

Senate Study Bill 3040 - Introduced

SENATE JOINT RESOLUTION _____
BY (PROPOSED COMMITTEE ON
JUDICIARY RESOLUTION BY
CHAIRPERSON ZAUN)

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 a
9 defendant. A victim shall have the right to be treated with
10 fairness and dignity by the state, and the victim's safety and
11 privacy shall be respected. A victim shall have the right
12 to reasonable and timely notice of all proceedings involving
13 a criminal offense or delinquent act, to be present at all
14 proceedings, and to be heard in any proceeding involving a
15 release, plea, sentencing, disposition, parole, and any other
16 proceeding during which a right of the victim is implicated.
17 A victim shall be reasonably protected from the defendant or
18 any person acting on behalf of the defendant, and be provided
19 notice of any release or escape of the defendant. A victim
20 shall have the right to refuse an interview, deposition,
21 or other discovery request made by the defendant or any
22 person acting on behalf of the defendant. A victim shall be
23 entitled to full and timely restitution, proceedings free from
24 unreasonable delay, and a prompt conclusion of a criminal case.
25 A victim, upon request, shall have the right to confer with the
26 attorney for the government, and to be informed of all rights
27 enumerated in this section.

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

1 government.

2 A victim includes any person who is directly and proximately
3 harmed by the commission of a criminal offense or delinquent
4 act. A victim does not include the defendant or a person the
5 court finds would not act in the best interests of a victim who
6 is 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 the rights of a crime
21 victim shall be protected in a manner not less than the rights
22 afforded a defendant. The joint resolution provides that a
23 victim shall have the right to be treated with fairness and
24 dignity by the state, and the victim's safety and privacy shall
25 be respected. A victim shall have the right to reasonable and
26 timely notice of all proceedings involving a criminal offense
27 or delinquent act, to be present at all proceedings, and to
28 be heard at such proceedings. The joint resolution provides
29 that the victim shall have the right to refuse an interview,
30 deposition, or other discovery request made by the defendant
31 or any person acting on behalf of the defendant. The joint
32 resolution provides that a victim shall be entitled to full and
33 timely restitution, proceedings free from unreasonable delay,
34 and a prompt conclusion of a criminal case. Furthermore, a
35 victim, upon request, shall have the right to confer with the

1 attorney for the government, and to be informed of all rights
2 enumerated in the joint resolution. The joint resolution does
3 not create any cause of action for compensation or damages
4 against the government or any officer, employee, or agent of
5 the government.

6 The joint resolution provides that a victim includes any
7 person who is directly and proximately harmed by the commission
8 of a criminal offense or delinquent act, and does not include
9 the defendant or a person the court finds would not act in the
10 best interests of a victim who is deceased, incompetent, or
11 incapacitated, or a minor.

12 The resolution, if adopted, would be published and then
13 referred to the next general assembly (88th) for adoption a
14 second time, before being submitted to the electorate for
15 ratification.