

Sec. 3. Section 232.147, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Release of official juvenile court records to a victim of a delinquent act are subject to the provisions of section 232.28A, notwithstanding contrary provisions of this chapter.

Sec. 4. Section 910A.5, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a complaint is filed under section 232.28, alleging a child has committed a delinquent act, the alleged victim may file a signed victim impact statement with the juvenile court as provided by section 232.28. The victim impact statement shall be considered by the court and the juvenile court officer handling the complaint in any proceeding or informal adjustment associated with the complaint.

Approved April 16, 1996

CHAPTER 1111

RIGHTS OF VICTIMS OF CRIMINAL ACTS AND RELATED MATTERS

H.F. 2456

AN ACT relating to the rights of victims of criminal acts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.653, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 65A. Carry out the duties imposed under section 910A.8.

Sec. 2. Section 331.756, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 83A. Carry out the duties imposed under sections 910A.2, 910A.5, and 910A.6.

Sec. 3. Section 904.108, subsection 6, Code 1995, is amended to read as follows:

6. The director or the director's designee, having probable cause to believe that a person has escaped from a state correctional institution or a person convicted of a forcible felony who is released on work release has absconded from a work release facility, ~~may make shall:~~

a. Make a complaint before a judge or magistrate. If it is determined from the complaint or accompanying affidavits that there is probable cause to believe that the person has escaped from a state correctional institution or that the forcible felon has absconded from a work release facility, the judge or magistrate shall issue a warrant for the arrest of the person.

b. Issue an announcement regarding the fact of the escape of the person or the abscondence of the forcible felon to the law enforcement authorities in, and to the news media covering, communities in a twenty-five mile radius of the point of escape or abscondence.

Sec. 4. Section 910A.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Victim impact statement" means a written or oral

presentation to the court by the victim or the victim's representative that indicates the physical, emotional, financial, or other effects of the offense upon the victim.

Sec. 5. Section 910A.5, Code 1995, is amended to read as follows:

910A.5 VICTIM IMPACT STATEMENT.

1. A victim may present a victim impact statement to the court using one or more of the following methods:

a. A victim may file a signed victim impact statement with the county attorney, and a filed impact statement shall be included in the presentence investigation report. If a presentence investigation report is not ordered by the court, a filed victim impact statement shall be provided to the court prior to sentencing.

~~The court shall consider a filed victim impact statement in determining the appropriate sentence and in entering any order of restitution to the victim pursuant to chapter 910.~~

b. A victim may orally present a victim impact statement at the sentencing hearing, in the presence of the defendant.

c. If the victim is unable to make an oral or written statement because of the victim's age, or mental, emotional, or physical incapacity, the victim's attorney or a designated representative shall have the opportunity to make a statement on behalf of the victim.

2. The A victim impact statement shall:

1. Identify include the identification of the victim of the offense., and may include the following:

2. a. Itemize Itemization of any economic loss suffered by the victim as a result of the offense. For purposes of this paragraph, a pecuniary damages statement prepared by a county attorney pursuant to section 910.3, may serve as the itemization of economic loss.

3. b. Identify Identification of any physical injury suffered by the victim as a result of the offense with detail as to its seriousness and permanence.

4. c. Describe Description of any change in the victim's personal welfare or familial relationships as a result of the offense.

5. d. Describe Description of any request for psychological services initiated by the victim or the victim's family as a result of the offense.

6. e. Contain any Any other information related to the impact of the offense upon the victim.

Sec. 6. Section 910A.6, subsection 1, Code 1995, is amended to read as follows:

1. The scheduled date, time, and place of trial, and the cancellation or postponement of a court proceeding that was expected to require the victim's attendance, in any criminal case relating to the crime for which the person is a registered victim.

Sec. 7. Section 910A.6, Code 1995, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Except where the prosecuting attorney determines that disclosure of such information would unreasonably interfere with the investigation, at the request of the registered victim, notice of the status of the investigation, to be provided by law enforcement authorities investigating the case, until the alleged assailant is apprehended or the investigation is closed.

NEW SUBSECTION. 7. The right to be informed of any plea agreements related to the crime for which the person is a registered victim.

NEW SUBSECTION. 8. The victim's right to make an oral victim impact statement, in the presence of the defendant, as well as notification of the time and place for such statement.

Sec. 8. Section 910A.7A, Code 1995, is amended to read as follows:

910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.

The department of justice shall notify a registered victim of all dispositional orders of a case currently on appeal the filing of an appeal, the expected date of decision on the

appeal as the information becomes available to the department, all dispositional orders in the appeal, and the outcome of the appeal of a case in which the victim was involved.

Sec. 9. Section 910A.8, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The offender's transfer from local custody to custody in another locality.

Sec. 10. Section 910A.9, Code 1995, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The transfer of custody of the offender to another state or federal jurisdiction.

NEW SUBSECTION. 7. The procedures for contacting the department to determine the offender's current institution of residence.

Approved April 16, 1996

CHAPTER 1112

INSTRUCTIONAL SUPPORT PROGRAM – HEARINGS AND ELECTIONS

H.F. 334

AN ACT relating to the hearing and election provisions of the instructional support program of school districts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.18, subsection 1, Code Supplement 1995, is amended to read as follows:

1. An instructional support program that provides additional funding for school districts is established. A board of directors that wishes to consider participating in the instructional support program shall hold a public hearing on the question of participation. The board shall set forth its proposal, including the method that will be used to fund the program, in a resolution and shall publish the notice of the time and place of a public hearing on the resolution. Notice of the time and place of the public hearing shall be published ~~in one or more newspapers~~ not less than ten nor more than twenty days before the public hearing. ~~For the purpose of establishing and giving assured circulation to the proceedings, only in a newspaper which is a newspaper of general circulation issued at a regular frequency, distributed in the school district's area, and regularly delivered or mailed through the post office during the preceding two years may be used for the publication in the school district. In addition, the newspaper must have a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period. At the hearing, the board shall announce a date certain, or no later than thirty days after the date of the hearing, that it will~~ the board shall take action to adopt a resolution to participate in the instructional support program for a period not exceeding five years or to direct the county commissioner of elections to call an election to submit the question of participation in the program for a period not exceeding ten years to the registered voters of the school district at the next following regular school election in the base year or at a special election held not later than December 1 of the base year. If the board calls submits the question at an election on the question of participation, if and a majority of those voting on the question favors participation in the program, the board shall adopt a