

JRC

Justice Reform Consortium



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JRC's 2015-2016 Legislative Recap

The following report is a compilation of bills that Justice Reform Consortium worked on during Iowa's Eighty-sixth General Assembly (2 years; the 2015 Session and the 2016 Session) in which there was a vote or significant discussion. It does not include bills in which the Justice Reform Consortium declared "undecided". There are, however, a few bills included in this report that had no vote taken on the bill, but might be included because JRC lobbied several legislators on the matter (i.e. Racial Profiling, Death Penalty), or the issue was brought up and discussed in a subcommittee, even though it did not pass out of the subcommittee.

CRIMINAL JUSTICE

Minority Impacts

Enhanced Penalties

Sentencing Reform

Crime/Punishment

Juvenile Justice

DUE PROCESS

EQUALITY

WAR ON DRUGS

RE-ENTRY

CRIMINAL JUSTICE

MINORITY IMPACTS

House File 158 – An act enhancing the criminal penalty for an assault on an operator of a motor vehicle providing transit services as part of a public transit system, and providing penalties. This bill passed out of the House Judiciary Committee with a unanimous vote of 20-0 (Rep. Berry was absent), and without discussion on January 28, 2015. It remained on the House Regular Calendar for a few months before it was referred back to Committee. A Minority Impact Statement (within a Fiscal Note) claims:

The minority impact cannot be estimated but may be significant. Approximately 25.4% of offenders convicted under this Bill may be minorities. This Bill shifts a percentage of

serious misdemeanor convictions to aggravated misdemeanor convictions, and a percentage of aggravated misdemeanor convictions to Class D forcible felony convictions. Enhanced penalties will result in an increased number of minority offenders supervised in the correctional system, and they will be supervised for a longer period than under current law.

JRC **OPPOSED** this bill, and has strongly opposed the concept for many years.

Senate File 309 - An Act relating to the compilation of a presentence investigation report in a criminal proceeding. JRC **OPPOSED**. This bill requires that a validated risk assessment be part of a presentence investigative report. JRC believes that risk assessments are biased against people of color, and an in-depth article with factual data proves it:

<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

Despite our concerns, a minority impact statement was not produced on this bill. SF 309 passed the Senate **50-0** on March 10 2015. It passed out of a House subcommittee, but was not considered by the whole **Public Safety Committee**.

JRC Involvement: JRC worked hard at lobbying the House to prevent this bill from moving forward.

ENHANCED PENALTIES

House File 186 – “Current law allows a first-time operating-while-intoxicated (OWI) offender to operate a motor vehicle with a temporary restricted driver’s license, but without an ignition interlock device, where, during the offense, the offender’s alcohol concentration was .10 or below and the offender did not cause an accident. *This bill eliminates this provision.* The bill provides that a first-time OWI offender with a temporary restricted driver’s license shall install an ignition interlock device in the offender’s vehicle, whether the offender’s driver’s license revocation was the result of sentencing, deferred judgment, or administrative revocation, and regardless of the offender’s alcohol concentration at the time of the offense.” *Explanation of the bill.*

The requirement of installing an ignition interlock device is expensive and restrictive. In that way, it is considered by JRC to be a penalty enhancement. JRC opposes penalty enhancements when there is a lack of empirical evidence that proves the increase in a penalty is warranted. In this matter, the impetus for the bill was based on emotion. A subcommittee meeting was held on the bill where a legislator showed a picture of a child who was killed by an impaired driver. There were not enough subcommittee members willing to sign the bill for it to move out of subcommittee and be placed before the House Judicial Committee for its consideration.

JRC **OPPOSED** this bill

JRC Involvement: We planned to speak against this bill at a subcommittee meeting. However, a legislator explained to his colleague that this legislation was going to do nothing that would have prevented the tragedy of the child’s death. Several other points he made were delivered tactfully and it eliminated the need for us to iterate what he diplomatically said.

[Senate File 239](#) - An Act creating the penalty of death for the commission of the multiple offense of murder in the first degree, kidnapping, and sexual abuse against the same minor, providing a penalty, and including effective date and applicability provisions. This bill is reinstating the death penalty in Iowa. **JRC OPPOSED**. Introduced by nine Republicans, the bill didn't have a chance in the Senate. Ironically, the bill was assigned to a subcommittee in which Senator Wally Horn (D-Cedar Rapids) was the chair. Senator Horn was the Majority Leader in the Senate when HF 2¹ was defeated soundly in 1995.

[House File 547](#) – A bill for an act relating to the criminal offense of interference with official acts, and providing penalties. **JRC OPPOSED**. This bill passed out of a subcommittee and the House Judiciary in 2015, but was not considered on the floor of the House. The bill adds a “jailer” as a person who can invoke the violation of “interference with official acts”, a crime most often charged when a person is unmanageable in the opinion of a peace officer. Jailers deal with drunks and the mentally ill all the time. The discretion of jailers to determine that a person is not cooperating with orders is inappropriate. Unfortunately, this bill was reintroduced with a different number in 2016 [[Senate File 2115](#)]and was enacted into law.

JRC Involvement: Along with a few other organizations that opposed this bill, we spoke up at a subcommittee questioning the purpose for this bill and whether it would result in a decrease of incidents at jails and holding facilities.

[Senate File 395](#) - An Act relating to the definition of stalking and making penalties applicable. **JRC OPPOSED** this bill because we believe the language was too broad. It passed the Senate [46-0](#) on March 19, 2015. It was referred to the [House Judiciary Committee](#), assigned to a subcommittee, and died.

JRC Involvement: We did not have a lot of time to dedicate to this measure.

[House File 2020](#) - An Act enhancing the penalty for certain assaults against a sports official. **JRC OPPOSED**. The bill was referred to the [House Judiciary Committee](#) where it was assigned to a subcommittee. The subcommittee met and decided not to advance the bill further.

JRC Involvement: We spoke at the subcommittee meeting (statement follows) and warned about the progression this bill would bring if enacted. Enhancing penalties for crimes committed against certain professions must stop. After sports officials, other groups will follow with requests for enhancing penalties against them, including, but not limited to: players, parents of players and cheerleaders, coaches, fans, etc.

First, these types of bills are always afflicted with the accompanying words “protected”, “protections”, or “protects”. This bill and others like it protect no one. If an athlete or spectator is going to assault the official, the act will be committed regardless of the law. This assumption that a law will protect a person against an assault is pure conjecture.

¹ House File 2 was the last viable threat to reinstating the death penalty in Iowa. It had passed the House 54-45 in 1995, but was defeated in the Iowa Senate a few days later [11-39](#).

In the past 20 years, the list of occupations that are referenced in Section 708.3A has grown exponentially. Before another occupation is added to the list of those already inducted into the piecemealed section, a study needs to be completed to discover the effect of those inclusions. How many parole board employees and officials have been assaulted since parole board member or employee was added? And how many parole board employees or officials were assaulted in the same amount of time before the position was added to the list of so-called protected occupations? Has the inclusion of employees of the “Department of Revenue” and “Department of Human Services” decreased the assaults upon these employees? Researching these questions, and similar inquiries will disclose the effectiveness of these additions, and will provide insight into whether the entire section should be maintained, enhanced, or discontinued.

How many people charged with violations of Section 708.3A, the predecessor to proposed Section 708.2D, have actually been convicted of the crime; and how many have pled down to simple assault? There are too many questions that need answered before advancing this legislation.

Second, this legislation epitomizes the vanishing promise of equality related to us in George Orwell’s “Animal Farm”.

Equality is a relationship between man and man. It’s one of mankind's ultimate ideal (sic). In an equal society, there is no division of classes, wealth or power. This was the predominant goal of the Russian Revolution as well as the animal revolution in the story Animal Farms (sic). The thought of having an equal society is admirable, though it’s only a fantasy.

In the story Animal Farms (sic), 7 commandments were established soon after the fleeing of Mr. Jones, with the 7th- all animals are equal, being the most important. Later on, bit by bit, the 7 commandments were soon deformed, and the equality which the commandments promised and protected perished.

<http://apeliterature.weebly.com/animal-farm---george-orwell-equality.html>

Adding certain occupations to a Code section that has yet to prove anything beyond Orwell’s prediction that everyone is equal, but some people are more equal than others, will lead to other members of certain other occupations seeking the same fantasy – this law will protect them. Eventually, most occupations will be included in this law, and it will become a dividing line between the haves and the have-nots. The result of years and years of moving other occupations into this Code section will have a name. It will be called totalitarian control.

The subcommittee members declined to sign the subcommittee report, thereby stopping the process of furthering the bill.

House File 2385 – An act relating to littering and illegal dumping and modifying penalties. JRC **OPPOSED**. This bill categorized and enhanced penalties for three levels of illegal dumping and littering. No one provided evidence that enhancing penalties will prevent or curb the practice of littering or illegal dumping. The bill passed the House 71-26 on March 2, 2016. It was amended

by the Senate and passed [47-0](#) on March 22. The House concurred in the Senate amendment and passed the bill [94-2](#) on March 28, 2016. The governor signed it into law on April 6 of this year.

JRC Involvement: JRC spoke up at subcommittee meetings expressing our opposition. The bill had been amended to appease our concerns, and even though it may have been better than the original bill, it remained unacceptable to JRC.

SENTENCING REFORM

[Senate File 385](#) - An Act relating to the expungement of not-guilty verdicts and dismissed criminal-charge records. JRC **SUPPORTED** this bill. It passed the Senate [50-0](#) on March 17, 2015. It was amended and passed by the House [96-0](#) on April 14. It was sent back to the Senate, where the [House amendment](#) was approved and the bill passed for the final time [42-0](#) on April 16, 2015. The governor signed SF 385 into law on May 1, 2015,

JRC Involvement: We did not have to do much to make this bill law. It was moving through the legislative process more smoothly than we had anticipated, even though it was opposed by the Iowa County Attorneys Association, the Iowa Newspaper Association, and the Iowa Broadcasters Association, all of whom were very vocal about their respective opposition.

[Senate File 2164](#) – Relating to the expungement of criminal offenses for alcohol consumption in public, public intoxication, simulated public intoxication, or similar local ordinances, or when a finding of contempt has been entered, and including applicability provisions. Passed [50-0](#) in the Senate on February 23, 2016. Passed the House [97-0](#) on March 15th. The governor signed it into law on April 6, 2016. JRC **SUPPORTED** this bill.

JRC Involvement: Like SF 385 above, we did not have to do much to make this bill law. The newspapers and broadcasters opposed this bill, as they did with SF 385. However, the County Attorneys Association remained neutral.

CRIME/PUNISHMENT

[Senate File 150](#) – An Act increasing the criminal penalty for a sexually violent predator who escapes or attempts to escape from custody. The bill enhances the penalty of simple misdemeanor for escape to a serious misdemeanor. JRC **OPPOSED**. SF 150 passed the Senate [49-0 on February 24, 2015](#). It passed the House [87-12 on March 10, 2015](#). Governor Branstad signed it into law on March 31, 2015.

JRC Involvement: When asked why this legislation was necessary, representatives from the Iowa Department of Human Services responded by saying, among other things, that it didn't seem right that the penalty was "only" a simple misdemeanor. JRC was the only entity that objected to this legislation. Usually, the penalty for escape is compatible with the original offense that was committed. For instance, if a person is held on the charge or conviction of an aggravated misdemeanor the penalty for escape is an aggravated misdemeanor. If the crime carries a penalty of a serious misdemeanor the penalty would be a serious misdemeanor. The problem here is that

the sexually violent predator is not being held on a criminal charge: it's a civil commitment. The penalty should be a civil fine.

Senate File 2115 – This bill creates the criminal offense of interference with official acts against a jailer, and provides penalties. SF 2115 passed the Senate on February 22, 2016 with a vote of **49-0**. It passed the House **86-10** on March 15. It was signed by the governor on March 30, 2016. JRC **OPPOSED** this legislation because it creates a new crime that is unnecessary. In all subcommittee meetings the word “assault” came up. This bill has (or should have) nothing to do with assault. Other laws punish people who interfere with the official duties of jailers, especially assault.

JRC Involvement: JRC worked hard in opposing this bill. Contacts by JRC subscribers and member organizations to certain legislators was impressive. JRC lobbyists were informed by legislators of the massive communications between legislators and constituents. However, sheriffs and sheriffs’ deputies were at the Capitol lobbying this bill in full uniform with weapons on their sides. Many legislators appear to be intimidated by the show of “force”.

House File 2323 – An Act relating to the criminal elements and penalties for the commission of sexual misconduct with offenders and juveniles, and including effective date provisions. JRC **SUPPORTED**, and actually requested this bill. This legislation was a priority issue for JRC. It is one of those times the JRC supports the enhancement of a criminal penalty. *This is one of those rare occasions in which JRC believes that the current penalty does not coincide with the crime that has been committed.*

It may be difficult to think of a prisoner as a victim, but there is no such thing as consensual sex in a correctional setting.

It is important to note that consent is never a legal defense for corrections staff who engage in sexual acts with inmates. According to federal law, all sexual relations between staff and inmates are considered abuse. Even if a sexual act would have been considered consensual if it occurred outside of a prison, by statute it is criminal sexual abuse when it occurs inside a prison. See 18 U.S.C. § 2243 (c).

<https://oig.justice.gov/special/0504/>

Iowa’s law prohibiting sex between a person in a position of authority and a person who is incarcerated or on parole or probation is weak.

Sexual misconduct by prison and jail employees, vendors, volunteers, etc. “compromises facility security and creates work environments that are negative for both staff and inmates. Allegations are disquieting and divisive for employees and the public.” *Policy Development Guide for Sheriffs and Jail Administrators*. August, 2002.

<https://s3.amazonaws.com/static.nicic.gov/Library/017925.pdf>

Section 709.16 addresses prohibition and the criminal penalty of sexual misconduct with an offender. In Iowa, that penalty is an aggravated misdemeanor. In most other states, this penalty

is a felony². Increasing the penalty to a class “D” felony will align Iowa with the majority of states and should prove to be an effective deterrent³.

The bill also enhances the penalty from an aggravated misdemeanor to a class “D” felony in a juvenile placement facility.

The punishment should fit the crime, and in this case, enhancing the penalty is appropriate.

Although this bill passed out of a subcommittee and [House Public Safety Committee](#) in 2016 with no problems, it was never taken up for consideration by the House because the Senate did not move its companion bill. The subcommittee chair in the Senate had concerns about the breadth of this legislation.

JRC Involvement: We provided the talking points above and actively lobbied particular legislators in both houses, especially floor managers and those on respective subcommittees.

[House File 2401](#) – An act prohibiting persons from opening or using a credit card in the name of a minor without the consent of the minor’s parent, guardian, or legal custodian, and providing criminal penalties. **JRC OPPOSED**. The argument in favor of this legislation is based upon a belief that human traffickers open credit card accounts in the name of minors that have been victims of human trafficking. JRC has a problem with this supposition. “If” a minor had the financial qualifications to acquire a credit card, the credit limit would not be in excess of \$500. Yet, the law calls for a class “D” felony “if the value of the property or services secured or sought to be secured by means of the credit card is ten thousand dollars or *less*.” (Emphasis ours.) “Less” could mean \$10.

HF 2401 passed the House [96-1](#) on March 2, 2016. It passed the Senate [49-0](#) on March 16. It was signed into law by the governor on March 30 earlier this year.

JRC Involvement: JRC argued the points made above, to no avail.

JUVENILE JUSTICE

[Senate File 448](#) - An Act relating to the commission of a class “A” felony by a person under 18 years of age, providing penalties, and including effective date and applicability provisions. **JRC OPPOSED** this bill. No other bill in the two years included in this report was more heavily

² <https://www.wcl.american.edu/endsilence/documents/50StateSurvey-SSMLAWS2013Update.pdf>

³ On March 25, 2011, Megan Elizabeth Cecil, 32, a former Department of Correctional Services residential officer, was sentenced to two years probation on two counts of sexual misconduct and required to register as a sex offender. She had been charged with having sex with a male prisoner at the Burlington Men’s Residential Facility four times in March 2010. [See: PLN, June 2011, p.50].

According to court records, former Dallas County jailer Kevin Paul Hines, 60, pleaded guilty to sexual misconduct with an offender and was sentenced on June 10, 2011 to two years; he was also ordered to register as a sex offender and pay \$1,599.02 in restitution. Hines had been arrested in 2009 for raping prisoner Tamera Poeschl three times in a temporary jail cell.

And several more examples.

lobbied and written about by JRC than SF 448 (Also known as SSB 1185). [JRC [February 22, 2015 Newsletter](#); [March 8, 2015 Newsletter](#); [March 22, 2015 Newsletter](#); [April 5, 2015 Newsletter](#); [April 19, 2015 Newsletter](#); [June, 2016 Newsletter](#)] Throughout the process of the bill's existence, we were joined by other groups arguing that the language provided by the Iowa Bar Association was constitutionally suspect. Our group offered language for the bill that is very close to the language used to declare the law *categorically* unconstitutional in May of this year. We were ignored. The bill passed the Senate [47-3](#) on March 17, 2015; it passed the House [80-18](#) on April 8, 2015. The governor signed the bill into law on April 24 2015, and the Iowa Supreme Court [ruled it unconstitutional](#) on May 27, 2016.

JRC Involvement: JRC was heavily involved in trying to defeat or drastically amend this bill to make it more constitutionally palatable.

[Senate File 2288](#) - An Act relating to the confidentiality of juvenile court records in delinquency proceedings. The act provides that certain juvenile delinquency records are confidential. Crimes committed by a juvenile that are forcible felonies⁴ are not confidential and are public records. JRC **SUPPORTED** this legislation, which was a component of the [Governor's Working Group on Justice Policy Reform](#). SF 2288 passed the Senate [48-0](#) on February 25, 2016. It passed the House [97-1](#) on March 1, 2016. Governor Branstad signed the bill during a ceremony in the 1st floor rotunda of the Capitol on March 9. JRC was present at the bill signing ceremony.

DUE PROCESS

⁴ **702.11 FORCIBLE FELONY.**

1. A "*forcible felony*" is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, or burglary in the first degree.
2. Notwithstanding subsection 1, the following offenses are not forcible felonies:
 - a. Willful injury in violation of section 708.4, subsection 2.
 - b. Sexual abuse in the third degree committed between spouses.
 - c. Sexual abuse in violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).
 - d. Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15.
 - e. Child endangerment subject to penalty under section 726.6, subsection 6.

[House File 161](#) - An Act relating to the authority of cities to regulate and restrict the occupancy of residential rental property. It [passed the House 73-26](#) on March 10, 2015. It was referred to the [Senate Judiciary Committee](#) where it was assigned to a [subcommittee](#), but the subcommittee never took it up for consideration. Currently, several cities in Iowa have ordinances that restrict how many unrelated people can live in a one-family dwelling. This bill would prohibit such ordinances. JRC **SUPPORTS** this legislation because many people released from prison need a safe place to live. Ordinances that prohibit habitation based upon kinship are outdated and discriminatory. After all, why should the [local] government know “who” lives in your home? [VIDEO](#).

JRC Involvement: JRC has worked with lobbyists for the Realtors and Landlord associations over the past few years to get this legislation passed. Cities are adamant in their opposition and have a strong lobbying voice to kill the legislation, year after year.

[Senate File 87](#) - An Act relating to the vehicle registration duties of county treasurers. JRC **OPPOSED**. This bill allows county treasurers to collect a fee of \$5 when collecting delinquent parking fines for a city or county. The delinquent fines must be paid before issuing a vehicle registration. It passed the Senate [49-0](#) on March 9 of last year. It passed out of a [House Local Government](#) Subcommittee on March 20, 2015, but was not considered by the full Committee prior to the 2nd funnel deadline. It was assigned to a different subcommittee early this year and a meeting of the subcommittee was held. This bill again was approved by a subcommittee but was not brought up for the full Committee consideration.

JRC Involvement: For both years, JRC worked with legislators to amend the bill. County treasurers claimed that they would not collect the delinquent fees if they did not have the authority to collect the \$5 assessment for collecting the fines for cities and counties. We argued that it was an unfair tax upon the poor who may not have been the person that accumulated the fines. Besides, county treasurers should not place legislators in a position to choose whether to pass or defeat legislation based upon whether they will or won't perform a particular function for a fee.

[Senate File 271](#) – An Act relating to interpreters for persons who are limited English proficient, deaf, deaf-blind, or hard-of-hearing in certain legal proceedings and court-ordered programs. JRC **SUPPORTED**. SF 271 passed the Senate March 12, 2015, [48-0](#). It was referred to the [House Judiciary Committee](#), but was not assigned a subcommittee.

JRC Involvement: Over the past few years, JRC has worked closely with the Judicial Branch to get this issue resolved. At this time, Iowa is out of federal compliance on the matter of providing interpreters/translators for certain people. The fear of spending money to implement this program, using limited funds in the state budget is the biggest impediment to getting this issue resolved. Note: It costs less than \$1 million to implement.

[Senate File 2190](#) – A bill for an act providing for the establishment of county chemical substance abuse monitoring pilot programs and modifying temporary restricted license eligibility

requirements for operating-while-intoxicated offenders. This is known as the 24/7 monitoring program. Passed the Senate [36-12](#) on March 8, 2016. The bill was referred to the [House Judiciary Committee](#) where it died. JRC **OPPOSED** this legislation.

JRC Involvement: JRC was vocal in subcommittee meetings opposing this legislation that does nothing to address the root problems of addiction. More importantly, the cost of the program is borne entirely by the offender. Because of this requirement, choosing the 24/7 alternative is not a viable option for those who cannot afford additional financial burdens.

[House File 2427](#) – An Act modifying sex offender registry requirements by requiring certain sex offenders from out-of-state whose registration requirements have expired to reregister, and providing penalties. JRC **OPPOSED** this legislation. A subcommittee meeting was held on this bill's predecessor ([HF 2076](#)). HF 2076 passed out of subcommittee, was amended and passed out of the [Public Safety Committee](#) by vote of [12-9](#). It became [HF 2427](#) and was moved to the House Calendar. The House did not take it up for consideration. All action on this bill occurred in 2016.

JRC Involvement: JRC was one of several lobbying groups that attempted to explain to the floor manager that this legislation may have constitutional problems.

[House File 2399](#) – An Act relating to domestic abuse and other offenses involving a domestic relationship, and providing penalties. This bill passed the House [86-12](#) on March 8, 2016. It was [amended](#) by the Senate and passed [50-0](#) on April 6. The House did not take up the amendment and bill before adjourning *sine die*. JRC **OPPOSED** this bill.

JRC Involvement: JRC was not heavily involved in the progress of this bill. However, the bill and the Senate amendment included reliance upon risk assessments in sentencing. JRC believes that risk assessment usage in the sentencing process contains grave constitutional violations.

EQUALITY

[Senate File 2267](#) (Formerly [SF 2173](#) with [Senator Petersen](#)) - An Act relating to law enforcement profiling by standardizing the collection and centralizing the compilation and reporting of officer stop and complaint data, providing for officer training, creating a community policing advisory board, providing for penalties and remedies, and including effective date provisions. [SF 2173](#) passed out of the [Senate Judiciary Committee](#) on a roll call vote - 8 ayes - 5 nays with Senators Schneider, Garrett, Shipley, Whitver and Zaun voting nay. SF 2267 was not taken up for consideration on the Senate floor. JRC **SUPPORTED** the bill. All limited action on this bill occurred in 2016.

[Senate File 2265](#) - An Act requiring the master list for juror service to be updated using an electronic data processing system annually and eliminating jury commissions. This was an issue that was recommended by the [Governor's Working Group on Justice Policy Reform](#). SF 2265 passed the Senate [48-0](#) on February 29, 2016. It was referred to the [House Judiciary Committee](#), where it sat – idle. JRC **SUPPORTED** the bill.

WAR ON DRUGS

[Senate File 219](#) – An Act relating to the possession of marijuana, and providing a penalty. JRC **SUPPORTED**. Passed the Senate [36-16](#) on February 24, 2015. It was referred to the [Committee on Public Safety](#) in the House where it died.

[House File 567](#) – An Act relating to controlled substances, including by enhancing the penalties for imitation controlled substances, modifying the controlled substances listed in schedules I, III, and IV, and temporarily designating substances as controlled substances, and providing penalties. JRC had several problems with this bill.

First of all, the bill extended the time limit of designating a temporary controlled substance from the end of one general assembly to 2 years. A two-year designation as temporary is far too long.

Second, JRC **OPPOSES** the bill based upon statements within the [Fiscal Note](#):

Synthetic Drugs *The correctional impact is expected to be minimal due to the low number of convictions under current law.* Enhancing the penalties will increase the incarceration rate and lengthen the term of supervision, both in the state prison system and Community-Based Corrections (CBC). Offenders convicted under the provisions of this bill will remain under supervision longer than current law. (Emphasis ours.)

Minority Impact To the extent convictions occur under the provisions of the bill, there will be a minority impact, specifically to Blacks. Blacks comprise approximately 3.4% of the Iowa population but represent approximately 27.3% of the convictions impacted under this bill.

The fiscal note points out (italicized emphasis above) that there will be very few convictions. Yet, those convicted will serve enhanced penalties. JRC opposes the enhancement of penalties where research is lacking as to whether the enhancement will serve a viable purpose. It also points out that minorities will be heavily impacted by the provisions of this bill.

HF 567 passed the House [83-13](#) on March 17, 2015. The Senate [amended](#) the bill heavily by: 1) adding vague language about risk assessments; 2) reducing the disparities between crack and powder cocaine; 3) legalizing the possession of cannabinoil; and 4) decriminalizing the possession of small amounts (5 grams or less) of marijuana. JRC is okay with 2) through 4), but strongly opposed the incorporation of risk assessments in the sentencing portion of the criminal justice procedure. The Senate passed HF 567 by a vote of 27-23 on May 5, 2015. The House refused to take the bill up and consider the Senate amendment at the end of the 2015 session. It was left on the House Calendar at the end of 2015.

The House took the bill up for consideration in late April of this year. An amendment that would create the *Medical Cannabidoil Act*, and simultaneously delete most of the what the Senate had proposed, was introduced. The bill was debated, but in the end, it was deferred and never brought up again.

House File 2309 – An Act relating to controlled substances, including by modifying the penalties for controlled substances containing cocaine base, enhancing the penalties for imitation controlled substances, modifying the controlled substances listed in schedules I, III, and IV, and temporarily designating substances as controlled substances, and providing penalties. JRC **OPPOSED**.

This bill began as **HF 2049** and was referred to the **House Committee on Public Safety**. It was amended and passed out of Committee **unanimously** and was placed on the House Calendar. However, the House never took it up for consideration and it was referred back to the Committee shortly after the first funnel deadline.

JRC Involvement: JRC attempted to amend the bill so that the disparity between sentences for possession of crack cocaine and powder cocaine was eliminated; therefore, making the ratio 1:1 rather than the proposed 3:5.

RE-ENTRY

Senate File 2240 – (Formerly **SF 84** by **Senator Courtney**.) An act prohibiting employers and employment agencies from seeking the criminal record or criminal history from applicants for employment under certain circumstances, providing penalties, and including effective date provisions. JRC **SUPPORTED** this legislation, most popularly known as the “**Ban-The-Box Bill**”, but more respectfully known as “**The Fair Chance Act**”. After numerous subcommittee meetings, **SF 84** was amended and passed the Senate Judiciary Committee on a roll call vote - 7 ayes - 5 nays – 1 absent. Senators Schneider, Whitver, Shipley, Zaun and Garrett voted nay. The bill did not have the support it needed to be brought up for consideration in the Senate. JRC **SUPPORTED** this bill.

JRC Involvement: We provided testimony and support to other groups.



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Selected links:

Police Injustice: How the Court Fails

<http://www.nybooks.com/daily/2016/07/02/police-injustice-how-the-court-fails/>

The New York Review of Books. David Cole JULY 2, 2016.

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 I think I'll remain anonymous. Thank you. [Default]

UPCOMING EVENTS

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SUMMER MEETING OF IOWA CURE

The Summer meeting of Iowa CURE will be held on August 28th at 2 p.m. (Sunday) at Trinity United Methodist Church at 8th and College in Des Moines. We have a very exciting program planned for you. These days the most exciting news in the prison community, as well as in the world of labor in the outside world, is the creation of numerous apprenticeship programs which are being offered in a broad variety of vocational fields. The program assists individuals in successfully completing technical and educational programs which prepare them for high level skills, and high wages, in areas of high demand that will lead to self-sufficiency. U.S.

Department of Labor Office of Apprenticeship is offering this programs which includes education and on the job training.

Tim Diesburg, the IDOC Apprenticeship Administrator, will be our speaker. One of his students wrote to Iowa CURE urging us to invite Mr. Diesburg to speak at one of our meetings, he said, "Mr. Diesburg is one of the most caring men in the IDOC. He is really there for you, and he wants you to succeed. He helps find jobs and he believes you can make it. He deserves big KUDOS! Apprenticeship works!"

We also hope that Mr. Diesburg can help us understand how the apprenticeship program will mesh with the Recidivism Reduction Initiative. We also hope he will be able to bring us a report regarding how many of the those who have completed the apprenticeship programs and been released, have been able to find jobs in the field in which they were trained.

Hope to see you on August 28!



TRINITY UNITED METHODIST CHURCH

PRISON VAN MINISTRY

SCHEDULE

2nd Saturday of the month

Oakdale and Anamosa

Van leaves at 8:30 a.m.

3rd Saturday of the month

Fort Dodge

Van leaves at 7:30 a.m.

4th Saturday of the month

Mount Pleasant and Anamosa

Van leaves at 7:30 a.m.

GUIDELINES

- All trips depart from the McDonald's at 6th Street and University Avenue in Des Moines
- Cost for all trips are \$10 for children under age 10, \$20 for everyone else
- Payment must be brought to the Trinity office by the Wednesday before the trip to reserve a spot
- Only cash or money orders made out to Trinity United Methodist Church are accepted as payment

- You may reserve one trip at a time
- Priority goes to anyone who is on the waiting list from the previous month's trip

Voices to be Heard is a support group for families and children of an incarcerated loved one. The group gathers to support and comfort those who know too well the grief that comes to those left behind when someone they love is incarcerated. The group meets on the first and third Tuesdays of the month at Wesley United Methodist Church (800 East 12th St. in Des Moines) from 5:30 – 7:00 p.m. The group brings in speakers, performs outreach, provide support groups and leadership classes. It is a good idea to contact Melissa ahead of time because the group provides dinner and a head count is preferred. Contact Melissa at 515/229-2645 or Melissag@chihousing.com for more information

Voices to be Heard has formed also in Cedar Rapids. Please contact: Voices to be Heard, Voices.Heard@yahoo.com. Sue Hutchins, 252 S. 22nd St., Marion, IA 52302.

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The next **Friends of Iowa Women Prisoners** meeting is at noon on **Tues., Sept. 20th** at Wesley United Methodist Church, 800 East 12th.

MISSION: To bring together and inform individuals and groups concerned about women in the Iowa correctional system and to act on their behalf.

FRIENDS OF IOWA WOMEN PRISONERS
PO Box 71272, Clive, IA 50325
email: fiwp2011@gmail.com
website: friendsofiowawomenprisoners.org

Bring your lunch. The place and time are consistent throughout the year. The meetings are always held on the third Tuesday of the month, and always held from noon to 1:00 pm at Wesley United Methodist Church located at 800 East 12th Street in Des Moines. The location is a block west of East High School. Please contact [Vi](#) for more information.

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Justice Reform Consortium member organizations: ACLU of Iowa; American Friends Service Committee; Beacon of Life; Compassion, Peace, and Justice Taskforce, Des Moines Presbytery; Citizens for Undoing Racism-War on Drugs Task Force; Des Moines Chapter of WILPF; Friends of Iowa Women Prisoners; Iowa Annual Conference, UMC; Iowa CURE; Iowa Coalition 4 Juvenile Justice; Iowa-Nebraska Chapter of the NAACP; Iowa NOW and Des Moines NOW; Methodist Federation for Social Action; National Association of Social Workers; Plymouth Congregational Church, Board of Christian Social Action; Trinity United Methodist Church; Urban Dreams; and Voices to be Heard – Des Moines & Cedar Rapids.

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