

# House Study Bill 525 - Introduced

HOUSE JOINT RESOLUTION \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY RESOLUTION BY  
CHAIRPERSON HOLT)

## 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.** A victim has the right  
6 to be treated with fairness and dignity, with respect for  
7 the victim's safety and privacy, and to be informed of all  
8 rights in this section. Upon request, a victim shall have  
9 the right to reasonable notice of all proceedings involving  
10 the criminal offense in the criminal and juvenile justice  
11 systems, including pretrial release and pleas; to be present  
12 and to be heard in any proceeding involving sentencing, parole,  
13 and any right of the victim; to release conditions which  
14 protect the victim; to notice of any release or escape of the  
15 defendant; to restitution; and to confer with the attorney  
16 for the government. A victim has standing in the criminal  
17 and juvenile justice systems to assert the rights in this  
18 section. This section does not create any cause of action for  
19 compensation or damages against the government or any officer,  
20 employee, or agent of the government. A victim is a person  
21 who has suffered physical, emotional, or financial harm as a  
22 direct result of a public offense or a delinquent act, other  
23 than a simple misdemeanor, committed in this state. A victim  
24 includes the immediate family members of a victim who died or  
25 was rendered incompetent as a result of the offense or who was  
26 under eighteen years of age at the time of the offense.

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

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 a victim has the right  
5 to be treated with fairness and dignity, with respect for the  
6 victim's safety and privacy, and to be informed of all rights  
7 in the joint resolution. Upon request, a victim shall have the  
8 right to reasonable notice of all proceedings involving the  
9 criminal offense in the criminal and juvenile justice systems,  
10 including pretrial release and pleas; to be present and to be  
11 heard in any proceeding involving sentencing, parole, and any  
12 right of the victim; to release conditions which protect the  
13 victim; to notice of any release or escape of the defendant;  
14 to restitution; and to confer with the attorney for the  
15 government. A victim has standing in the criminal and juvenile  
16 justice systems to assert the rights enumerated in the joint  
17 resolution. The joint resolution does not create any cause  
18 of action for compensation or damages against the government  
19 or any officer, employee, or agent of the government. The  
20 joint resolution defines a victim to mean a person who has  
21 suffered physical, emotional, or financial harm as a direct  
22 result of a public offense or a delinquent act, other than a  
23 simple misdemeanor, committed in this state. Under the joint  
24 resolution, a victim includes the immediate family members of  
25 a victim who died or was rendered incompetent as a result of  
26 the offense or who was under 18 years of age at the time of the  
27 offense.

28 The joint resolution, if adopted, would be published and  
29 then referred to the next general assembly (90th) for adoption,  
30 before being submitted to the electorate for ratification.