

House Joint Resolution 2 - Introduced

HOUSE JOINT RESOLUTION 2
BY ANDERSON

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 Sec. 26. **Crime victims — rights.** The victim of a violent
6 crime shall have the right to be treated with fairness and
7 dignity, with respect for their safety and privacy, and
8 to be informed of their rights under Iowa law. A victim
9 includes the immediate family members of a victim who died or
10 was rendered incompetent as a result of the offense or who
11 was under eighteen years of age at the time of the offense.
12 The rights of a victim as defined by the general assembly
13 shall not be denied or abridged by the state, secondary to
14 the constitutional rights of the accused. Upon request, a
15 victim shall have the right to timely notice of and to be
16 present at proceedings related to the criminal offense; to be
17 timely notified, present, and heard at proceedings related to
18 the victim's rights and the offender's sentencing, parole,
19 and any other disposition; to be timely notified of the
20 offender's incarceration location, release, escape, furlough,
21 move to community corrections, work release, or death; to
22 receive a copy of the offender's conditions of release; and
23 to restitution for pecuniary loss related to the crime. A
24 victim or a lawful representative of the victim has the right
25 to assert these rights in any court. This section shall not
26 provide grounds for a new trial for a defendant or any claim
27 for damages against the government.

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

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EXPLANATION

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

3 This joint resolution proposes an amendment to the
4 Constitution of the State of Iowa relating to the rights of a
5 crime victim.

6 The joint resolution specifies that the victim of a crime
7 shall have the right to be treated with fairness and dignity,
8 with respect for the victim's safety and privacy, and to be
9 informed of all their rights under Iowa law. A victim includes
10 the immediate family members of a victim who died, was rendered
11 incompetent as a result of the offense, or was under 18 years
12 of age at the time of the offense. The rights of a victim as
13 defined by the general assembly shall not be denied or abridged
14 by the state, secondary to the constitutional rights of the
15 accused. Upon request, a victim shall have the right to timely
16 notice of and to be present at proceedings related to the
17 criminal offense; to be timely notified, present, and heard at
18 proceedings related to the victim's rights and the offender's
19 sentencing, parole, and any other disposition; to be timely
20 notified of the offender's incarceration location, release,
21 escape, furlough, move to community corrections, work release,
22 or death; to a copy of the offender's conditions of release;
23 and to restitution for pecuniary loss related to the crime. A
24 victim or a lawful representative of the victim has the right
25 to assert these rights in any court. The joint resolution
26 shall not provide grounds for a new trial for a defendant or
27 any claim for damages against the government.

28 The joint resolution, if adopted, would be published and
29 then referred to the next general assembly (89th) for adoption
30 a second time, before being submitted to the electorate for
31 ratification.