

SENATE FILE 1009

By RILEY and DODERER

FILED JAN 14 1974

Senate File 1009
Judiciary—
Coleman, Chairman
Shaw
Riley

*1-14 - De passed 3/13
Linn's Law of 4/3*

Passed Senate, Date 4-2-74 (1136) Passed House, Date 4-30-74 (2244)

Vote: Ayes 43 Nays 1 Vote: Ayes 92 Nays 0

Approved 5-1-74

*Passed Senate as amended by House
5-2-74 (1860)
44-0*

A BILL FOR

1 An Act relating to the repeal of the requirement of cor-
2 roboration of the testimony of the victim in a rape.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 Section 1. Section seven hundred eighty-two point four
5 (782.4), Code 1973, is repealed.

EXPLANATION

6 This bill deletes the requirement that a rape victim's
7 testimony must be substantiated by other evidence.
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LSB 3118
be/dg

S-2593

1 Amend Senate File 1009 as follows:

2 1. Page 1, by inserting after line 5 the following:

3 Sec. _____. Chapter seven hundred eighty-two (782),
4 Code 1973, is amended by adding the following new section:

5 NEW SECTION. EVIDENCE OF PAST SEXUAL CONDUCT

6 IN TRIALS OF RAPE. In prosecutions for the crime of rape,
7 evidence of the prosecuting witness' past sexual conduct shall
8 not be admitted for any purpose, including impeachment of
9 the prosecuting witness, nor reference made thereto in the
10 presence of the jury, unless the defendant shall give prior
11 notice to the court of his intention to raise such matters at
12 the trial.

13 The court shall conduct a hearing in camera to determine
14 the nature and extent of the proposed inquiry into the sexual
15 conduct of the prosecution witness and shall rule on the
16 relevancy of such testimony. Such rulings shall limit
17 the questioning and control the admission and exclusion of
18 evidence upon trial.

19 In no event, shall sexual conduct of the prosecution
20 witness occurring more than one year prior to the commission
21 of the crime, be admissible upon trial. Nothing in this section
22 shall limit the right of the accused to impeach credibility by
23 the use of prior felony convictions.

S-2593 Filed - *Ruled out of order*
March 27, 1974 *4/2*

By RILEY, DODERER, KELLY,
SHAW and KENNEDY

HOUSE AMENDMENT TO SENATE FILE 1009

1 Amend Senate File 1009 as follows:

2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:

4 Section 1. Chapter seven hundred eighty-two (782), Code
5 1973, is amended by adding the following new section:

6 NEW SECTION. EVIDENCE OF PAST SEXUAL CONDUCT IN TRIALS
7 OF RAPE. In prosecutions for the crime of rape, evidence
8 of the prosecuting witness's previous sexual conduct shall
9 not be admitted, nor reference made thereto in the presence
10 of the jury, except as provided herein. Evidence of the
11 prosecuting witness's previous sexual conduct shall be
12 admissible if the defendant shall make application to the
13 court before or during the trial.

14 The court shall conduct a hearing in camera as to the
15 relevancy of such evidence of previous sexual conduct, and
16 shall limit the questioning and control the admission and
17 exclusion of evidence upon trial.

18 In no event shall such evidence of previous sexual conduct
19 of the prosecuting witness committed more than one year prior
20 to the date of the alleged crime be admissible upon the
21 trial, except previous sexual conduct with the defendant.
22 Nothing in this section shall limit the right of either the
23 state or the accused to impeach credibility by the showing
24 of prior felony convictions.

25 Sec. 2. Section seven hundred eighty-two point four

Page 2

1 (782.4), Code 1973, is repealed.

2 2. Page 1, line 2, by inserting after the word "rape" the
3 words "and relating to the introduction of evidence of past
4 sexual conduct".

Received from the House
May 1, 1974

Senate concurred 5/2

1 Amend Senate File 1009 by striking all
2 after the enacting clause and inserting in lieu
3 thereof the following:

4 1. Sec. _____. Chapter seven hundred eighty-
5 two (782), Code 1973, is amended by adding the
6 following new section:

7 NEW SECTION. EVIDENCE OF PAST SEXUAL CONDUCT
8 IN TRIALS OF RAPE. In prosecutions for the crime
9 of rape, evidence of the prosecuting witness'
10 previous unchaste character and reputation shall
11 not be admitted, nor reference made thereto in
12 the presence of the jury. Evidence of the
13 prosecuting witness' previous specific acts of
14 immorality, except those committed with the
15 defendant, shall not be admitted, nor reference
16 made thereto in the presence of the jury, unless the
17 defendant shall make application to the court to
18 do so. Such application may be made at any time
19 before or during the trial.

20 The court shall conduct a hearing in camera
21 as to the relevancy of such evidence of specific
22 acts of immorality, and shall limit the questioning
23 and control the admission and exclusion of evidence
24 upon trial.

25 In no event shall such evidence of specific
26 acts of immorality by the prosecuting witness
27 committed more than one year prior to the date of
28 the alleged crime be admissible upon the trial
29 except those specific acts committed with the
30 defendant. Past specific acts of immorality com-
31 mitted by the defendant shall not be admissible
32 upon the trial. Nothing in this section shall
33 limit the right of either the state or the accused
34 to impeach credibility by the showing of prior
35 felony convictions.

36 2. Section seven hundred eighty-two point four
37 (782.4), Code 1973, is repealed.

H—3061 Filed, ruled
germane, and adopted
April 30, 1974

By HARGRAVE of Johnson
MONROE of Des Moines

H—3065

- 1 Amend the Hargrave amendment H-3061, to Senate
- 2 File 1009, as passed by the Senate, as follows:
- 3 1. Line 10, by striking the words "unchaste
- 4 character and reputation" and inserting in lieu there-
- 5 of the words "sexual conduct".
- 6 2. Line 12, by inserting before the period the
- 7 words ", except as provided herein".
- 8 3. Line 13, by striking the words "specific acts
- 9 of" and inserting in lieu thereof the words "sexual
- 10 conduct".
- 11 4. By striking all of lines 14 through 18 and
- 12 inserting in lieu thereof the words "shall be admiss-
- 13 ible if the defendant shall make application to the
- 14 court".
- 15 5. Line 21, by striking the word "specific" and
- 16 inserting in lieu thereof the words "previous sexual
- 17 conduct".
- 18 6. Line 22, by striking the words "acts of
- 19 immorality".
- 20 7. Line 25, by striking the word "specific" and
- 21 inserting in lieu thereof the words "previous sexual
- 22 conduct of".
- 23 8. Line 26, by striking the words "acts of
- 24 immorality by".
- 25 9. By striking all of lines 29 through 32 and
- 26 inserting in lieu thereof the following: ", except
- 27 previous sexual conduct with the defendant. Nothing
- 28 in this section shall".

H—3065 Filed and adopted
April 30, 1974

By KNOKE of Pottawattamie

H—3068

- 1 Amend Senate File 1009 as follows:
- 2 Page 1, line 2, by inserting after the word "rape"
- 3 the words "and relating to the introduction of evidence
- 4 of past sexual conduct".

H—3068 Filed and adopted
April 30, 1974

By O'HALLORAN of Black Hawk