

House File 634 - Introduced

HOUSE FILE 634

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 139)

A BILL FOR

1 An Act relating to certain boards and councils in the
2 department of human rights including the establishment
3 of the justice advisory board and the elimination of the
4 criminal and juvenile justice planning advisory council, the
5 public safety advisory board, and the sex offender research
6 council.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216A.3, subsection 2, paragraph a, Code
2 2019, is amended to read as follows:

3 a. The voting members shall consist of nine voting members
4 selected by each of the permanent commissions within the
5 department, and two voting members, appointed by the governor.
6 For purposes of this paragraph "a", "permanent commissions"
7 means the commission of Latino affairs, commission on the
8 status of women, commission of persons with disabilities,
9 commission on community action agencies, commission of deaf
10 services, ~~criminal and juvenile justice planning advisory~~
11 ~~council~~ justice advisory board, commission on the status of
12 African Americans, commission of Asian and Pacific Islander
13 affairs, and commission of Native American affairs. The term
14 of office for voting members is four years.

15 Sec. 2. Section 216A.131, Code 2019, is amended to read as
16 follows:

17 **216A.131 Definitions.**

18 For the purpose of [this subchapter](#), unless the context
19 otherwise requires:

20 1. "Administrator" means the administrator of the division
21 of criminal and juvenile justice planning.

22 2. "Board" means the ~~public safety advisory board~~ justice
23 advisory board.

24 3. "~~Council~~" means the ~~criminal and juvenile justice~~
25 ~~planning advisory council~~. "Department" means the department of
26 human rights.

27 4. "Division" means the division of criminal and juvenile
28 justice planning.

29 Sec. 3. Section 216A.131A, Code 2019, is amended to read as
30 follows:

31 **216A.131A Division of criminal and juvenile justice planning.**

32 The division of criminal and juvenile justice planning is
33 established to fulfill the responsibilities of [this subchapter](#),
34 including the duties specified in sections [216A.135](#), [216A.136](#),
35 [216A.137](#), [216A.138](#), and ~~[216A.139](#)~~ [216A.140](#).

1 Sec. 4. Section 216A.132, Code 2019, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **216A.132 Board established — terms — compensation.**

4 1. A justice advisory board is established consisting of
5 twenty-eight members who shall all reside in the state.

6 *a.* The governor shall appoint nine voting members each for
7 a four-year term beginning and ending as provided in section
8 69.19 and subject to confirmation by the senate as follows:

9 (1) Three persons, each of whom is a county supervisor,
10 county sheriff, mayor, nonsupervisory police officer, or a
11 chief of police of a department with fewer than eleven police
12 officers.

13 (2) Two persons who are knowledgeable about Iowa's juvenile
14 justice system.

15 (3) One person representing the general public, who is
16 not employed in any law enforcement, judicial, or corrections
17 capacity.

18 (4) One person who is either a crime victim, or who
19 represents a crime victim organization.

20 (5) One person who represents a recognized civil rights
21 organization that advocates for minorities.

22 (6) One person who was formerly under juvenile court
23 or correctional supervision, or a representative of an
24 organization that advocates for individuals who have been under
25 juvenile court or correctional supervision.

26 *b.* Additional voting members of the board, each serving a
27 four-year term, shall include one representative from each of
28 the following:

29 (1) The Iowa coalition against sexual assault.

30 (2) The American civil liberties union of Iowa.

31 (3) The Iowa county attorneys association.

32 (4) The department of human services.

33 (5) The department of corrections.

34 (6) A judicial district department of correctional
35 services.

1 (7) The department of public safety.

2 (8) The office on the status of African Americans.

3 (9) The department of public health.

4 (10) The board of parole.

5 (11) The department of justice.

6 (12) The state public defender.

7 (13) The governor's office of drug control policy.

8 c. The chief justice of the supreme court shall designate
9 one member who is a district judge and one member who is either
10 a district associate judge or associate juvenile judge. The
11 members appointed pursuant to this paragraph shall serve as ex
12 officio, nonvoting members for four-year terms beginning and
13 ending as provided in section 69.19, unless the member ceases
14 to serve as a judge.

15 d. The chairperson and ranking member of the senate
16 committee on judiciary shall be ex officio, nonvoting members.
17 In alternating two-year terms, beginning and ending as provided
18 in section 69.16B, the chairperson and ranking member of the
19 house committee on judiciary or of the house committee on
20 public safety shall be ex officio, nonvoting members, with the
21 chairperson and ranking member of the house committee on public
22 safety serving during the term beginning in January 2020.

23 2. Vacancies shall be filled by the original appointing
24 authority in the manner of the original appointments.

25 3. Members of the board shall receive reimbursement from
26 the state for actual and necessary expenses incurred in the
27 performance of their official duties and may also be eligible
28 to receive compensation as provided in section 7E.6. All
29 expense moneys paid to nonlegislative members shall be paid
30 from funds appropriated to the division. Legislative members
31 shall receive compensation as provided in sections 2.10 and
32 2.12.

33 4. Members of the board shall appoint a chairperson and vice
34 chairperson and other officers as the board deems necessary. A
35 majority of the voting members currently appointed to the board

1 shall constitute a quorum. A quorum shall be required for the
2 conduct of business of the board and the affirmative vote of a
3 majority of the currently appointed members is necessary for
4 any substantive action taken by the board. A member shall not
5 vote on any action if the member has a conflict of interest
6 on the matter, and a statement by the member of a conflict of
7 interest shall be conclusive for this purpose.

8 5. Membership on the board shall be bipartisan as provided
9 in section 69.16 and gender balanced as provided in section
10 69.16A.

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

13 7. The board may call upon any department, agency, or office
14 of the state, or any political subdivision of the state, for
15 information or assistance as needed in the performance of its
16 duties. The information or assistance shall be furnished to
17 the extent that it is within the resources and authority of
18 the department, agency, office, or political subdivision.
19 This section does not require the production or opening of
20 any records which are required by law to be kept private or
21 confidential.

22 Sec. 5. Section 216A.133, Code 2019, is amended by striking
23 the section and inserting in lieu thereof the following:

24 **216A.133 Purpose and duties.**

25 1. The purpose of the board shall be all of the following:

26 a. Develop short-term and long-term goals to improve the
27 criminal and juvenile justice systems.

28 b. Identify and analyze justice system issues.

29 c. Develop and assist others in implementing recommendations
30 and plans for justice system improvement.

31 d. Provide the general assembly with an analysis of current
32 and proposed criminal code provisions.

33 e. Provide for a clearinghouse of justice system information
34 to coordinate with data resource agencies and assist others in
35 the use of justice system data.

1 2. The board shall advise the division on its administration
2 of state and federal grants and appropriations and shall carry
3 out other functions consistent with this subchapter.

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

5 *a.* Identifying issues and analyzing the operation and impact
6 of present criminal and juvenile justice policy and making
7 recommendations for policy changes.

8 *b.* Coordinating with data resource agencies to provide
9 data and analytical information to federal, state, and local
10 governments, and assisting agencies in the use of criminal and
11 juvenile justice data.

12 *c.* Reporting criminal justice system needs to the governor,
13 the general assembly, and other decision makers to improve the
14 criminal justice system.

15 *d.* Reporting juvenile justice system needs to the governor,
16 the general assembly, and other decision makers to address
17 issues specifically affecting the juvenile justice system,
18 including evidence-based programs for group foster care
19 placements and the state training school, diversion, and
20 community-based services for juvenile offenders.

21 *e.* Providing technical assistance upon request to state and
22 local agencies.

23 *f.* Administering federal funds and funds appropriated
24 by the state or that are otherwise available in compliance
25 with applicable laws, regulations, and other requirements for
26 purposes of study, research, investigation, planning, and
27 implementation in the areas of criminal and juvenile justice.

28 *g.* Making grants to cities, counties, and other entities
29 pursuant to applicable law.

30 *h.* Maintaining an Iowa correctional policy project as
31 provided in section 216A.137.

32 *i.* Providing input to the department director in the
33 development of budget recommendations for the division.

34 *j.* Coordinating with the administrator to develop and make
35 recommendations to the department director pursuant to section

1 216A.2.

2 *k.* Serving as a liaison between the division and the public,
3 sharing information and gathering constituency input.

4 *l.* Recommending to the board the adoption of rules pursuant
5 to chapter 17A as it deems necessary for the board and
6 division.

7 *m.* Recommending legislative and executive action to the
8 governor and general assembly.

9 *n.* Establishing advisory committees, work groups, or other
10 coalitions as appropriate.

11 *o.* Providing the general assembly with an analysis and
12 recommendations of current criminal code provisions and
13 proposed legislation which include but are not limited to all
14 of the following:

15 (1) Potential disparity in sentencing.

16 (2) Truth in sentencing.

17 (3) Victims.

18 (4) The proportionality of specific sentences.

19 (5) Sentencing procedures.

20 (6) Costs associated with the implementation of criminal
21 code provisions, including costs to the judicial branch,
22 department of corrections, and judicial district departments
23 of correctional services, costs for representing indigent
24 defendants, and costs incurred by political subdivisions of the
25 state.

26 (7) Best practices related to the department of corrections
27 including recidivism rates, safety and the efficient use of
28 correctional staff, and compliance with correctional standards
29 set by the federal government and other jurisdictions.

30 (8) Best practices related to the Iowa child death review
31 team established in section 135.43 and the Iowa domestic abuse
32 death review team established in section 135.109.

33 *p.* Studying and making recommendations for treating and
34 supervising adult and juvenile sex offenders in institutions,
35 community-based programs, and in the community, in areas which

1 include but are not limited to all of the following:

2 (1) The effectiveness of electronically monitoring sex
3 offenders.

4 (2) The cost and effectiveness of special sentences
5 pursuant to chapter 903B.

6 (3) Risk assessment models created for sex offenders.

7 (4) Determining the best treatment programs available for
8 sex offenders and the efforts of Iowa and other states to
9 implement treatment programs.

10 (5) The efforts of Iowa and other states to prevent sex
11 abuse-related crimes including child sex abuse.

12 (6) Any other related issues the board deems necessary,
13 including but not limited to computer and internet sex-related
14 crimes, sex offender case management, best practices for sex
15 offender supervision, the sex offender registry, and the
16 effectiveness of safety zones.

17 *q.* Providing expertise and advice to the legislative
18 services agency, the department of corrections, the
19 judicial branch, and others charged with formulating fiscal,
20 correctional, or minority impact statements.

21 *r.* Reviewing data supplied by the division, the department
22 of management, the legislative services agency, the Iowa
23 supreme court, and other departments or agencies for the
24 purpose of determining the effectiveness and efficiency of the
25 collection of such data.

26 4. The board shall submit reports, in accordance with
27 section 216A.135, to the governor and general assembly
28 regarding actions taken, issues studied, and board
29 recommendations.

30 Sec. 6. Section 216A.135, Code 2019, is amended by striking
31 the section and inserting in lieu thereof the following:

32 **216A.135 Plan and report.**

33 1. The board shall submit a three-year criminal and juvenile
34 justice plan for the state, beginning December 1, 2020, and
35 every three years thereafter, by December 1. The three-year

1 plan shall be updated annually. Each three-year plan and
2 annual updates of the three-year plan shall be submitted to the
3 governor and the general assembly by December 1.

4 2. The three-year plan and annual updates shall include but
5 are not limited to the following:

6 a. Short-term and long-term goals for the criminal and
7 juvenile justice systems.

8 b. The identification of issues and studies on the effective
9 treatment and supervision of adult and juvenile sex offenders
10 in institutions, community-based programs, and the community.

11 c. Analysis and recommendations of current criminal code
12 provisions.

13 d. The effectiveness and efficiencies of current criminal
14 and juvenile justice policies, practices, and services.

15 e. Collection of criminal and juvenile justice data.

16 f. Recommendations to improve the criminal and juvenile
17 justice systems.

18 Sec. 7. Section 216A.137, Code 2019, is amended to read as
19 follows:

20 **216A.137 Correctional policy project.**

21 The division shall maintain an Iowa correctional policy
22 project for the purpose of conducting analyses of major
23 correctional issues affecting the criminal and juvenile justice
24 system. The ~~council~~ board shall identify and prioritize the
25 issues and studies to be addressed by the division through
26 this project and shall report project plans and findings
27 annually along with the report required in [section 216A.135](#).
28 Issues and studies to be considered by the ~~council~~ board shall
29 include, but are not limited to a review of the information
30 systems available to assess corrections trends and program
31 effectiveness, the development of an evaluation plan for
32 assessing the impact of corrections expenditures, and a study
33 of the desirability and feasibility of changing the state's
34 sentencing practices, ~~a public opinion survey to assess the~~
35 ~~public's view of possible changes in current corrections~~

1 ~~practices, and the development of parole guidelines which~~
2 ~~includes a prison population forecast.~~

3 The division may form subcommittees for the purpose of
4 addressing major correctional issues affecting the criminal
5 and juvenile justice system. The division shall establish
6 a subcommittee to address issues specifically affecting the
7 juvenile justice system.

8 Sec. 8. REPEAL. Sections 216A.133A and 216A.139, Code 2019,
9 are repealed.

10

EXPLANATION

11

The inclusion of this explanation does not constitute agreement with

12

the explanation's substance by the members of the general assembly.

13 This bill relates to certain boards and councils under the
14 department of human rights including the establishment of the
15 justice advisory board and the elimination of the criminal and
16 juvenile justice planning advisory council, the public safety
17 advisory board, and the sex offender research council.

18 The bill eliminates the criminal and juvenile justice
19 planning advisory council, the public safety advisory board,
20 and the sex offender research council and establishes the
21 justice advisory board to consist of 28 members (22 voting
22 members and 6 ex officio nonvoting members) all residing within
23 the state of Iowa. The justice advisory board will assume many
24 of the responsibilities, duties, and objectives of the three
25 entities eliminated in the bill. Nine voting members shall
26 be appointed by the governor, subject to confirmation by the
27 senate, for a four-year term. Other voting members of the
28 board serving four-year terms shall include representatives
29 from the Iowa coalition against sexual assault; the American
30 civil liberties union of Iowa; the Iowa county attorneys
31 association; the departments of human services, corrections,
32 public safety, public health, and justice; a judicial district
33 department of correctional services; the office of the status
34 of African Americans; the board of parole; the state public
35 defender; and the governor's office of drug control policy.

1 The chief justice of the supreme court shall designate a
2 district judge and a district associate judge or associate
3 juvenile judge to serve as ex officio, nonvoting members of
4 the board for four-year terms, unless the member ceases to
5 serve as a judge. The chairperson and ranking member of the
6 senate committee on judiciary shall be ex officio, nonvoting
7 members. In alternating two-year terms, the chairperson and
8 ranking member of the house committee on judiciary or of the
9 house committee on public safety shall be ex officio, nonvoting
10 members.

11 The bill provides that the purpose of the justice advisory
12 board is to: develop short-term and long-term goals to
13 improve the criminal and juvenile justice systems; identify and
14 analyze justice system issues; develop and assist others in
15 implementing recommendations and plans for system improvement;
16 provide the general assembly with an analysis of current
17 and proposed criminal code provisions; and provide for a
18 clearinghouse of justice system information to coordinate
19 with data resource agencies and assist others in the use of
20 justice system data. The board shall advise the division of
21 criminal and juvenile justice planning of the department of
22 human rights (division) on its administration of state and
23 federal grants and appropriations and shall carry out other
24 functions consistent with the subchapter, which includes the
25 responsibilities and duties of the division.

26 The duties of the justice advisory board include identifying
27 issues and analyzing the operation and impact of present
28 criminal and juvenile justice policy and making recommendations
29 for policy changes; coordinating with data resource agencies
30 to provide data and analytical information to federal, state,
31 and local governments, and assisting agencies in the use of
32 criminal and juvenile justice data; reporting criminal justice
33 and juvenile justice system needs to the governor, the general
34 assembly, and other decision makers to improve the criminal
35 justice system; providing technical assistance upon request

1 to state and local agencies; administering federal funds
2 and funds appropriated by the state or that are otherwise
3 available for purposes of study, research, investigation,
4 planning, and implementation in the areas of criminal and
5 juvenile justice; making grants to cities, counties, and
6 other entities pursuant to applicable law; maintaining an
7 Iowa correctional policy; providing input to the director of
8 the department of human services in the development of budget
9 recommendations; recommending rules pursuant to Code chapter
10 17A as necessary for the board and division; recommending
11 legislative and executive action to the governor and general
12 assembly; establishing advisory committees, work groups, or
13 other coalitions as appropriate; providing the general assembly
14 with an analysis and recommendations of current criminal code
15 provisions and proposed legislation; studying and making
16 recommendations for treating and supervising adult and juvenile
17 sex offenders in institutions, community-based programs,
18 and in the community; providing expertise and advice to the
19 legislative services agency, the department of corrections, the
20 judicial branch, and others charged with formulating fiscal,
21 correctional, or minority impact statements; and reviewing data
22 supplied by the division, the department of management, the
23 legislative services agency, the Iowa supreme court, and other
24 departments.

25 The bill provides that the justice advisory board shall
26 submit a three-year criminal and juvenile justice plan for
27 the state, beginning December 1, 2020, and every three years
28 thereafter, by December 1. The three-year plan shall be
29 updated annually. The three-year plan and annual updates shall
30 include short-term and long-term goals for the criminal and
31 juvenile justice systems; the identification of issues and
32 studies on the effective treatment and supervision of adult
33 and juvenile sex offenders in institutions, community-based
34 programs, and in the community; analysis and recommendations
35 of current criminal code provisions; the effectiveness and

1 efficiencies of current criminal and juvenile justice policies,
2 practices, and services; the collection of criminal and
3 juvenile justice data; and recommendations to improve the
4 criminal and juvenile justice systems.

5 The bill provides that the justice advisory board shall
6 identify and prioritize the issues and studies to be
7 addressed by the division. The division will maintain an Iowa
8 correctional policy project for the purpose of conducting
9 analyses of major correctional issues affecting the criminal
10 and juvenile justice system. Issues and studies to be
11 considered by the justice advisory board include a review of
12 the information systems available to assess corrections trends
13 and program effectiveness, the development of an evaluation
14 plan for assessing the impact of corrections expenditures,
15 and a study of the desirability and feasibility of changing
16 the state's sentencing practices, which includes a prison
17 population forecast.

18 The bill provides that a member of the justice advisory board
19 shall be a voting member of the human rights board replacing
20 the member representative from the criminal law and juvenile
21 justice planning and advisory council.

22 The bill adds the duties specified in Code section 216A.140,
23 concerning the Iowa collaboration for youth development
24 council and the state of Iowa youth advisory council, to the
25 responsibilities of the division of criminal and juvenile
26 justice planning. Those duties shall include but are not
27 limited to all of the following: to study, explore, and plan
28 for the best approach to structure and formalize the functions
29 and activities of the youth development council to meet its
30 purpose, and make formal recommendations for improvement to
31 the governor and general assembly; to review indicator data
32 and identify barriers to youth success and develop strategies
33 to address the barriers; to coordinate across agencies the
34 state policy priorities for youth; to strengthen partnerships
35 with the nonprofit and private sectors to gather input,

1 build consensus, and maximize the use of existing resources
2 and leverage new resources to improve the lives of youth
3 and their families; to oversee the activities of the youth
4 advisory council; to seek input from and engage the youth
5 advisory council in the development of more effective policies,
6 practices, and programs to improve the lives and futures of
7 youth; and to report annually by February 1 to the governor and
8 general assembly.

9 The bill repeals Code sections 216A.133A (duties of the
10 public safety advisory board) and 216A.139 (sex offender
11 research council), and makes conforming Code changes.