

Senate Study Bill 1029

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the admissibility of prior criminal offenses
2 into evidence in the prosecution of certain sexual offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1041DP 80
5 jm/pj/5

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1 1 Section 1. NEW SECTION. 701.11 EVIDENCE OF SIMILAR
1 2 OFFENSES == SEXUAL ABUSE.
1 3 1. Notwithstanding any other provision in the Code to the
1 4 contrary, in a criminal prosecution in which a defendant has
1 5 been charged with sexual abuse, evidence of the defendant's
1 6 commission of another sexual abuse is admissible and may be
1 7 considered for its bearing on any matter for which the
1 8 evidence is relevant.
1 9 2. If the prosecution intends to offer evidence pursuant
1 10 to this section, the prosecution shall disclose such evidence
1 11 to the defendant, including statements of witnesses or a
1 12 summary of the substance of any testimony that is expected to
1 13 be offered, ten days prior to the scheduled date of trial.
1 14 The court may for good cause shown permit disclosure less than
1 15 ten days prior to the scheduled date of trial.
1 16 3. For purposes of this section, "sexual abuse" means any
1 17 commission of or conviction for a crime defined in chapter
1 18 709. "Sexual abuse" also means any commission of or
1 19 conviction for a crime in another jurisdiction under a statute
1 20 that is substantially similar to any crime defined in chapter
1 21 709.
1 22 4. Any rules of evidence in contravention of this section
1 23 are void when applied to this section.
1 24 EXPLANATION
1 25 This bill relates to the admissibility of prior criminal
1 26 offenses into evidence in the prosecution of certain sexual
1 27 offenses.
1 28 The bill provides that in a criminal prosecution in which a
1 29 defendant has been charged with a sexual abuse-related
1 30 offense, evidence of the commission of another sexual abuse=
1 31 related offense by the defendant is admissible for its bearing
1 32 on any matter which is relevant. The bill defines "sexual
1 33 abuse" to mean any commission of or conviction for a crime
1 34 defined in Code chapter 709.
1 35 The bill also defines "sexual abuse" to mean any commission
2 1 of or conviction for a crime in another jurisdiction under a
2 2 statute that is substantially similar to any crime defined in
2 3 Code chapter 709.
2 4 The bill also voids any rules of evidence in contravention
2 5 of this bill when applied to the bill. Current Iowa rule of
2 6 evidence 5.404(b) only permits the admissibility of a prior
2 7 crime, wrong, or act for purposes of proving motive,
2 8 opportunity, intent, preparation, plan, knowledge, identity,
2 9 or absence of mistake or accident.
2 10 LSB 1041DP 80
2 11 jm/pj/5.1