

FILED FEB 19 1990

SENATE FILE 2394  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2278)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to providing confidentiality requirements  
2 concerning victims and witnesses in criminal cases with  
3 certain exceptions.

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

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SC 2394

1 Section 1. NEW SECTION. 910A.20 CONFIDENTIALITY OF  
2 VICTIM AND WITNESS ADDRESSES AND TELEPHONE NUMBERS.

3 The residence and business addresses and telephone numbers  
4 of any victim of or witness to a crime shall be confidential,  
5 unless used to identify the place of the crime. A report,  
6 paper, picture, photograph, court file, or other document that  
7 relates to a crime and contains the residence or business  
8 address or telephone number of a victim or witness, and is in  
9 the custody or possession of any public officer or employee,  
10 including but not limited to the prosecuting attorney, peace  
11 officers, and clerks, officials, or employees of the court,  
12 shall not be made available for public inspection, unless the  
13 residence and business addresses and telephone numbers of the  
14 victim and witness have been deleted. The public officer or  
15 employee shall not disclose the residence or business address  
16 or telephone number of such a victim or witness except to the  
17 following:

18 1. Public officers and employees, including but not  
19 limited to peace officers, prosecutors, probation and  
20 correctional officers and employees, and court officials and  
21 employees who are charged with the duty of investigating,  
22 prosecuting, or keeping records relating to the crime or the  
23 defendant, or with performing any other act when done pursuant  
24 to the lawful discharge of their duties. However, this  
25 subsection does not permit disclosure to an attorney for a  
26 defendant.

27 2. A governmental agency or subdivision which provides  
28 compensation or services to victims or witnesses, or  
29 investigates or adjudicates claims for such compensation or  
30 services.

31 3. An organization or group which has as its primary  
32 purpose the provision of counseling, services, or other  
33 assistance to victims of crime, requires the addresses or  
34 telephone numbers of victims to offer the services, and is  
35 approved to receive funds by the crime victim assistance

1 board.

2 4. A person, upon written consent of the victim or  
3 witness, or the parents, spouse, or other person legally  
4 responsible for the care of the victim or witness except as  
5 may otherwise be required or provided by court order.

6 5. A person who, either before or after the trial of the  
7 case involving the victim or witness, applies to a court  
8 having jurisdiction over the alleged crime, and is authorized  
9 by court order to receive the information. The court shall  
10 issue the order only after finding each of the following:

11 a. The applicant demonstrates to the satisfaction of the  
12 court that good cause exists for disclosure to the applicant.

13 b. Notice has been given to the victim or witness affected  
14 by the order, or the parents, spouse, or other person legally  
15 responsible for the care of that victim or witness, and to the  
16 prosecuting attorney at least one hundred twenty hours before  
17 the signing of the order.

18 Sec. 2. NEW SECTION. 910A.21 DISCLOSURE OF ADDRESSES AND  
19 TELEPHONE NUMBERS DURING TRIAL.

20 During a trial or hearing related to a criminal  
21 prosecution, the court shall require that the residence and  
22 business addresses and telephone numbers of any victim of or  
23 witness to the crime shall not be disclosed in open court, and  
24 that a victim or witness shall not be required to provide the  
25 addresses or telephone numbers of the victim or witness in  
26 response to defense or prosecution questioning, unless the  
27 court determines that there is a clear need for the disclosure  
28 because the information is necessary and relevant to the facts  
29 of the case or to the credibility of the witness. The burden  
30 to establish the need and relevance for disclosure is on the  
31 party seeking disclosure. Prior to ordering disclosure, the  
32 court also shall be reasonably assured that the victim or  
33 witness is known not to be at risk of personal harm resulting  
34 from the disclosure, or is adequately protected from such  
35 risk.

EXPLANATION

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2 This bill provides that the residence and business  
3 addresses and telephone numbers of a victim or witness in a  
4 criminal case shall be confidential, with certain exceptions.  
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HAGERLA, CHAR  
MURPHY  
GRONSTAL

SSB 2278  
JUDICIARY

LSB

SENATE FILE 2394  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON VARN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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