided in chapter 21.

12 8. Members of the board shall receive reimbursement from
13 the state for actual and necessary expenses incurred in the
14 performance of their official duties. Members may also be
15 eligible to receive compensation as provided in section 7E.6.

16 Sec. 6. Section 216A.135, unnumbered paragraph 1, Code
17 2009, is amended to read as follows:

18 Beginning in 1989, and every five years thereafter, the
19 division shall develop a twenty-year criminal and juvenile
20 justice plan for the state which shall include ten-year,
21 fifteen-year, and twenty-year goals and a comprehensive
22 five-year plan for criminal and juvenile justice programs.
23 The five-year plan shall be updated annually and each
24 twenty-year plan and annual updates of the five-year plan
25 shall be submitted to the governor and the general assembly by
26 ~~February~~ December 1.

27 Sec. 7. APPOINTMENTS TO CRIMINAL AND JUVENILE JUSTICE
28 PLANNING ADVISORY COUNCIL. Notwithstanding chapter 69,
29 vacant positions on the criminal and juvenile justice planning
30 advisory council shall be filled in accordance with this
31 section. The member appointed to represent a crime victim
32 group on the criminal and juvenile justice planning advisory
33 council pursuant to this Act shall replace both general public
34 members appointed by the governor pursuant to section 216A.132,
35 subsection 1, paragraph "a", subparagraph (2), Code 2009, as

1 of July 1, 2010, and shall serve a four-year term beginning
2 July 1, 2010. The member designated by the chief justice of
3 the supreme court pursuant to section 216A.132, subsection 1,
4 paragraph "b", Code 2009, shall cease being a member of the
5 council on June 30, 2010. A member appointed by the chief
6 justice pursuant to section 216A.132, subsection 1, paragraph
7 "c", Code 2009, shall cease being a member of the council
8 on June 30, 2010, and the member who is either a district
9 associate judge or associate juvenile judge shall become a
10 member July 1, 2010. The Iowa state bar association, the
11 American civil liberties union of Iowa, the Iowa association of
12 chiefs of police and peace officers, the Iowa state troopers
13 association, and the Iowa county attorneys association shall
14 each designate a person to serve on the council beginning July
15 1, 2010.

16 Sec. 8. IMPLEMENTATION — FUNDING. The section of this
17 Act amending section 216A.133 by expanding the duties of
18 the criminal and juvenile justice planning advisory council
19 and the section of this Act creating new section 216A.133A,
20 establishing the public safety advisory board shall not be
21 implemented until sufficient funding has been appropriated
22 to implement the expanded duties of the council and the
23 establishment of the board.

24 EXPLANATION

25 This bill relates to the criminal and juvenile justice
26 planning advisory council and the establishment of a public
27 safety advisory board.

28 The bill reduces the number of gubernatorial appointments to
29 the council from seven to five. The bill requires the governor
30 to appoint a county sheriff or a chief of police to fill two
31 appointments to the council rather than the three appointments
32 currently representing county supervisors, sheriffs, mayors,
33 chiefs of police, or county attorneys.

34 The bill eliminates two public member positions appointed to
35 the council by the governor and adds a member representing a

1 crime victim group who is appointed by the governor.

2 The bill eliminates a member position on the council who
3 is designated by the chief justice of the supreme court.
4 The bill also revises the judicial members to be appointed
5 by the chief justice to include one district judge and one
6 district associate judge or associate juvenile judge. The
7 bill also specifies that the four legislative members shall
8 be the chairperson and ranking member of the senate judiciary
9 committee and the chairperson and ranking member of the house
10 judiciary committee or of the house public safety committee,
11 in alternate four-year terms.

12 The bill adds a member on the council designated by the Iowa
13 state bar association, a member designated by the American
14 civil liberties union of Iowa, and a member designated by the
15 Iowa county attorneys association. The bill also adds two
16 members on the council designated by the Iowa association of
17 chiefs of police and peace officers, the Iowa state troopers
18 association, or the Iowa state sheriffs' and deputies'
19 association who are not in a supervisory position at the peace
20 officer's place of employment to serve alternating four-year
21 terms beginning with members designated by the Iowa association
22 of chiefs of police and peace officers designee and the Iowa
23 state troopers association designee.

24 The bill expands the duties of the criminal and juvenile
25 justice planning advisory council. The bill requires the
26 council to coordinate with the administrator of the division
27 of criminal and juvenile justice planning to develop and make
28 recommendations to the director of the department of human
29 rights. The bill also requires the council to serve as a
30 liaison between the general public and the division of criminal
31 and juvenile justice planning.

32 The bill establishes a public safety advisory board, to
33 be comprised of members of the council, as determined by the
34 council. The bill provides that any actions taken by the board
35 shall be considered separate and distinct from the criminal

1 and juvenile justice planning advisory council. The duties
2 of the board consist of reviewing and making recommendations
3 relating to current sentencing provisions. The bill requires
4 that in reviewing current sentencing provisions, the board
5 shall consider the impact on the following: potential
6 disparity in sentencing, truth in sentencing, the victim, the
7 proportionality of the sentence, sentencing procedures, costs,
8 and best practices of the department of corrections, the Iowa
9 child death review team, and the Iowa domestic abuse death
10 review team.

11 The bill also provides that the board shall review proposed
12 legislation, as set by rule by the general assembly or as
13 requested by executive branch or judicial branch.

14 The bill provides that the board shall provide expertise
15 and advice to the legislative fiscal bureau, the department
16 of corrections, the judicial branch, and other departments or
17 agencies charged with formulating fiscal, correctional, and
18 minority impact statements.

19 The bill provides that the board shall review data provided
20 by the division of criminal and juvenile justice and planning,
21 the department of management, the legislative fiscal bureau,
22 the judicial branch, and other departments or agencies for the
23 purpose of determining the effectiveness and efficiency of the
24 collection of such data.

25 The bill requires the board to report to the legislative
26 government oversight committee all sources of funding by
27 December 1 of each year.

28 The bill allows the board to call upon any department,
29 agency, or office of the state, or any political subdivision
30 of the state, for information or assistance as needed in the
31 performance of its duties and the information or assistance
32 shall be furnished to the extent that it is within the
33 resources and authority of the department, agency, office,
34 or political subdivision. The bill does not require the
35 production or opening of any records which are required by law

1 to be kept private or confidential.

2 The bill requires the division of criminal and juvenile
3 justice planning to submit plans and annual updates to plans
4 relating to criminal and juvenile justice programs by December
5 1 each year. The plans and annual updates are to be submitted
6 to the governor and the general assembly. Current law requires
7 the plans and annual updates to the plans be submitted to the
8 governor and general assembly by February 1 of each year.

9 The sections of the bill expanding the duties of the criminal
10 and juvenile justice planning advisory council and establishing
11 the public safety advisory board shall not be implemented
12 until sufficient funding has been appropriated to implement
13 the expanded duties of the council or the establishment of the
14 board.