

Senate Joint Resolution 2010 - Introduced

SENATE JOINT RESOLUTION 2010
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3040)

SENATE 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. To secure justice and
6 due process for a crime victim throughout the criminal and
7 juvenile justice system, a victim shall have rights which shall
8 be protected in a manner not less than the rights afforded
9 a defendant. A victim shall have the right to be treated
10 with fairness and dignity by the state, and the victim's
11 safety and privacy shall be respected. A victim is any person
12 who is harmed as a direct result of any indictable offense
13 or comparable delinquent act, or any nonindictable offense
14 or comparable delinquent act involving an act or threat of
15 violence. A victim shall have the right to be informed of all
16 rights enumerated in this section. Upon request, a victim
17 shall have the right to reasonable and timely notice of all
18 court proceedings involving a criminal offense or delinquent
19 act; to be present at all court proceedings; and to be heard
20 in any proceeding involving a release, plea, sentencing,
21 disposition, parole, and any other proceeding during which a
22 right of the victim is implicated. A victim shall be afforded
23 no-contact orders or release conditions issued by the court
24 which are reasonably necessary to protect the victim and shall
25 be provided notice of any release or escape of the defendant.
26 A victim shall be entitled to full and timely restitution,
27 proceedings free from unreasonable delay, and the prompt
28 conclusion of a criminal case. A victim shall have the right
29 to confer with the attorney for the government.

30 The victim, the victim's attorney or other lawful
31 representative, or the attorney for the government upon request
32 of the victim, may assert and enforce the rights enumerated
33 in this section and any other right afforded the victim by
34 law. The court or other authority with jurisdiction shall
35 act promptly on such a request. This section does not create

1 any cause of action for compensation or damages against
2 the government or any officer, employee, or agent of the
3 government, or any governmental entity.

4 A victim does not include the defendant or a person the court
5 finds would not act in the best interests of a victim who is
6 deceased, incompetent, or incapacitated, or a minor.

7 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
8 amendment to the Constitution of the State of Iowa is referred
9 to the general assembly to be chosen at the next general
10 election for members of the general assembly, and the secretary
11 of state is directed to cause the proposed amendment to be
12 published for three consecutive months previous to the date of
13 that election as provided by law.

14 EXPLANATION

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

17 This joint resolution proposes an amendment to the
18 Constitution of the State of Iowa relating to the rights of a
19 crime victim.

20 The joint resolution specifies that in order to secure
21 justice and due process for a crime victim throughout the
22 criminal and juvenile justice system, a victim shall have
23 rights which shall be protected in a manner not less than the
24 rights afforded a defendant.

25 The resolution specifies that a victim is any person who
26 is harmed as a direct result of any indictable offense or
27 comparable delinquent act, or any nonindictable offense
28 or comparable delinquent act involving an act or threat of
29 violence. A victim does not include the defendant or a person
30 the court finds would not act in the best interests of a victim
31 who is deceased, incompetent, or incapacitated, or a minor.

32 The resolution requires that a victim have the right to
33 be treated with fairness and dignity by the state, and the
34 victim's safety and privacy shall be respected. A victim shall
35 have the right to be informed of all rights enumerated in the

1 resolution. Upon request of a victim, the resolution requires
2 the victim shall have the right to reasonable and timely
3 notice of all court proceedings involving a criminal offense
4 or delinquent act; to be present at all court proceedings;
5 and to be heard in any proceeding involving a release, plea,
6 sentencing, disposition, parole, and any other proceeding
7 during which a right of the victim is implicated. A victim
8 shall be afforded no-contact orders or release conditions
9 issued by the court which are reasonably necessary to protect
10 the victim and shall be provided notice of any release or
11 escape of the defendant. A victim shall be entitled to full
12 and timely restitution, proceedings free from unreasonable
13 delay, and the prompt conclusion of a criminal case. A victim
14 shall have the right to confer with the attorney for the
15 government.

16 The victim, the victim's attorney or other lawful
17 representative, or the attorney for the government upon request
18 of the victim, may assert and enforce the rights enumerated
19 in the resolution and any other right afforded the victim by
20 law. The court or other authority with jurisdiction shall
21 act promptly on such a request. The resolution does not
22 create any cause of action for compensation or damages against
23 the government or any officer, employee, or agent of the
24 government, or any governmental entity.

25 The resolution, if adopted, would be published and then
26 referred to the next general assembly (88th) for adoption a
27 second time, before being submitted to the electorate for
28 ratification.