

House Joint Resolution 2010 - Introduced

HOUSE JOINT RESOLUTION 2010
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HJR 2003)

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the rights of a crime
3 victim.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:

5 **Crime victims — rights.** SEC. 26. A victim has the right
6 to be treated with fairness and dignity, with respect for
7 the victim's safety and privacy, and to be informed of all
8 rights in this section. Upon request, a victim shall have
9 the right to reasonable notice of all proceedings involving
10 the criminal offense; to be present and to be heard in any
11 proceeding involving a release, plea, sentencing, disposition,
12 parole, and any right of the victim; to release conditions
13 which protect the victim; to notice of any release or escape of
14 the defendant; to restitution; and to confer with the attorney
15 for the government. A victim may assert the rights in this
16 section. A victim is a person who has suffered physical,
17 emotional, or financial harm as a direct result of a public
18 offense or a delinquent act, other than a simple misdemeanor,
19 committed in this state. A victim includes the immediate
20 family members of a victim who died or was rendered incompetent
21 as a result of the offense or who was under eighteen years of
22 age at the time of the offense.

23 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
24 amendment to the Constitution of the State of Iowa is referred
25 to the general assembly to be chosen at the next general
26 election for members of the general assembly, and the secretary
27 of state is directed to cause the proposed amendment to be
28 published for three consecutive months previous to the date of
29 that election as provided by law.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This joint resolution proposes an amendment to the
34 Constitution of the State of Iowa relating to the rights of a
35 crime victim.

1 The joint resolution specifies that a victim has the right
2 to be treated with fairness and dignity, with respect for the
3 victim's safety and privacy, and to be informed of all rights
4 in this section. The joint resolution provides that upon
5 request, a victim shall have the right to reasonable notice of
6 all proceedings involving the criminal offense; to be present
7 and to be heard in any proceeding involving a release, plea,
8 sentencing, disposition, parole, and any right of the victim;
9 to release conditions which protect the victim; to notice of
10 any release or escape of the defendant; to restitution; and
11 to confer with the attorney for the government. A victim may
12 assert the rights enumerated in the joint resolution. The
13 joint resolution defines a victim to mean a person who has
14 suffered physical, emotional, or financial harm as a direct
15 result of a public offense or a delinquent act, other than a
16 simple misdemeanor, committed in this state. Under the joint
17 resolution, a victim includes the immediate family members of
18 a victim who died or was rendered incompetent as a result of
19 the offense or who was under 18 years of age at the time of the
20 offense.

21 The resolution, if adopted, would be published and then
22 referred to the next general assembly (88th) for adoption a
23 second time, before being submitted to the electorate for
24 ratification.