

SENATE/HOUSE FILE _____
BY (PROPOSED CRIMINAL CODE
REORGANIZATION STUDY
COMMITTEE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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

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

5 Sec. 2. Section 216A.132, Code 2009, is amended to read as
6 follows:

7 216A.132 COUNCIL ESTABLISHED -- TERMS -- COMPENSATION.

8 1. A criminal and juvenile justice planning advisory
9 council is established consisting of ~~twenty-three~~ twenty-four
10 members.

11 a. The governor shall appoint ~~seven~~ six members each for a
12 four-year term beginning and ending as provided in section
13 69.19 and subject to confirmation by the senate as follows:

14 (1) Three persons, each of whom is a county supervisor,
15 county sheriff, mayor, city chief of police, or county
16 attorney.

17 (2) Two persons who ~~represent-the-general-public-and-are~~
18 ~~not-employed-in-any-law-enforcement,-judicial,-or-corrections~~
19 ~~capacity~~ are knowledgeable about Iowa's juvenile justice
20 system.

21 (3) ~~Two-persons-who-are-knowledgeable-about-Iowa's~~
22 ~~juvenile-justice-system~~ One person representing a crime victim
23 group.

24 b. The departments of human services, corrections, and
25 public safety, the division on the status of
26 African-Americans, the Iowa department of public health, the
27 chairperson of the board of parole, the attorney general, the
28 state public defender, and the governor's office of drug
29 control policy, ~~and-the-chief-justice-of-the-supreme-court~~
30 shall each designate a person to serve on the council. ~~The~~
31 ~~person-appointed-by-the-Iowa-department-of-public-health-shall~~
32 ~~be-from-the-departmental-staff-who-administer-the~~
33 ~~comprehensive-substance-abuse-program-under-chapter-125-~~

34 c. The chief justice of the supreme court shall appoint
35 ~~two-additional-members-currently-serving-as-district-judges~~

1 one member who is a district judge and one member who is
2 either a district associate judge or associate juvenile judge.
3 ~~Two members of the senate and two members of the house of~~
4 ~~representatives shall be ex-officio members and shall be~~
5 ~~appointed by the majority and minority leaders of the senate~~
6 ~~and the speaker and minority leader of the house of~~
7 ~~representatives pursuant to section 69.16 and shall serve~~
8 ~~terms as provided in section 69.16B. The chairperson and~~
9 ~~ranking member of the senate committee on judiciary shall be~~
10 ~~members. In alternating four-year intervals, the chairperson~~
11 ~~and ranking member of the house committee on judiciary or of~~
12 ~~the house committee on public safety shall be members, with~~
13 ~~the chairperson and ranking member of the house committee on~~
14 ~~public safety serving during the initial interval.~~

15 Nonlegislative members appointed pursuant to this paragraph
16 shall serve for four-year terms beginning and ending as
17 provided in section 69.19 unless the member ceases to serve as
18 a district court judge.

19 d. The Iowa state bar association and the American civil
20 liberties union of Iowa shall each designate a person to serve
21 on the council.

22 e. The Iowa association of chiefs of police and peace
23 officers or the Iowa state sheriff's and deputies association
24 shall alternately designate a peace officer who is not in a
25 supervisory position at the peace officer's place of
26 employment to serve a four-year term. The Iowa association of
27 chiefs of police and peace officers shall designate the
28 initial peace officer member.

29 2. Members of the council shall receive reimbursement from
30 the state for actual and necessary expenses incurred in the
31 performance of their official duties. Members may also be
32 eligible to receive compensation as provided in section 7E.6.

33 Sec. 3. Section 216A.133, subsection 1, Code 2009, is
34 amended to read as follows:

35 1. Identify issues and analyze the operation and impact of

1 present criminal and juvenile justice policy and make
2 recommendations for policy changes, ~~including recommendations~~
3 ~~pertaining to efforts to curtail criminal gang activity.~~

4 Sec. 4. Section 216A.133, Code 2009, is amended by adding
5 the following new subsections:

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

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

11 NEW SUBSECTION. 10. Serve as a liaison between the
12 general public and the division.

13 NEW SUBSECTION. 11. Establish advisory committees to
14 study special issues.

15 Sec. 5. NEW SECTION. 216A.133A PUBLIC SAFETY ADVISORY
16 BOARD -- DUTIES.

17 1. A public safety advisory board is established whose
18 membership shall be determined by the criminal and juvenile
19 justice planning advisory council and shall consist of current
20 members of the council. Any actions taken by the board shall
21 be considered separate and distinct from the council.

22 2. The purpose of the board is to provide the general
23 assembly with an analysis of current and proposed criminal
24 code provisions.

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

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

29 (1) Potential disparity in sentencing.

30 (2) Truth in sentencing.

31 (3) Victims.

32 (4) The proportionality of specific sentences.

33 (5) Sentencing procedures.

34 (6) Costs associated with the implementation of criminal
35 code provisions, including costs to the judicial branch,

1 department of corrections, and judicial district departments
2 of correctional services, and costs incurred by political
3 subdivisions of the state.

4 (7) Best practices related to the department of
5 corrections including recidivism rates, safety and efficient
6 use of correctional staff, and compliance with correctional
7 standards set by the federal government and other
8 jurisdictions.

9 b. Reviewing and making recommendations relating to
10 proposed legislation, in accordance with paragraph "a", as set
11 by rule by the general assembly or as requested by the
12 executive or judicial branch proposing such legislation.

13 c. Providing expertise and advice to the legislative
14 services agency, the department of corrections, the judicial
15 branch, and others charged with formulating fiscal,
16 correctional, or minority impact statements.

17 d. Reviewing data supplied by the division, the department
18 of management, the legislative services agency, the Iowa
19 supreme court, and other departments or agencies for the
20 purpose of determining the effectiveness and efficiency of the
21 collection of such data.

22 4. The board may call upon any department, agency, or
23 office of the state, or any political subdivision of the
24 state, for information or assistance as needed in the
25 performance of its duties. The information or assistance
26 shall be furnished to the extent that it is within the
27 resources and authority of the department, agency, office, or
28 political subdivision. This section does not require the
29 production or opening of any records which are required by law
30 to be kept private or confidential.

31 5. The board shall report to the legislative government
32 oversight committee all sources of funding by December 1 of
33 each year.

34 6. Members of the board shall receive reimbursement from
35 the state for actual and necessary expenses incurred in the

1 performance of their official duties. Members may also be
2 eligible to receive compensation as provided in section 7E.6.

3 Sec. 6. Section 216A.135, unnumbered paragraph 1, Code
4 2009, is amended to read as follows:

5 Beginning in 1989, and every five years thereafter, the
6 division shall develop a twenty-year criminal and juvenile
7 justice plan for the state which shall include ten-year,
8 fifteen-year, and twenty-year goals and a comprehensive
9 five-year plan for criminal and juvenile justice programs.
10 The five-year plan shall be updated annually and each
11 twenty-year plan and annual updates of the five-year plan
12 shall be submitted to the governor and the general assembly by
13 February December 1.

14 Sec. 7. APPOINTMENTS TO CRIMINAL AND JUVENILE JUSTICE
15 PLANNING ADVISORY COUNCIL. Notwithstanding chapter 69, vacant
16 positions on the criminal and juvenile justice planning
17 advisory council shall be filled in accordance with this
18 section. The member appointed to represent a crime victim
19 group on the criminal and juvenile justice planning advisory
20 council pursuant to this Act shall replace both general public
21 members appointed by the governor pursuant to section
22 216A.132, subsection 1, paragraph "a", subparagraph (2), Code
23 2009, as of July 1, 2010, and shall serve a four-year term
24 beginning July 1, 2010. The member designated by the chief
25 justice of the supreme court pursuant to section 216A.132,
26 subsection 1, paragraph "b", Code 2009, shall cease being a
27 member of the council on June 30, 2010. A member appointed by
28 the chief justice pursuant to section 216A.132, subsection 1,
29 paragraph "c", Code 2009, shall cease being a member of the
30 council on June 30, 2010, and the member who is either a
31 district associate judge or associate juvenile judge shall
32 become a member July 1, 2010. The Iowa state bar association,
33 the American civil liberties union of Iowa, and the Iowa
34 association of chiefs of police and peace officers shall each
35 designate a person to serve on the council beginning July 1,

1 2010.

2 Sec. 8. IMPLEMENTATION -- FUNDING. The section of this
3 Act amending section 216A.133 by expanding the duties of the
4 criminal and juvenile justice planning advisory council and
5 the section of this Act creating new section 216A.133A,
6 establishing the public safety advisory board shall not be
7 implemented until sufficient funding has been appropriated to
8 implement the expanded duties of the council and the
9 establishment of the board.

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EXPLANATION

11 This bill relates to the criminal and juvenile justice
12 planning advisory council and the establishment of a public
13 safety advisory board.

14 The bill eliminates two public member positions appointed
15 to the council by the governor and adds a member representing
16 a crime victim group who is appointed by the governor.

17 The bill eliminates a member position on the council who is
18 designated by the chief justice of the supreme court. The
19 bill also revises the judicial members to be appointed by the
20 chief justice to include one district judge and one district
21 associate judge or associate juvenile judge. The bill also
22 specifies that the four legislative members shall be the
23 chairperson and ranking member of the senate judiciary
24 committee and the chairperson and ranking member of the house
25 judiciary committee or of the house public safety committee,
26 in alternate four-year terms.

27 The bill adds a member on the council designated by the
28 Iowa state bar association and a member designated by the
29 American civil liberties union of Iowa. The bill also adds a
30 member on the council designated by the Iowa association of
31 chiefs of police and peace officers or the Iowa state sheriffs
32 and deputies association who is not in a supervisory position
33 at the peace officer's place of employment to serve
34 alternating four-year terms beginning with the Iowa
35 association of chiefs of police and peace officers designee.

1 The bill expands the duties of the criminal and juvenile
2 justice planning advisory council. The bill requires the
3 council to coordinate with the administrator of the division
4 of criminal and juvenile justice planning to develop and make
5 recommendations to the director of the department of human
6 rights. The bill also requires the council to serve as a
7 liaison between the general public and the division of
8 criminal and juvenile justice planning.

9 The bill establishes a public safety advisory board, to be
10 comprised of members of the council, as determined by the
11 council. The bill provides that any actions taken by the
12 board shall be considered separate and distinct from the
13 criminal and juvenile justice planning advisory council. The
14 duties of the board consist of reviewing and making
15 recommendations relating to current sentencing provisions.
16 The bill requires that in reviewing current sentencing
17 provisions, the board shall consider the impact on the
18 following; potential disparity in sentencing,
19 truth-in-sentencing, the victim, the proportionality of the
20 sentence, sentencing procedures, costs, and best practices of
21 the department of corrections.

22 The bill also provides that the board shall review proposed
23 legislation, as set by rule by the general assembly or as
24 requested by executive branch or judicial branch.

25 The bill provides that the board shall provide expertise
26 and advice to the legislative fiscal bureau, the department of
27 corrections, the judicial branch, and other departments or
28 agencies charged with formulating fiscal, correctional, and
29 minority impact statements.

30 The bill provides that the board shall review data provided
31 by the division of criminal and juvenile justice and planning,
32 the department of management, the legislative fiscal bureau,
33 the judicial branch, and other departments or agencies for the
34 purpose of determining the effectiveness and efficiency of the
35 collection of such data.

1 The bill requires the board to report to the legislative
2 government oversight committee all sources of funding by
3 December 1 of each year.

4 The bill allows the board to call upon any department,
5 agency, or office of the state, or any political subdivision
6 of the state, for information or assistance as needed in the
7 performance of its duties and the information or assistance
8 shall be furnished to the extent that it is within the
9 resources and authority of the department, agency, office, or
10 political subdivision. The bill does not require the
11 production or opening of any records which are required by law
12 to be kept private or confidential.

13 The bill requires the division of criminal and juvenile
14 justice planning to submit plans and annual updates to plans
15 relating to criminal and juvenile justice programs by December
16 1 each year. The plans and annual updates are to be submitted
17 to the governor and the general assembly. Current law
18 requires the plans and annual updates to the plans be
19 submitted to the governor and general assembly February 1 of
20 each year.

21 The sections of the bill expanding the duties of the
22 criminal and juvenile justice planning advisory council and
23 establishing the public safety advisory board shall not be
24 implemented until sufficient funding has been appropriated to
25 implement the expanded duties of the council or the
26 establishment of the board.

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