

on eggs produced in Iowa may, by application in writing to the council, secure a refund in the amount paid or any portion thereof of the import tax paid which does not exceed the amount of tax paid under this chapter. The refund shall be payable only when the application shall have been made to the council within sixty days after the end of the calendar quarter during which the eggs were sold by the producer. Each application for refund by a producer shall have attached ~~thereto~~ to it proof of the import tax paid and the tax paid under this chapter. The proof of tax paid may be in the form of a duplicate or certified copy of the purchase invoice by the purchaser.

Sec. 3. Section 196A.19, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Moneys collected under the authority of this chapter ~~shall be~~ are subject to audit by the auditor of state ~~and~~. The moneys shall be used by the Iowa egg council first for the payment of collection and refund expenses, second for payment of the costs and expenses arising in connection with conducting referendums, and third for market development. Any moneys ~~Moneys~~ remaining in the Iowa egg fund after a referendum is held when a majority of the voters do not favor extending the tax shall continue to be expended in accordance with the ~~provisions of~~ this chapter until exhausted.

Approved May 8, 1989

CHAPTER 138

SEXUAL ABUSE

S.F. 426

AN ACT relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, to evidence admissible in an action for damages arising from an injury resulting from an act of sexual abuse, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 668.15 DAMAGES RESULTING FROM SEXUAL ABUSE – EVIDENCE.

In an action against a person accused of sexual abuse, as defined in section 709.1, by an alleged victim of sexual abuse for damages arising from an injury resulting from the act of sexual abuse, evidence concerning the past sexual behavior of the alleged victim is not admissible.

Sec. 2. Section 702.11, Code 1989, is amended to read as follows:

702.11 FORCIBLE FELONY.

A "forcible felony" is any felonious child endangerment, assault, murder, sexual abuse other than sexual abuse in the third degree committed between spouses or in violation of section 709.4, subsection 2, paragraph "c", subparagraph (4), kidnapping, robbery, arson in the first degree, or burglary in the first degree.

Sec. 3. Section 709.4, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

709.4 SEXUAL ABUSE IN THE THIRD DEGREE.

A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:

1. The act is done by force or against the will of the other participant, whether or not the other participant is the person's spouse or is cohabiting with the person.

2. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:

a. The other participant is suffering from a mental defect or incapacity which precludes giving consent.

b. The other participant is twelve or thirteen years of age.

c. The other participant is fourteen or fifteen years of age and any of the following are true:

(1) The person is a member of the same household as the other participant.

(2) The person is related to the other participant by blood or affinity to the fourth degree.

(3) The person is in a position of authority over the other participant and uses that authority to coerce the other participant to submit.

(4) The person is six or more years older than the other participant.

Sexual abuse in the third degree is a class "C" felony.

Sec. 4. Section 811.1, subsection 1, Code 1989, is amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony, murder, felonious assault, sexual abuse in the second degree, sexual abuse in the third degree in violation of section 709.4, subsections 1 and 3, kidnapping, robbery in the first degree, arson in the first degree, or burglary in the first degree.

Sec. 5. Section 811.1, subsection 2, Code 1989, is amended to read as follows:

2. A defendant appealing a conviction of a class "A" felony, murder, felonious assault, sexual abuse in the second degree, sexual abuse in the third degree in violation of section 709.4, subsections 1 and 3, kidnapping, robbery in the first degree, arson in the first degree, or burglary in the first degree.

Approved May 8, 1989

CHAPTER 139

EXCURSION BOAT GAMBLING AMENDMENTS

S.F. 525

AN ACT relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99F.4, as enacted by 1989 Iowa Acts, Senate File 124, section 4, is amended by adding the following new subsections:

NEW SUBSECTION. 16. To set the payout rate for all slot machines.

NEW SUBSECTION. 17. To define the duration of an excursion which shall be at least three hours during the excursion season. For the off season, the commission shall adopt rules limiting times of admission to excursion gambling boats consistent with maximum loss per player per gambling excursion specified in subsection 4.

NEW SUBSECTION. 18. To provide for the continuous videotaping of all gambling activities on an excursion boat. The videotaping shall be performed under guidelines set by rule of the division of criminal investigation and the rules may be required that all or part of the original tapes be submitted to the division on a timely schedule.

NEW SUBSECTION. 19. To provide for adequate security aboard each excursion gambling boat.