

JRC

Justice Reform Consortium



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This Is Your Captain Speaking

The Iowa Legislature, like an airplane approaching its destination, is making its descent. Join us in praying for a crash-free landing. It's been a year filled with turbulence. The 100th day of this year's session of Iowa's Eighty-Seventh General Assembly arrives on April 17th. That's a Tuesday for anyone who's counting. The one-hundredth day marks the end of daily expense money for legislators, an incentive for coming back to earth.

So, for the next three weeks, the Legislature is limited in the bills it can consider. Of course, the limitation is a list of just about everything:

- Bills passed by both Houses
- Appropriations Bills
- Ways and Means Bills
- Government Oversight Bills
- Legalizing Acts
- Administrative Rules Review Committee Bills
- Committee Bills related to delayed or suspended Administrative Rules
- Bills co-sponsored by Majority and Minority Leaders of one House
- Conference Committee Reports
- Companion Bills sponsored by Senate and House Majority Leaders
- Concurrent or Simple Resolutions
- Joint Resolutions nullifying Administrative Rules
- Bills on the Veto Calendar
- Unfinished Business

It seems as though this list doesn't leave much, but the volume of bills that it doesn't include is massive. Many qualifying pieces of legislation mentioned above are rare. Ways & Means (tax writing bills) and Appropriations bills are the focus of getting adjourned for the year.

Because of Justice Reform Consortium's mission, we occasionally peek at a Ways and Means bill, but have seldom supported or opposed one (but see [SF 2394](#) below). On the other hand, we do pay attention to appropriations bills. Not that we can do much about it, but we do follow some appropriations. We rely upon you to contact your respective legislators to voice your

support or opposition to particular sections of bills – primarily the Justice Systems Appropriations.

Setting aside appropriation bills for the present time, we remain actively opposed or supportive of the following bills still considered to be alive:

[HF 2394](#) and [Senate File 2235](#) – These bills create the new crime of critical infrastructure sabotage, and the penalties they provide are atrocious. JRC OPPOSES. These bills provide for a class “B” felony and a fine of \$85,000 to 100,000 for “critical infrastructure sabotage”. JRC has expressed concerns that the fine could be considered an “excessive fine” in certain circumstances and could violate the Eighth Amendment¹.

“*Critical infrastructure sabotage*” means any unauthorized act that is intended to cause a substantial interruption or impairment of service rendered to the public relating to critical infrastructure property. However, “*critical infrastructure sabotage*” does not include an accidental interruption or impairment of service rendered to the public caused by a person in the performance of the person’s work duties.”

JRC believes the language is too broad to make exceptions for a labor strike; a possible protest protected by the First Amendment; an incident in which someone runs into an electric pole that knocks out power for a large portion of a city; and several other unforeseen circumstances. We consider the language to be overinclusive and underinclusive.

[Senate File 2382](#) is an Act modifying criminal code provisions relating to criminal records, penalties, prosecutions, appeals, driving privileges, and postconviction relief, and including effective date provisions. This bill has been identified by JRC as a vicious attack on the courts in the past few newsletters. Currently, an [amendment](#) supported by JRC and introduced by the House Judiciary Committee (unanimously approved in Committee), is pending on the floor of the House. The amendment may be the demise of the entire bill, and that’s okay with us. JRC believe this bill includes the constitutionally-prohibited act of [logrolling](#).

[House Joint Resolution 2010](#) and [Senate Joint Resolution 2010](#): These two pieces of legislation would start the process of amending the Iowa Constitution to include a victims’ rights amendment. Called Marsy’s Law, JRC OPPOSES this measure. We are reprinting what we wrote about this over a month ago:

We cannot say it any better than the [Iowa Coalition Against Domestic Violence](#) has said: **Invest in comprehensive victim rights and protections for victims of violent crimes** – ICADV is unwavering in our support for all victims. We oppose Iowa’s Marsy’s Law (SSB 3040; HJR 2003) because experience tells us there are much more effective ways to support victims. Amending the constitution is a symbolic gesture that won’t make the criminal justice system any friendlier to victims. Establishing rights without legitimate remedy gives false hope to victims and diverts resources away from systems and services that can meet the comprehensive needs of Iowa victims. We believe this bill

¹ Excessive bail shall not be required, **nor excessive fines imposed**, nor cruel and unusual punishments inflicted.

negatively impacts services and support for all victims, including the vast majority who will never set foot in a courtroom. The proposal contradicts essential principals of American justice and would upend our severely underfunded legal system to the detriment of victims. Iowa law already includes comprehensive victim rights and protections. Before amending the constitution, we should ensure we have adequately supported the systems and services that enable victims to access and benefit from statutory protections. The insensitivity and indifference experienced by many victims is not a constitutional failing. It is a failing of common decency by people, society and social systems themselves. [Click here to read our full statement on Iowa's Marsy's Law.](#)
[Click here to read our Victim Service Providers concerns of Marsy's Law](#)

[HF 2443](#) – This bill addresses the delinquency jurisdiction of the juvenile court and the confidentiality and disclosure of certain juvenile court records. JRC SUPPORTS this bill. It is on the Senate Calendar and ready for debate at any time.

[SF 2394](#) – A bill for an act relating to surcharges added to criminal penalties, court funds, civil fees, misdemeanor and felony fines and fines associated with scheduled violations. JRC opposed this bill's predecessor, Senate Study Bill 3202. However, although the bill raises fees on page after page of criminal penalties, fines, etc., it does drastically reduce the criminal surcharges that have been attached to financial obligations owed by defendants in criminal matters. After careful review, we decided to declare as UNDECIDED on this bill. In any case (no pun intended), it is insulting and condescending to have the Legislature change the name of the fee from "Criminal Surcharges" to "crime services surcharges".

[HF 2270](#) and [SF 2230](#) – These companion bills redefine kidnapping in the second degree to include the kidnapping of a person under the age of 18. Supposedly, this addition to the 2nd degree kidnapping would have prevented one person from being released from prison in which he subsequently kidnapped and murdered a minor. We disagree with the rationale and facts in the case. A prosecutor had the ability to charge the person with a more severe crime earlier in the person's life but did not. JRC opposes bills whose impetus is to address "one" previous case, especially one in which there is discrepancy about the nature of the criminal process.

As we mention often: A bill may become ineligible, but an issue NEVER dies!

If you spot incorrect information, please let us know. We strive to produce an accurate account of legislative activity in Iowa as it pertains to criminal justice. We may make a mistake from time to time, but we admit our fallibility and work to give you a newsletter that we hope will inform you on issues not covered by mainstream media or other outlets.

Life after Prison: A New Guide for Iowans

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Selected links:

<https://www.nytimes.com/2018/03/15/us/hepatitis-c-drugs-prisons.html?partne> **Hepatitis C
Drugs Save Lives, but Sick Prisoners Aren't Getting Them. *New York Times*. By TED
ALCORN MARCH 15, 2018.**

<https://www.nytimes.com/2018/03/21/opinion/missing-criminal-justice-data.html> **Missing:
Criminal Justice Data. *New York Times*. AMY BACH MARCH 21, 2018.**

UPCOMING EVENTS

Please mark your calendars: Jerry Bartruff, Director of Corrections, will be our speaker for the next meeting of **Iowa CURE** on May 20 (Sunday) at 2 p.m. at Trinity Los Americus UMC in Des Moines. Don't miss this opportunity to ask your questions about the Iowa prison system.

SAVE THE DATE!

IMPORTANT ANNOUNCEMENT: Mark your calendars for the evening of October 8th. The Iowa Coalition 4 Juvenile Justice (a focus group of Iowa CURE) is bringing Jeanne Bishop, author of the moving book, "[Change of Heart, Justice, Mercy, and Making Peace with my Sister's Killer](#)". (Tentative location is the court room of the Drake Law Center.)

Ms. Bishop's sister, brother-in-law and their unborn child were brutally killed in their home 25 years ago. In her book she tells of her journey confronting and finally reconciling with the man who took their lives.

[Brian Stevenson](#), Director of the [Equal Justice Initiative](#) and author of "[Just Mercy](#)" says, "This is an extraordinary witness for survivors of crime and all of us who seek a more compassionate thoughtful and responsible way to manage the tragic ways we hurt each other."

You won't want to miss this opportunity to hear [Jeanne Bishop](#) and her inspiring story of healing and peace.

The next [Friends of Iowa Women Prisoners](#) meeting is at noon on **Tues., April 17th** 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 [Kirk](#) for more information.

[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. Potluck begins at 5:30 p.m. meeting begins at 6:00 p.m. The group brings in speakers, performs outreach, provide support groups and leadership classes. It is a good idea to contact Melissa Gradischnig ahead of time because a head count is preferred for the pot luck. Contact Melissa at 515/229-2645 for more information.

Voices to be Heard also meets in Cedar Rapids:

Voices to be Heard, Cedar Rapids
2nd and 4th Tuesday of the month
6 to 7pm
Lundby Townhomes, 845 31st Av. SW.
Contact, Melissa 515-229-2645

Justice Reform Consortium member organizations: ACLU of Iowa; American Friends Service Committee; Beacon of Life; Compassion, Peace, and Justice Taskforce, Des Moines Presbytery; Des Moines Chapter of WILPF; Friends of Iowa Women Prisoners; Iowa Annual Conference, UMC; Iowa CURE; Iowa Coalition 4 Juvenile Justice; Iowa Justice Action Network; 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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