

CHAPTER 1270

DISPOSITION OF FORFEITED LIQUOR

S. F. 1366

AN ACT relating to the disposition of intoxicating liquors.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seven hundred fifty-one point thirty-one
2 (751.31), Code 1973, is amended by striking subsection one (1) and
3 inserting in lieu thereof the following new subsections:

4 NEW SUBSECTION. By ordering that forfeited intoxicating liquors,
5 which have a valid unbroken federal liquor tax stamp properly affixed
6 to the vessel and which the magistrate has no reason to believe is
7 adulterated or contaminated, be delivered to the Iowa beer and liquor
8 control department.

9 NEW SUBSECTION. By ordering the destruction of forfeited intoxi-
10 cating liquors which do not have a valid federal liquor tax stamp prop-
11 erly affixed to the vessel or which the magistrate has reason to believe
12 is contaminated or adulterated.

1 SEC. 2. Section one hundred twenty-three point twenty (123.20),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. To accept intoxicating liquors ordered delivered
4 to the Iowa beer and liquor control department pursuant to section one
5 (1) of this Act and offer such intoxicating liquors for sale through the
6 state liquor stores, unless the director determines that such intoxicat-
7 ing liquors may be adulterated or contaminated. If the director deter-
8 mines that such intoxicating liquors may be adulterated or contami-
9 nated he shall order their destruction.

Approved May 2, 1974

CHAPTER 1271

RAPE VICTIM'S EVIDENCE

S. F. 1009

AN ACT relating to the repeal of the requirement of corroboration of the testimony of the victim in a rape and relating to the introduction of evidence of past sexual conduct.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter seven hundred eighty-two (782), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. **Evidence of past sexual conduct in trials of rape.**
4 In prosecutions for the crime of rape, evidence of the prosecuting
5 witness' previous sexual conduct shall not be admitted, nor reference
6 made thereto in the presence of the jury, except as provided herein.
7 Evidence of the prosecuting witness' previous sexual conduct shall be
8 admissible if the defendant shall make application to the court before
9 or during the trial.

10 The court shall conduct a hearing in camera as to the relevancy of
 11 such evidence of previous sexual conduct, and shall limit the question-
 12 ing and control the admission and exclusion of evidence upon trial.

13 In no event shall such evidence of previous sexual conduct of the
 14 prosecuting witness committed more than one year prior to the date
 15 of the alleged crime be admissible upon the trial, except previous
 16 sexual conduct with the defendant. Nothing in this section shall limit
 17 the right of either the state or the accused to impeach credibility by
 18 the showing of prior felony convictions.

1 SEC. 2. Section seven hundred eighty-two point four (782.4), Code
 2 1973, is repealed.

Approved May 11, 1974

CHAPTER 1272

IMMUNITY TO WITNESS

S. F. 568

AN ACT relating to the granting of immunity to witnesses testifying in criminal proceedings and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. Before any witness shall be compelled
 2 to answer or to produce evidence in any judicial proceeding after hav-
 3 ing asserted that such answer or evidence would tend to render him
 4 criminally liable, incriminate him or violate his right to remain silent
 5 under the fifth amendment to the Constitution of the United States,
 6 the witness must knowingly waive his right or:

7 1. A county attorney or the attorney general must file with a dis-
 8 trict court judge or district associate judge a verified application set-
 9 ting forth that:

10 a. The testimony of the witness, or the production of documents or
 11 other evidence in the possession of such witness, or both, is necessary
 12 and material; and

13 b. The witness has refused to testify, or to produce documents or
 14 other evidence, or both, upon the ground that such testimony or evi-
 15 dence would tend to incriminate him; and

16 c. It is the considered judgment of the county attorney or attorney
 17 general that justice and the public interest require the testimony,
 18 documents or evidence in question.

19 2. The application, transcripts and orders required by this Act
 20 shall be filed as a separate case in the criminal docket entitled "In the
 21 matter of the testimony of" and shall be indexed in

22 (Name of witness)

23 the criminal index under the name of the witness. Any testimony given
 24 in support of the application for immunity shall be reported and a
 25 transcript of the testimony shall be filed with the application.

26 3. Upon consideration of such application the judge shall enter an
 27 order granting the witness immunity to prosecution for any crime or