

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 2 1973, is repealed.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

28 public offense concerning which he was compelled to give competent
29 and relevant testimony or to produce competent and relevant evi-
30 dence.

31 4. Testimony, documents or evidence which has been given by a
32 witness granted immunity shall not be used against him in any trial
33 or proceeding, or subject him to any penalty or forfeiture; provided,
34 that such immunity shall not apply to any prosecution or proceeding
35 for a perjury or a contempt of court committed in the course of or
36 during the giving of such testimony.

1 SEC. 2. NEW SECTION. A complete verbatim transcript of tes-
2 timony given pursuant to an order of immunity shall be made and
3 filed with the application and the order of court. The application, or-
4 der granting immunity and all transcripts filed shall be sealed upon
5 motion of the defendant, county attorney, or attorney general and shall
6 be opened only by order of the court. This section shall not bar the
7 use of the transcript as evidence in any proceeding except the tran-
8 script shall not be used in any proceeding against the witness himself.

1 SEC. 3. NEW SECTION. Whoever shall refuse to testify or to pro-
2 duce evidence after having been granted immunity as aforesaid shall
3 be subject to punishment for contempt of court as in the case of any
4 witness who refuses to testify, a claim to privilege against self-incrim-
5 ination notwithstanding.

1 SEC. 4. Sections six hundred twenty-two point fourteen (622.14),
2 six hundred twenty-two point fifteen (622.15), and six hundred
3 twenty-two point sixteen (622.16), Code 1973, are repealed.

Approved May 27, 1974