

# Iowa County Attorneys Association

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## STATEMENT ON MANDATORY MINIMUM SENTENCES IN SF 2094

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Senate File 2094 creates mandatory minimum 25-year sentences for three sex crimes involving victims 12 years of age or younger and perpetrators 18 years of age or older. The crimes include Sexual Abuse in the 2<sup>nd</sup> Degree, Lascivious Acts with a Child and Sexual Exploitation of a Minor. The bill also provides for determinate sentences of 25 years to life for these three crimes.

- This legislation will seriously harm children. The sentences virtually guarantee that there will be no convictions to any of these crimes without a jury trial. That exposes child victims of sex abuse to the experience called revictimization, which makes recovery from abuse even more difficult than it would otherwise be. The trial process involves multiple interviews, examinations, and depositions before the trial even begins. At the trial, the child will be required to publicly describe the incident and to be aggressively cross-examined, which will include challenging the child's memory, motives and honesty. In many cases there will be enormous pressure from the child's own family to recant or change his or her story.
- Most crimes of this nature are committed by family members or close acquaintances. The increased sentences will deter non-abusing family members from reporting these violations. Even though family members may want to protect children and may desire treatment for the offender, they will be reluctant to expose the family to the drastic consequences that these sentences will cause.
- In order to deal effectively with cases of child sexual abuse, prosecutors must have a full continuum of charging and sentencing options. These cases are extremely difficult to prosecute because they almost always depend upon the testimony of young children and usually must proceed with very few other witnesses and little corroborating evidence. Therefore, most cases must be resolved by plea negotiation. If legislation continues to eliminate related charges from consideration for plea agreements, it becomes more difficult to make offenders accountable for their behavior. Charges that will be available for plea agreements will not accurately reflect the offender's behavior, resulting in inappropriate sentences and inaccurate criminal histories.

- Section 1 of Senate File 2094 makes every person a mandatory reporter of information concerning sex offender registration violations, with a failure to report constituting a Class D felony. The punishment for the failure to report is more serious than the sex offender faces for the registration violation. Iowa law has never required noninvolved citizens to report even such serious crimes as murder, rape and robbery.
- Senate File 2094 is a dramatic and unwarranted departure from Iowa's indeterminate sentencing scheme. Any attempt to change criminal sentences into mandatory minimum sentences eliminates the discretion of the sentencing court and the parole board, which are the entities most suited for making fair and appropriate decisions in individual cases.
- Drastic changes to the Iowa criminal sentencing scheme such as are contained in Senate File 2094 should not be considered until they are studied carefully for their full impact upon the justice system, particularly considering the effect upon the children who are victims of sexual abuse.
- The Iowa County Attorneys Association strongly opposes this proposed legislation because it will be harmful to the interests of children and because it does not contribute to the advancement of justice.

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