

**Senate Joint Resolution 8 - Introduced**

SENATE JOINT RESOLUTION 8  
BY WHITING

**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 Sec. 26. **Crime victims — rights.** The following rights  
6 of a victim, being capable of protection without denying the  
7 constitutional rights of the defendant, shall not be denied  
8 or abridged by the state. A victim shall have the right to  
9 reasonable notice of, and shall not be excluded from, public  
10 proceedings relating to the offense; to be heard at any  
11 release, plea, sentencing, or other proceeding involving any  
12 right established by this section; to proceedings free from  
13 unreasonable delay; to reasonable notice of the release or  
14 escape of the defendant; to due consideration of a victim's  
15 safety, dignity, and privacy; and to restitution. A victim or  
16 a lawful representative of a victim has standing to assert and  
17 enforce these rights. This section shall not provide grounds  
18 for a new trial for a defendant or for any claim of damages.  
19 Review of the denial of any right established herein, which may  
20 include interlocutory relief, shall be subject to standards of  
21 ordinary appellate review.

22 A victim includes any person against whom a criminal offense  
23 is committed or who is directly and proximately harmed by the  
24 commission of an act, which if committed by a competent adult,  
25 would constitute a crime.

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

33

EXPLANATION

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

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

4 The joint resolution provides that the following rights  
5 of a victim, being capable of protection without denying the  
6 constitutional rights of the defendant, shall not be denied  
7 or abridged by the state. A victim shall have the right to  
8 reasonable notice of, and shall not be excluded from, public  
9 proceedings relating to the offense; to be heard at any  
10 release, plea, sentencing, or other proceeding involving any  
11 right established by this section; to proceedings free from  
12 unreasonable delay; to reasonable notice of the release or  
13 escape of the defendant; to due consideration of the victim's  
14 safety, dignity, and privacy; and to restitution.

15 The joint resolution provides that a victim or a victim's  
16 lawful representative has standing to assert and enforce these  
17 rights. Nothing in the joint resolution provides grounds for  
18 a new trial or any claim of damages. Review of the denial of  
19 any right established, which may include interlocutory relief,  
20 shall be subject to standards of ordinary appellate review.

21 The joint resolution provides that a victim includes any  
22 person against whom a criminal offense is committed or who is  
23 directly and proximately harmed by the commission of an act,  
24 which if committed by a competent adult, would constitute a  
25 crime.

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