

CHAPTER 132
SEXUAL ABUSE AND ASSAULT — EVIDENCE
— PENALTY FOR ASSAULT
S.F. 402

AN ACT relating to sexual assault offenses by affecting the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses and by modifying the penalties for certain assaults.

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

Section 1. NEW SECTION. 701.11 EVIDENCE OF SIMILAR OFFENSES — SEXUAL ABUSE.

1. In a criminal prosecution in which a defendant has been charged with sexual abuse, evidence of the defendant's commission of another sexual abuse is admissible and may be considered for its bearing on any matter for which the evidence is relevant. This evidence, though relevant, may be excluded if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. This evidence is not admissible unless the state presents clear proof of the commission of the prior act of sexual abuse.

2. If the prosecution intends to offer evidence pursuant to this section, the prosecution shall disclose such evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, ten days prior to the scheduled date of trial. The court may for good cause shown permit disclosure less than ten days prior to the scheduled date of trial.

3. For purposes of this section, "sexual abuse" means any commission of or conviction for a crime defined in chapter 709. "Sexual abuse" also means any commission of or conviction for a crime in another jurisdiction under a statute that is substantially similar to any crime defined in chapter 709.

Sec. 2. Section 708.2, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A person who commits an assault, as defined in section 708.1, and who uses any object to penetrate the genitalia or anus of another person, is guilty of a class "C" felony.

Approved May 16, 2003

CHAPTER 133
ENTERPRISE ZONE AND PROPERTY REHABILITATION
TAX CREDITS — CERTIFICATES — TRANSFER
S.F. 441

AN ACT relating to the transfer of certain property-related tax credits and including effective and retroactive applicability date provisions.

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

Section 1. Section 15E.193B, subsection 8, Code 2003, is amended to read as follows:

8. The amount of the tax credits determined pursuant to subsection 6, paragraph "a", for