

**House File 2136 - Introduced**

HOUSE FILE 2136

BY BRANDENBURG

**A BILL FOR**

1 An Act relating to the privacy of a victim of a sex offense in a  
2 criminal or civil proceeding.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 915.36, subsections 1 and 2, Code 2014,  
2 are amended to read as follows:

3 1. Prior to an arrest or the filing of an information or  
4 indictment, whichever occurs first, against a person charged  
5 with a violation of chapter 709, section 726.2, or section  
6 728.12, committed with or on a child, as defined in section  
7 ~~702.5~~ 232.2, the identity of the child or any information  
8 reasonably likely to disclose the identity of the child shall  
9 not be released to the public by any public employee except as  
10 authorized by the court of jurisdiction.

11 2. In order to protect the welfare of the child, the name of  
12 the child and identifying biographical information shall not  
13 appear on the information or indictment or any other public  
14 record including any civil filings arising from the criminal  
15 violation. Instead, a nondescriptive designation shall appear  
16 on all public records. The nonpublic records containing the  
17 child's name and identifying biographical information shall  
18 be kept by the court. This subsection does not apply to the  
19 release of information to an ~~accused~~ a defendant or ~~accused's~~  
20 defendant's counsel; however, the use or release of this  
21 information by the ~~accused~~ defendant or ~~accused's~~ defendant's  
22 counsel for purposes other than the preparation of defense  
23 constitutes contempt.

24 Sec. 2. Section 915.36, Code 2014, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 5. This section also applies to a child  
27 victim of a violation of chapter 709, section 726.2, or 728.12,  
28 after attaining the age of eighteen.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the privacy of a victim of a sex offense  
33 in a criminal or civil proceeding.

34 The bill changes the definition of "child" from a child under  
35 14 years of age to a child under 18 years of age.

1 The bill specifies that the identity of any child victim of  
2 a criminal offense committed under Code chapter 709 (sexual  
3 abuse and related sexual offenses), or Code sections 726.2  
4 (incest) and 728.12 (sexual exploitation) shall not be released  
5 to the public by any public employee except as authorized by  
6 the court prior to the arrest or the filing of an information  
7 or indictment, whichever occurs first, despite the child victim  
8 attaining the age of 18.

9 The bill also provides that in order to protect the welfare  
10 of the child victim, the name of the child and identifying  
11 biographical information shall not appear on any other public  
12 record including any civil filings arising from the criminal  
13 violation, despite the child victim attaining the age of 18.

14 The bill does not apply to the release of information to  
15 a defendant or a defendant's attorney; however, the use or  
16 release of this information by the defendant or defendant's  
17 counsel for purposes other than the preparation of defense  
18 constitutes contempt.

19 A person who willfully violates the bill or who willfully  
20 neglects or refuses to obey a court order made pursuant to this  
21 bill commits contempt.

22 A release of information in violation of the bill does  
23 not bar prosecution or provide grounds for dismissal of the  
24 criminal charges.