

Shey, Chair
Eichhorn
Kreiman

HSB 511

SI JUDICIARY^{3y}

HOUSE FILE _____

SF 02/53

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to presentation of victim impact statements at
2 criminal sentencing hearings.

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

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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. Upon request of the victim, the victim
14 impact statement shall be read at the sentencing hearing in
15 the presence of the defendant. The victim impact statement
16 may be read by the victim or the victim's attorney or
17 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 reading a victim impact statement at a
28 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 also permits the impact statement to be read by the victim's
33 attorney or designated representative. Current law provides
34 that a written victim impact statement be provided to the
35 court prior to sentencing.

REPRINTED

JAN 29 2002
Place On Calendar

HOUSE FILE 2153
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 511)

(P. 268) Passed House, Date 2-6-02 Passed Senate, Date (P. 649) 3-18-02
Vote: Ayes 94 Nays 0 Vote: Ayes 45 Nays 0
Approved March 29, 2002

Re-Passed 3-20-02

Vote 96-0

A BILL FOR

1 An Act relating to presentation of victim impact statements at
2 criminal sentencing hearings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2153

H-8030

1 Amend House File 2153 as follows:

2 1. Page 1, line 26, by inserting after the word
3 "defendant" the following: ", and at any hearing
4 regarding reconsideration of sentence".

5 2. Page 1, line 32, by striking the words "on
6 video cassette".

7 3. Page 1, line 35, by striking the word
8 "sentencing" and inserting the following: "sentence".

9 4. Page 2, line 2, by inserting after the word
10 "statement" the following: "or appear by audio via a
11 speakerphone to make a statement,".

By TREMMEL of Wapello

H-8030 FILED FEBRUARY 4, 2002

Adapted
2-6-02 (P. 268)

HF 2153

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

3 d. The victim's right to make a victim impact statement,
4 in ~~one-or-both~~ any of the following formats:

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

8 (2) Oral victim impact statement, delivered in court in
9 the presence of the defendant. The victim shall also be
10 notified of the time and place for such statement.

11 (3) Video victim impact statement, delivered in court in
12 the presence of the defendant. Notification shall include the
13 procedures for making and filing the video recording.

14 (4) Audio victim impact statement, delivered in court in
15 the presence of the defendant. Notification shall include the
16 procedures for making and filing the audio recording.

17 Sec. 2. Section 915.21, subsection 1, paragraph a, Code
18 2001, is amended to read as follows:

19 a. A victim may file a signed victim impact statement with
20 the county attorney, and a filed impact statement shall be
21 included in the presentence investigation report. If a
22 presentence investigation report is not ordered by the court,
23 a filed victim impact statement shall be provided to the court
24 prior to sentencing. Upon request of the victim, the victim
25 impact statement shall be presented at the sentencing hearing
26 in the presence of the defendant. The victim impact statement
27 may be presented by the victim or the victim's attorney or
28 designated representative.

29 Sec. 3. Section 915.21, subsection 1, Code 2001, is
30 amended by adding the following new paragraphs:

31 NEW PARAGRAPH. bb. A victim may make a video recording of
32 a statement on video cassette or, if available, may make a
33 statement from a remote location through a video monitor at
34 the sentencing hearing, in the presence of the defendant, and
35 at any hearing regarding reconsideration of sentencing.

1 NEW PARAGRAPH. bc. A victim may make an audio recording
2 of the statement to be delivered in court in the presence of
3 the defendant, and at any hearing regarding reconsideration of
4 sentence.

5 Sec. 4. Section 915.21, Code 2001, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 3. Nothing in this section shall be
8 construed to affect the inherent power of the court to
9 regulate the conduct of persons present in the courtroom.

10 EXPLANATION

11 This bill relates to the presentation of a victim impact
12 statement at a criminal sentencing hearing.

13 The bill provides that a victim impact statement may be
14 presented at the sentencing hearing in a video or audio format
15 as well as orally or in a written format.

16 The bill requires that a written, video, or audio victim
17 impact statement be presented at a defendant's sentencing
18 hearing in the presence of the defendant, if the victim
19 requests it to be so presented. The bill also permits the
20 impact statement to be presented by the victim's attorney or
21 designated representative. Current law provides that a
22 written victim impact statement be provided to the court prior
23 to sentencing.

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5-3/11/02 Do Pass

HOUSE FILE 2153
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 511)

(As Amended and Passed by the House February 6, 2002)

Passed House, ^(P. 900) Date 3/20/02 Passed Senate, ^(P. 649) Date 3-18-02
Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 0
Approved March 29

A BILL FOR

1 An Act relating to presentation of victim impact statements at
2 criminal sentencing hearings.

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

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House Amendments _____
Deleted Language *

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

3 d. The victim's right to make a victim impact statement,
4 in ~~one-or-both~~ any of the following formats:

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

8 (2) Oral victim impact statement, delivered in court in
9 the presence of the defendant. The victim shall also be
10 notified of the time and place for such statement.

11 (3) Video victim impact statement, delivered in court in
12 the presence of the defendant. Notification shall include the
13 procedures for making and filing the video recording.

14 (4) Audio victim impact statement, delivered in court in
15 the presence of the defendant. Notification shall include the
16 procedures for making and filing the audio recording.

17 Sec. 2. Section 915.21, subsection 1, paragraph a, Code
18 2001, is amended to read as follows:

19 a. A victim may file a signed victim impact statement with
20 the county attorney, and a filed impact statement shall be
21 included in the presentence investigation report. If a
22 presentence investigation report is not ordered by the court,
23 a filed victim impact statement shall be provided to the court
24 prior to sentencing. Upon request of the victim, the victim
25 impact statement shall be presented at the sentencing hearing
26 in the presence of the defendant, and at any hearing regarding
27 reconsideration of sentence. The victim impact statement may
28 be presented by the victim or the victim's attorney or
29 designated representative.

30 Sec. 3. Section 915.21, subsection 1, Code 2001, is
31 amended by adding the following new paragraphs:

32 NEW PARAGRAPH. bb. A victim may make a video recording of
* 33 a statement or, if available, may make a statement from a
34 remote location through a video monitor at the sentencing
35 hearing, in the presence of the defendant, and at any hearing

1 regarding reconsideration of sentence.

2 NEW PARAGRAPH. bc. A victim may make an audio recording
3 of the statement or appear by audio via a speakerphone to make
4 a statement, to be delivered in court in the presence of the
5 defendant, and at any hearing regarding reconsideration of
6 sentence.

7 Sec. 4. Section 915.21, Code 2001, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. Nothing in this section shall be
10 construed to affect the inherent power of the court to
11 regulate the conduct of persons present in the courtroom.

SENATE AMENDMENT TO HOUSE FILE 2153

H-8317

1 Amend House File 2153, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 24, by striking the words "Upon
4 request of the victim" and inserting the following:
5 "Unless requested otherwise by the victim".

6 2. Page 2, line 8, by striking the word
7 "subsection" and inserting the following:
8 "subsections".

9 3. Page 2, by inserting after line 8 the
10 following:

11 "NEW SUBSECTION. 3. A victim shall not be placed
12 under oath and subjected to cross examination at the
13 sentencing hearing."

14 4. Page 2, line 9, by striking the figure "3."
15 and inserting the following: "4."

RECEIVED FROM THE SENATE

H-8317 FILED MARCH 18, 2002

House Concurred
3-20-02 (P. 900)

HOUSE FILE 2153

S-5036

1 Amend House File 2153, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 24, by striking the words "Upon
4 request of the victim" and inserting the following:
5 "Unless requested otherwise by the victim".

By O. GENE MADDOX
ROBERT E. DVORSKY

S-5036 FILED FEBRUARY 13, 2002

W/D 3/18/02 (p. 648)

HOUSE FILE 2153

S-5039

1 Amend House File 2153, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 24, by striking the words "Upon
4 request of the victim" and inserting the following:
5 "Unless requested otherwise by the victim".
6 2. Page 2, line 8, by striking the word
7 "subsection" and inserting the following:
8 "subsections".
9 3. Page 2, by inserting after line 8 the
10 following:
11 "NEW SUBSECTION. 3. A victim shall not be placed
12 under oath and subjected to cross examination at the
13 sentencing hearing."
14 4. Page 2, line 9, by striking the figure "3."
15 and inserting the following: "4."

By O. GENE MADDOX

S-5039 FILED FEBRUARY 13, 2002

*3/18/02 adopted
(p. 649)*

HOUSE FILE 2153

AN ACT

RELATING TO PRESENTATION OF VICTIM IMPACT STATEMENTS AT
CRIMINAL SENTENCING HEARINGS.

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

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

d. The victim's right to make a victim impact statement, in one-or-both any of the following formats:

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

(2) Oral victim impact statement, delivered in court in the presence of the defendant. The victim shall also be notified of the time and place for such statement.

(3) Video victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for making and filing the video recording.

(4) Audio victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for making and filing the audio recording.

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

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. Unless requested otherwise by the victim, the victim impact statement shall be presented at the sentencing hearing in the presence of the defendant, and at any hearing regarding reconsideration of sentence. The victim impact statement may be presented by the victim or the victim's attorney or designated representative.

Sec. 3. Section 915.21, subsection 1, Code 2001, is amended by adding the following new paragraphs:

NEW PARAGRAPH. bb. A victim may make a video recording of a statement or, if available, may make a statement from a remote location through a video monitor at the sentencing hearing, in the presence of the defendant, and at any hearing regarding reconsideration of sentence.

NEW PARAGRAPH. bc. A victim may make an audio recording of the statement or appear by audio via a speakerphone to make a statement, to be delivered in court in the presence of the defendant, and at any hearing regarding reconsideration of sentence.

Sec. 4. Section 915.21, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 3. A victim shall not be placed under oath and subjected to cross examination at the sentencing hearing.

NEW SUBSECTION. 4. Nothing in this section shall be construed to affect the inherent power of the court to regulate the conduct of persons present in the courtroom.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2153, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved March 29, 2002

THOMAS J. VILSACK
Governor