

H-8189

1 Amend House File 2639 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 701.14 Discovery depositions
5 involving alleged victims under fourteen years of age —
6 procedures and protections.

7 1. Discovery depositions in a criminal action involving
8 an alleged victim under fourteen years of age shall only be
9 permitted upon a showing of good cause and an application to
10 the court that includes but is not limited to:

11 a. The reasons why the deposition is necessary to the
12 defense.

13 b. Facts believed to be known only by the proposed deponent.

14 c. Ambiguities, inconsistencies, or voids in the proposed
15 deponent's prior statements that require clarification.

16 d. Information needed to evaluate or challenge the
17 credibility of the proposed deponent.

18 e. Information necessary to identify or locate other
19 witnesses or evidence.

20 f. Whether the proposed deponent has counsel.

21 g. A description of efforts made to obtain the information
22 sought through other discovery methods, including review
23 of a forensic interview of the proposed deponent, if made
24 available, or depositions of other witnesses listed in the
25 trial information.

26 2. Such application may initially be made ex parte at the
27 request of defense counsel.

28 3. The deposition shall be conducted at the county
29 courthouse with a judge available in person or, if not
30 available in person, by phone should deposition issues arise.

31 4. The deponent shall be entitled to have counsel present
32 during the deposition to assert objections and protect the
33 deponent's interests. If the deponent is not otherwise
34 represented, the court shall appoint counsel.>

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