

Senate File 2252 - Reprinted

SENATE FILE 2252
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3156)

(As Amended and Passed by the Senate February 25, 2010)

A BILL FOR

1 An Act relating to the criminal and juvenile justice planning
2 advisory council, establishing a public safety advisory
3 board, and providing for implementation.

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

1 Section 1. Section 216A.131, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "*Board*" means the public safety
4 advisory board.

5 Sec. 2. Section 216A.133, subsection 1, Code 2009, is
6 amended to read as follows:

7 1. Identify issues and analyze the operation and impact
8 of present criminal and juvenile justice policy and make
9 recommendations for policy changes, ~~including recommendations~~
10 ~~pertaining to efforts to curtail criminal gang activity.~~

11 Sec. 3. Section 216A.133, Code 2009, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 8. Determine members of the public safety
14 advisory board pursuant to section 216A.133A.

15 NEW SUBSECTION. 9. Coordinate with the administrator to
16 develop and make recommendations to the department director
17 pursuant to section 216A.2.

18 NEW SUBSECTION. 10. Serve as a liaison between the general
19 public and the division.

20 NEW SUBSECTION. 11. Establish advisory committees to study
21 special issues.

22 Sec. 4. NEW SECTION. **216A.133A Public safety advisory**
23 **board— duties.**

24 1. A public safety advisory board is established whose
25 membership shall be determined by the criminal and juvenile
26 justice planning advisory council and shall consist of current
27 members of the council. Any actions taken by the board shall
28 be considered separate and distinct from the council.

29 2. The purpose of the board is to provide the general
30 assembly with an analysis of current and proposed criminal code
31 provisions.

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

33 a. Reviewing and making recommendations relating to current
34 sentencing provisions. In reviewing such provisions the board
35 shall consider the impact on all of the following:

- 1 (1) Potential disparity in sentencing.
- 2 (2) Truth in sentencing.
- 3 (3) Victims.
- 4 (4) The proportionality of specific sentences.
- 5 (5) Sentencing procedures.
- 6 (6) Costs associated with the implementation of criminal
7 code provisions, including costs to the judicial branch,
8 department of corrections, and judicial district departments
9 of correctional services, costs for representing indigent
10 defendants, and costs incurred by political subdivisions of the
11 state.
- 12 (7) Best practices related to the department of corrections
13 including recidivism rates, safety and efficient use of
14 correctional staff, and compliance with correctional standards
15 set by the federal government and other jurisdictions.
- 16 (8) Best practices related to the Iowa child death review
17 team established in section 135.43 and the Iowa domestic abuse
18 death review team established in section 135.109.
- 19 *b.* Reviewing and making recommendations relating to proposed
20 legislation, in accordance with paragraph "a", as set by rule
21 by the general assembly or as requested by the executive or
22 judicial branch proposing such legislation.
- 23 *c.* Providing expertise and advice to the legislative
24 services agency, the department of corrections, the
25 judicial branch, and others charged with formulating fiscal,
26 correctional, or minority impact statements.
- 27 *d.* Reviewing data supplied by the division, the department
28 of management, the legislative services agency, the Iowa
29 supreme court, and other departments or agencies for the
30 purpose of determining the effectiveness and efficiency of the
31 collection of such data.
- 32 4. The board may call upon any department, agency, or office
33 of the state, or any political subdivision of the state, for
34 information or assistance as needed in the performance of its
35 duties. The information or assistance shall be furnished to

1 the extent that it is within the resources and authority of
2 the department, agency, office, or political subdivision.
3 This section does not require the production or opening of
4 any records which are required by law to be kept private or
5 confidential.

6 5. The board shall report to the legislative government
7 oversight committee all sources of funding by December 1 of
8 each year.

9 6. Membership on the board shall be bipartisan as provided
10 in section 69.16 and gender balanced as provided in section
11 69.16A.

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

14 8. Members of the board shall receive reimbursement from
15 the state for actual and necessary expenses incurred in the
16 performance of their official duties. Members may also be
17 eligible to receive compensation as provided in section 7E.6.

18 Sec. 5. Section 216A.135, unnumbered paragraph 1, Code
19 2009, is amended to read as follows:

20 Beginning in 1989, and every five years thereafter, the
21 division shall develop a twenty-year criminal and juvenile
22 justice plan for the state which shall include ten-year,
23 fifteen-year, and twenty-year goals and a comprehensive
24 five-year plan for criminal and juvenile justice programs.
25 The five-year plan shall be updated annually and each
26 twenty-year plan and annual updates of the five-year plan
27 shall be submitted to the governor and the general assembly by
28 ~~February~~ December 1.

29 Sec. 6. IMPLEMENTATION — FUNDING. The section of this
30 Act amending section 216A.133 by expanding the duties of
31 the criminal and juvenile justice planning advisory council
32 and the section of this Act creating new section 216A.133A,
33 establishing the public safety advisory board shall not be
34 implemented until sufficient funding has been appropriated
35 to implement the expanded duties of the council and the

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1 establishment of the board.