

JAN 18 2002

JUDICIARY

HOUSE FILE 2089
BY SHEY and MYERS

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

A BILL FOR

1 An Act relating to the reading of a crime victim impact statement
2 at an adult sentencing hearing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF-2089

1 Section 1. Section 915.13, subsection 1, paragraph d,
2 subparagraph (1), Code 2001, is amended to read as follows:

3 (1) Written victim impact statement, delivered in court in
4 the presence of the defendant. Notification shall include the
5 procedures for filing such a statement.

6 Sec. 2. Section 915.21, subsection 1, paragraph a, Code
7 2001, is amended to read as follows:

8 a. A victim may file a signed victim impact statement with
9 the county attorney, and a filed impact statement shall be
10 included in the presentence investigation report. If a
11 presentence investigation report is not ordered by the court,
12 a filed victim impact statement shall be provided to the court
13 prior to sentencing. The victim impact statement shall be
14 read at the sentencing hearing in the presence of the
15 defendant, if the victim requests it be read. The victim
16 impact statement may be read by the victim or the victim's
17 attorney or designated representative.

18 Sec. 3. Section 915.21, subsection 1, paragraph c, Code
19 2001, is amended to read as follows:

20 c. If the victim is unable to make an oral or written
21 statement because of the victim's age, or mental, emotional,
22 or physical incapacity, the victim's attorney or a designated
23 representative shall have the opportunity to make a statement
24 on behalf of the victim at the sentencing hearing in the
25 presence of the defendant.

26 EXPLANATION

27 This bill relates to the reading of a victim impact
28 statement at an adult criminal sentencing hearing.

29 The bill requires that a written victim impact statement be
30 read at a defendant's sentencing hearing in the presence of
31 the defendant, if the victim requests it be read. The bill
32 permits the impact statement to be read by the victim or
33 victim's attorney or designated representative. Current law
34 provides that a written victim impact statement be provided to
35 the court prior to sentencing.