

Reprinted

2/20/95 Hammond Rev
FILED FEB 20 1995
3/16/95 Do Pass
3/29/95 Motion to R/c by Pruebe
4/3/95 Motion R/c
with draw

SENATE FILE
BY HAMMOND

168

(COMPANION TO LSB 1679HH
BY BURNETT)

Passed Senate, Date ^(p.937) 3-29-95 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child abuse and child sexual abuse reporting
2 and increasing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
SENATE FILE 168

S-3273

1 Amend Senate File 168 as follows:
2 1. Page 1, by striking lines 5 through 9 and
3 inserting the following: "of child abuse. In
4 addition, the classes of persons shall make a report
5 of cases of abuse of a child who is thirteen years of
6 age or younger and may make a report of cases of abuse
7 of a child who is fourteen years of age or older,
8 which would be defined as child abuse under section
9 232.68, subsection 2, paragraph "c" or "e", except
10 that the abuse resulted from the acts or omissions of
11 a person other than a person responsible for the care
12 of the child:"
13 2. Page 1, line 26, by inserting after the word
14 "abuse" the following: "of a child who is thirteen
15 years of age or younger".

By JOHNIE HAMMOND

S-3273 FILED MARCH 29, 1995
ADOPTED
(P. 937)

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S.F. 168

1 Section 1. Section 232.69, subsection 1, unnumbered
2 paragraph 1, Code 1995, is amended to read as follows:

3 The following classes of persons shall make a report within
4 twenty-four hours and as provided in section 232.70, of cases
5 of child abuse and of cases of abuse which would be defined as
6 child abuse under section 232.68, subsection 2, paragraph "c"
7 or "e", except that the abuse resulted from the acts or
8 omissions of a person other than a person responsible for the
9 care of the child:

10 Sec. 2. Section 232.71, Code 1995, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 1A. If a report would be determined to
13 constitute an allegation of child abuse as defined under
14 section 232.68, subsection 2, paragraph "c" or "e", except
15 that the suspected abuse resulted from the acts or omissions
16 of a person other than a person responsible for the care of
17 the child, the department shall refer the report to the
18 appropriate law enforcement agency having jurisdiction to
19 investigate the allegation. The department shall refer the
20 report orally as soon as practicable and in writing within
21 seventy-two hours of receiving the report.

22 Sec. 3. Section 232.75, subsection 1, Code 1995, is
23 amended to read as follows:

24 1. Any A person, official, agency, or institution,
25 required by this chapter to report a suspected case of child
26 abuse and suspected abuse which would be defined as child
27 abuse under section 232.68, subsection 2, paragraph "c" or
28 "e", except that the abuse resulted from the acts or omissions
29 of a person other than a person responsible for the care of
30 the child, who knowingly and willfully fails to do so is
31 guilty-of commits a simple serious misdemeanor.

32

EXPLANATION

33 This bill relates to child abuse provisions and increases a
34 penalty.

35 Section 232.69 is amended to require mandatory reporters of

1 child abuse to also report sexual abuse which would be defined
2 as child abuse except that the abuse resulted from acts or
3 omissions of a person other than a person responsible for the
4 care of the child. Under current law, a finding of child
5 abuse requires that the abuse results from the acts or
6 omissions of a person responsible for the care of a child
7 which is a defined term which includes a parent, guardian,
8 foster parent, child care provider, or other person who as-
9 sumes care or supervision of a child. The sexual abuse re-
10 quired to be reported under the bill includes sexual abuse
11 under chapter 709, incest, involvement in prostitution, or
12 sexual exploitation of a minor.

13 Section 232.71 is amended to require the department of
14 human services to refer reports of sexual abuse of a child
15 which result from the acts or omissions of a person other than
16 a person responsible for the care of a child to an appropriate
17 law enforcement agency. The referral must be made orally as
18 soon as practicable and in writing within 72 hours of
19 receiving the report.

20 Section 232.75 is amended to increase the penalty for a
21 mandatory reporter of child abuse who knowingly and willfully
22 does not report a suspected case of child abuse. The
23 reporting requirement is expanded to include the sexual abuse
24 report required by the bill. The penalty is increased from a
25 simple to a serious misdemeanor.

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2 paragraph 1, Code 1995, is amended to read as follows:

3 The following classes of persons shall make a report within
4 twenty-four hours and as provided in section 232.70, of cases
5 of child abuse. In addition, the classes of persons shall
6 make a report of cases of abuse of a child who is thirteen
7 years of age or younger and may make a report of cases of
8 abuse of a child who is fourteen years of age or older, which
9 would be defined as child abuse under section 232.68,
10 subsection 2, paragraph "c" or "e", except that the abuse
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31 section 232.68, subsection 2, paragraph "c" or "e", except
32 that the abuse resulted from the acts or omissions of a person
33 other than a person responsible for the care of the child, who
34 knowingly and willfully fails to do so is-guilty-of commits a
35 simple serious misdemeanor.