



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 16, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

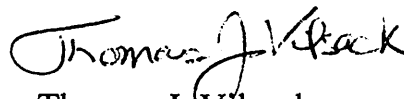
Dear Mr. Secretary:

I hereby transmit:

Senate File 402, an Act relating to sexual assault offenses by affecting the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses and by modifying the penalties for certain assaults.

The above Senate File is hereby approved this date.

Sincerely,


Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 402

AN ACT

RELATING TO SEXUAL ASSAULT OFFENSES BY AFFECTING THE ADMISSIBILITY OF PRIOR CRIMINAL OFFENSES INTO EVIDENCE IN THE PROSECUTION OF CERTAIN SEXUAL OFFENSES AND BY MODIFYING THE PENALTIES FOR CERTAIN ASSAULTS.

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

Section 1. NEW SECTION. 701.11 EVIDENCE OF SIMILAR OFFENSES -- SEXUAL ABUSE.

1. In a criminal prosecution in which a defendant has been charged with sexual abuse, evidence of the defendant's commission of another sexual abuse is admissible and may be considered for its bearing on any matter for which the evidence is relevant. This evidence, though relevant, may be excluded if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. This evidence is not admissible unless the state presents clear proof of the commission of the prior act of sexual abuse.

2. If the prosecution intends to offer evidence pursuant to this section, the prosecution shall disclose such evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, ten days prior to the scheduled date of trial. The court may for good cause shown permit disclosure less than ten days prior to the scheduled date of trial.

3. For purposes of this section, "sexual abuse" means any commission of or conviction for a crime defined in chapter

709. "Sexual abuse" also means any commission of or conviction for a crime in another jurisdiction under a statute that is substantially similar to any crime defined in chapter 709.

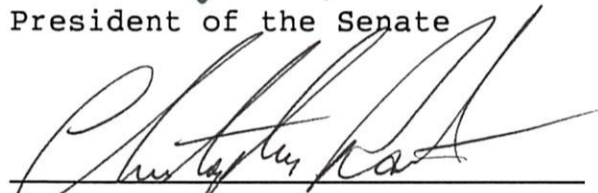
Sec. 2. Section 708.2, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A person who commits an assault, as defined in section 708.1, and who uses any object to penetrate the genitalia or anus of another person, is guilty of a class "C" felony.



MARY E. KRAMER

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 402, Eightieth General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 16, 2003



THOMAS J. VILSACK

Governor