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Statehouse Update - 2/23/2003

by Marty Ryan, Legislative Director

Have you ever wondered how much influence your government has on getting legislation passed? Probably not, but here's the answer: Lots!

Last week during a meeting of the House Public Safety Committee, the non-legislators in attendance included 2 lobbyists representing state troopers, 3 representatives from the Attorney General's office, 2 people associated with the Iowa County Attorneys' Association, a representative from the Public Defender's Office (on our side), 2 Department of Public Safety personnel, a lobbyist for the Dept. of Corrections, and Marty Ryan, ACLU-IA Legislative Director. Yes, one lone person not affiliated with state government. The only bill considered was House Study Bill 89, a bill that will allow a peace officer to withdraw blood without a warrant from a person under arrest for operating a motor vehicle when the arrest results from a traffic accident causing death or personal injury reasonably likely to cause death.

What chance did the ACLU-IA have to defeat or amend this bill? Well, we had very little chance of doing either, but 5 legislators did vote against the bill, thereby reviving our faith that a few lawmakers are actually at the Capitol to uphold the U.S. and State of Iowa Constitutions, rather than promote the police state policies of government influence. The final vote was 14-5 in favor of passage. (It will be assigned a House File number as it is introduced as a committee bill on the floor.)

Give a ton of credit to Ranking Member Kevin McCarthy (D-Des Moines), one of the 5 dissenters, who stated that he will support legislation moving through this committee only if he can answer "yes" to three questions. Does it improve public safety without damaging individual personal rights? Does the legislation enhance law enforcement efficiency without eroding personal rights? And, is the legislation needed?

As far as HSB 89 is concerned, Rep. McCarthy could not answer "yes" to all three of his questions. He voted against the measure, claiming that the bill increases law enforcement power while weakening individual rights. He also questioned the bill's necessity.

During the committee meeting I felt quite alone. Then I realized that I am not alone. I have a concerned and active group of citizen lobbyists who are willing to contact legislators if only I inform them of the need in the Statehouse Update.

You! Find your legislator: <http://staffweb.legis.state.ia.us/find-leg/>

Join me in convincing State Representatives that this legislation "does not" improve public safety without damaging individual personal rights. "Does not" enhance law enforcement efficiency without eroding personal rights. And, it is "not" needed!

A few weeks ago, in a Des Moines newspaper, when asked about the possibility of Senate File 105 (a bill writing sexual orientation into Iowa's civil rights statute) passing out of the Senate, Senate Majority Leader Stewart Iverson said that he was not in favor of giving "special rights to special people." It was very sweet of Sen. Iverson to recognize that most GLBT people are "special." However, if Sen. Iverson would pay attention to what is going on in the Senate Human Resources Committee he might come to understand that discrimination against lesbians and gay men truly does exist - in Iowa - in the Legislature - in "his" Senate. It is not "special" rights that these "special people" seek, but "equal" rights. And the distinction is right under his nose.

Senate Study Bill 1057 would prohibit "a person whose sexual orientation is characterized by a tendency to direct sexual desire toward another of the same sex" to become foster or adoptive parents. Sen. Iverson is right (not a pun) about one thing. Being an adoptive parent or foster parent can be "special." And "special people" should have the right to be adoptive/foster parents. So I guess he's saying that he supports SSB 1057, prohibiting "special people" from exercising a very special right - being a foster/adoptive parent. Most lesbians and gay men that I know are very special people, and very capable of being the warmest, kindest, caring, loving nurturing parents in the world.

You can help prevent SSB 1057 from being law in a number of ways. First, write, e-mail, or call your state senator and urge him/her to oppose this legislation if it should come to the floor of the Senate. Second, attend the PFLAG (Parents, Families, Friends of Lesbians and Gays) Lobby Day at the Capitol on Wednesday, February 26. At 1:30 pm, PFLAG citizen lobbyists will meet with supportive registered lobbyists in Room 116 in the Capitol. Third, sign a petition at: <http://www.PetitionOnline.com/SSB1057/petition.html>

House Study Bill 177 is the first bill we've seen on sentencing reform. The ACLU-IA is undecided at this time, but will most likely begin to support it as it moves through the subcommittee and committee process.

Senate Study Bill 1029 and House Study Bill 76 are bills that would change the rules of evidence to allow the admissibility of evidence involving past "alleged" or actual criminal behavior in crimes involving sexual misconduct. The ACLU-IA adamantly opposes this change. The bills are beginning to pick up momentum since this is an issue the Attorney General's office wants badly.

In a memorandum to members of the general assembly, the AG's Office implies that it will be easier to get a conviction if this rule is changed because evidence of prior "sex offenses in a sexual abuse case is especially relevant and helpful to jurors." Yes, the denial of due process usually favors the prosecution.

This proposed change, based upon federal rules, has been brought before the Iowa Supreme Court Advisory Committee on the Iowa Rules of Evidence. The committee consists of private practice attorneys, law professors, and judges. Less than a year ago, a meeting of the Committee was held in which a vote on this issue was taken. With the exception of the Attorney General's representative, it was unanimous not to recommend the rule change. For more information on this issue please contact the ACLU-IA office. The issue is more complicated than we can explain here, but it is one of the most important bills we are following this year.