

February 20, 1990

FILED JAN 15 1990

SENATE FILE 2061
BY SZYMONIAK

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

A BILL FOR

1 An Act relating to discovery in a civil action involving sexual
2 abuse, sexual assault, or sexual harassment and providing for
3 the Act's applicability.

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

SENATE FILE 2061

S-5003

- 1 Amend Senate File 2061 as follows:
- 2 1. Page 1, line 4, by striking the word "an" and
- 3 inserting the following: "a civil action".
- 4 2. Page 1, line 8, by striking the word
- 5 "defendant" and inserting the following:
- 6 "perpetrator".

By ELAINE SZYMONIAK

S-5003 FILED JANUARY 18, 1990

S.F. 2061

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1 Section 1. Section 668.15, Code Supplement 1989, is
2 amended to read as follows:

3 668.15 DAMAGES RESULTING FROM SEXUAL ABUSE -- EVIDENCE.

secs 4 1. In an action alleging conduct which constitutes sexual
5 abuse, as defined in section 709.1, sexual assault, or sexual
6 harassment, a party seeking discovery of information
7 concerning the plaintiff's sexual conduct with persons other
8 than the defendant must establish specific facts showing good
9 cause for that discovery, and that the information sought is
10 relevant to the subject matter of the action and reasonably
11 calculated to lead to the discovery of admissible evidence.

12 2. In an action against a person accused of sexual abuse,
13 as defined in section 709.1, sexual assault, or sexual
14 harassment, by an alleged victim of the sexual abuse, sexual
15 assault, or sexual harassment, for damages arising from an
16 injury resulting from the act-of-sexual-abuse alleged conduct,
17 evidence concerning the past sexual behavior of the alleged
18 victim is not admissible.

19 Sec. 2.

20 This Act is applicable to all actions filed on or after the
21 effective date of the Act.

22 EXPLANATION

23 This bill provides that in a civil action for damages
24 resulting from an act of sexual abuse, sexual assault, or
25 sexual harassment, any party seeking discovery of information
26 concerning the plaintiff's sexual conduct must establish
27 specific facts showing good cause and that the information to
28 be discovered is relevant to the action and that it is
29 reasonably calculated to lead to the discovery of admissible
30 evidence. The bill is applicable to all actions filed on or
31 after the effective date of the bill.

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