

Human Resources, Mullins, Chair; Connors, Gilhe, Sherzan and Van Camp

*Amend per 5330 + Do Pass 2/28 (p. 611)*

FEB 15 1984

HOUSE FILE 2302

HUMAN RESOURCES

BY HERMANN

Passed House, Date 3-7-84 (p. 794) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 94 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act amending the definition of "child abuse" for purposes  
2 of reporting, investigation, and rehabilitation to include  
3 permitting a child to engage in prostitution and sexually  
4 exploiting a child in certain other ways.

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

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HOUSE FILE 2302

H-5330

1 Amend House File 2302 as follows:

2 1. Page 1, by striking lines 3 through 5 and  
3 inserting in lieu thereof the following:  
4 "b. The commission of any sexual offense with  
5 or to a child pursuant to chapter 709, ~~or~~ section  
6 726.2, or section 728.12, subsection 1, as a result  
7 of the acts or omissions of".

8 2. Page 1, by striking lines 10 through 13 and  
9 inserting in lieu thereof the following:  
10 "NEW LETTERED PARAGRAPH. d. The acts or omissions  
11 of a person responsible for the care of a child which  
12 allow, permit, or encourage the child to engage in  
13 prostitution pursuant to section 725.1."

H-5330 FILED FEB. 28, 1984 BY COMMITTEE ON HUMAN RESOURCES

*Adopted 3/7 (p. 794)*

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HF 2302

1 Section 1. Section 232.68, subsection 2, paragraph b,  
2 Code Supplement 1983, is amended to read as follows:

3 b. The commission of ~~any sexual~~ an offense with or to  
4 a child pursuant to chapter 709, ~~or~~ 726.2 or subsection 1  
5 of section 728.12, as a result of the acts or omissions of  
6 the person responsible for the care of the child.

7 Sec. 2. Section 232.68, subsection 2, Code Supplement  
8 1983, is amended by adding the following new lettered para-  
9 graph:

10 NEW LETTERED PARAGRAPH. d. Permitting or encouraging  
11 a child to engage in prostitution, as defined by section  
12 725.1, if done by a person responsible for the care of the  
13 child.

14 EXPLANATION

15 This bill amends the definition of "child abuse" for pur-  
16 poses of reporting, investigation, and rehabilitation to in-  
17 clude permitting a child to engage in prostitution and sexually  
18 exploiting a child in the production of obscene material.  
19 The bill takes effect July 1 following its enactment.

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HOUSE FILE 2302

BY HERMANN

*Substituted for SF 2292 3/15* (As Amended and Passed by the House)

Re Passed House, Date 4-4-84 (p. 164) Passed Senate, Date 3-28-84 (p. 1129)

Vote: Ayes 96 Nays 2 Vote: Ayes 39 Nays 0

Approved May 4, 1984

## A BILL FOR

1 An Act amending the definition of "child abuse" for purposes  
2 of reporting, investigation, and rehabilitation to include  
3 permitting a child to engage in prostitution and sexually  
4 exploiting a child in certain other ways.

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

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Amendments \_\_\_\_\_

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1 Section 1. Section 232.68, subsection 2, paragraph b,  
2 Code Supplement 1983, is amended to read as follows:

3 b. The commission of any sexual offense with or to a child  
4 pursuant to chapter 709, ~~or~~ section 726.2, or section 728.12,  
5 subsection 1, as a result of the acts or omissions of the  
6 person responsible for the care of the child.

7 Sec. 2. Section 232.68, subsection 2, Code Supplement  
8 1983, is amended by adding the following new lettered para-  
9 graph:

10 NEW LETTERED PARAGRAPH. d. The acts or omissions of a  
11 person responsible for the care of a child which allow, permit,  
12 or encourage the child to engage in prostitution pursuant  
13 to section 725.1.

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S-5622

1 Amend House File 2302 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by inserting after line 13 the  
 4 following:  
 5 "Sec. 3. Section 232.71, Code Supplement 1983,  
 6 is amended by adding the following new subsection  
 7 after subsection 4:  
 8 NEW SUBSECTION. Administrators of all public and  
 9 nonpublic schools subject to the authority of the  
 10 department of public instruction shall cooperate with  
 11 the investigators by providing confidential access  
 12 to the child named in the report, and to other children  
 13 alleged to have relevant information, for the purposes  
 14 of interviews. The investigators shall determine  
 15 who shall be present at the interviews. The school  
 16 administrators are under no duty to report the  
 17 investigation or interview to the child's parent or  
 18 guardian. The immunity granted by section 232.73  
 19 applies to such administrators and their school  
 20 districts.  
 21 "Sec. 4. Section 232.96, subsection 6, Code  
 22 Supplement 1983, is amended to read as follows:  
 23 6. A report, study, record, or other writing or  
 24 an audiotape or videotape recording made by the  
 25 department of human services, a juvenile court officer,  
 26 a peace officer or a hospital relating to a child  
 27 in a proceeding under this division shall-be is  
 28 admissible notwithstanding any objection to hearsay  
 29 statements contained therein in it provided it is  
 30 relevant and material and provided its probative value  
 31 substantially outweighs the danger of unfair prejudice  
 32 to the child's parent, guardian, or custodian. The  
 33 circumstances of the making of the report, study,  
 34 record or other writing or an audiotape or videotape  
 35 recording, including the maker's lack of personal  
 36 knowledge, may be proved to affect its weight."  
 37 2. Title page, by striking lines 1 through 4 and  
 38 inserting in lieu thereof the following: "An Act  
 39 relating to the definition of child abuse,  
 40 investigations of child abuse and the admissibility  
 41 of certain tape recordings as evidence in child in  
 42 need of assistance cases."  
 43 4. By renumbering as necessary.

S-5622 FILED  
 MARCH 28, 1984

BY JULIA B. GENTLEMAN

*Adopted 3/28 (P 1129)*

S-5387

1 Amend House File 2302, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 7 through 13.

4 2. Page 1, by inserting after line 13 the  
5 following:

6 "Sec. 3. Section 232.96, subsection 6, Code  
7 Supplement 1983, is amended to read as follows:

8 6. A report, study, record, or other writing or  
9 an audiotape or videotape recording made by the  
10 department of human services, a juvenile court officer,  
11 a peace officer or a hospital relating to a child  
12 in a proceeding under this division ~~shall be~~ is  
13 admissible notwithstanding any objection to hearsay  
14 statements contained ~~therein~~ in it provided it is  
15 relevant and material and provided its probative value  
16 substantially outweighs the danger of unfair prejudice  
17 to the child's parent, guardian, or custodian. The  
18 circumstances of the making of the report, study,  
19 record or other writing or an audiotape or videotape  
20 recording, including the maker's lack of personal  
21 knowledge, may be proved to affect its weight."

22 3. Title page, by striking lines 1 through 4 and  
23 inserting in lieu thereof the following: "An Act  
24 relating to the definition of child abuse and the  
25 admissibility of certain tape recordings as evidence  
26 in child in need of assistance cases."

27 4. By renumbering as necessary.

S-5387 FILED  
MARCH 14, 1984

BY JULIA GENTLEMAN

*Placed out of order 2/28 (y. 1127)*

SENATE AMENDMENT TO HOUSE FILE 2302

H-5956

1 Amend House File 2302 as amended, passed and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13 the  
4 following:

5 "Sec. 3. Section 232.71, Code Supplement 1983,  
6 is amended by adding the following new subsection  
7 after subsection 4:

8 NEW SUBSECTION. Administrators of all public and  
9 nonpublic schools subject to the authority of the  
10 department of public instruction shall cooperate with  
11 the investigators by providing confidential access  
12 to the child named in the report, and to other children  
13 alleged to have relevant information, for the purposes  
14 of interviews. The investigators shall determine  
15 who shall be present at the interviews. The school  
16 administrators are under no duty to report the  
17 investigation or interview to the child's parent or  
18 guardian. The immunity granted by section 232.73  
19 applies to such administrators and their school  
20 districts.

21 "Sec. 4. Section 232.96, subsection 6, Code  
22 Supplement 1983, is amended to read as follows:

23 6. A report, study, record, or other writing or  
24 an audiotape or videotape recording made by the  
25 department of human services, a juvenile court officer,  
26 a peace officer or a hospital relating to a child  
27 in a proceeding under this division ~~shall be~~ is  
28 admissible notwithstanding any objection to hearsay  
29 statements contained ~~therein~~ in it provided it is  
30 relevant and material and provided its probative value  
31 substantially outweighs the danger of unfair prejudice  
32 to the child's parent, guardian, or custodian. The  
33 circumstances of the making of the report, study,  
34 record or other writing or an audiotape or videotape  
35 recording, including the maker's lack of personal  
36 knowledge, may be proved to affect its weight."

37 2. Title page, by striking lines 1 through 4 and  
38 inserting in lieu thereof the following: "An Act  
39 relating to the definition of child abuse,  
40 investigations of child abuse and the admissibility  
41 of certain tape recordings as evidence in child in  
42 need of assistance cases."

43 4. By renumbering as necessary.

H-5956 FILED MARCH 29, 1984

RECEIVED FROM THE SENATE

*House concurred 4/4 (p. 1641)*

HOUSE FILE 2302

AN ACT

RELATING TO THE DEFINITION OF CHILD ABUSE, INVESTIGATIONS OF CHILD ABUSE AND THE ADMISSIBILITY OF CERTAIN TAPE RECORDINGS AS EVIDENCE IN CHILD IN NEED OF ASSISTANCE CASES.

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

Section 1. Section 232.68, subsection 2, paragraph b, Code Supplement 1983, is amended to read as follows:

b. The commission of any sexual offense with or to a child pursuant to chapter 709, ~~or~~ section 726.2, or section 729.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child.

Sec. 2. Section 232.68, subsection 2, Code Supplement 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. d. The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in prostitution pursuant to section 725.1.

Sec. 3. Section 232.71, Code Supplement 1983, is amended by adding the following new subsection after subsection 4:

NEW SUBSECTION. Administrators of all public and nonpublic schools subject to the authority of the department of public instruction shall cooperate with the investigators by providing confidential access to the child named in the report, and to other children alleged to have relevant information, for the purposes of interviews. The investigators shall determine who shall be present at the interviews. The school administrators are under no duty to report the investigation or interview to the child's parent or guardian. The immunity granted by section 232.73 applies to such administrators and their school districts.

Sec. 4. Section 232.96, subsection 6, Code Supplement 1983, is amended to read as follows:

6. A report, study, record, or other writing or an audiotape or videotape recording made by the department of human services, a juvenile court officer, a peace officer or a hospital relating to a child in a proceeding under this division ~~shall be~~ is admissible notwithstanding any objection to hearsay statements contained ~~therein~~ in it provided it is relevant and material and provided its probative value substantially outweighs the danger of unfair prejudice to the child's parent, guardian, or custodian. The circumstances of the making of the report, study, record or other writing or an audiotape or videotape recording, including the maker's lack of personal knowledge, may be proved to affect its weight.

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DONALD D. AVENSON  
Speaker of the House

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CHARLES P. MILLER  
President Pro Tempore of the  
Senate

I hereby certify that this bill originated in the House and is known as House File 2302, Seventieth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 4, 1984

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TERRY E. BRANSTAD  
Governor

H.F. 2302