

Judiciary and Law Enforcement: Tabor, Chair; Carl and Siegrist.

Amend (S250) + Dr. Paul 3/L (y.584)
FEB 7 1986

Judiciary & Law Enforcement

HOUSE FILE 2239
BY BRAMMER

Passed House, Date 3-14-86 (y.757) Passed Senate, Date 4-2-86 (P.979)
Vote: Ayes 88 Nays 0 Vote: Ayes 43 Nays 0
Approved April 17, 1986

A BILL FOR

- 1 An Act relating to criminal offenses committed against or with
- 2 children and to court testimony by children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2239

H-5250

- 1 Amend House File 2239 as follows:
- 2 1. Page 1, by striking lines 1 through 7.
- 3 2. By renumbering as necessary.

H-5250 FILED MARCH 6, 1986
Adopted 3/14 (y.757)

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

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1 Section 1. Section 709.8, unnumbered paragraph 1, Code
2 Supplement 1985, is amended to read as follows:

3 It is unlawful for any person ~~eighteen-years-of-age-or~~
4 older to perform any of the following acts with a child with
5 or without the child's consent unless the person and child are
6 married to each other, for the purpose of arousing or
7 satisfying the sexual desires of either of them:

8 Sec. 2. Section 726.2, Code 1985, is amended to read as
9 follows:

10 726.2 INCEST.

11 A person, except a child as defined in section 702.5, who
12 ~~has-sexual-intercourse~~ performs a sex act with another whom
13 the person knows to be related to the person, either
14 legitimately or illegitimately, as an ancestor, descendant,
15 brother or sister of the whole or half blood, aunt, uncle,
16 niece, or nephew, commits incest. Incest is a class "D"
17 felony.

18 Sec. 3. Section 910A.3, Code Supplement 1985, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 4. A court may, upon its own motion or
21 upon the motion of a party, order the court testimony of a
22 child to be limited in duration in accordance with the
23 developmental maturity of the child. The court may consider
24 or hear expert testimony in order to determine the appropriate
25 limitation on the duration of a child's testimony. However,
26 the court shall, upon motion, limit the duration of a child's
27 uninterrupted testimony to one hour, at which time the court
28 shall allow the child to rest before continuing to testify.

29 EXPLANATION

30 Section 1 of this bill removes the age restriction ap-
31 plicable to a perpetrator of lascivious acts with a child and
32 provides that a person under 18 years of age could be charged
33 with the crime or adjudicated as delinquent for the commission
34 of the offense.

35 Section 2 expands the definition of the crime of incest to

1 include, in addition to sexual intercourse, a sex act as
2 defined in section 702.17.

3 Section 3 authorizes a court to limit the court testimony
4 of a child according to the child's developmental maturity and
5 requires the court to limit such uninterrupted testimony to
6 one hour.

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Sen. Judiciary 3/19 B. Pass. 3/25 (p. 878)

HOUSE FILE 2239
BY BRAMMER

(As Amended and Passed by the House March 14, 1986)

Passed House, Date 3-14-86 (p. 758) Passed Senate, Date 4-2-86 (p. 979)
Vote: Ayes 88 Nays 0 Vote: Ayes 43 Nays 10
Approved April 17, 1986

A BILL FOR

1 An Act relating to criminal offenses committed against or with
2 children and to court testimony by children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Language Deleted *

*1 Section 1. Section 726.2, Code 1985, is amended to read as
2 follows:

3 726.2 INCEST.

4 A person, except a child as defined in section 702.5, who
5 ~~has sexual intercourse~~ performs a sex act with another whom
6 the person knows to be related to the person, either
7 legitimately or illegitimately, as an ancestor, descendant,
8 brother or sister of the whole or half blood, aunt, uncle,
9 niece, or nephew, commits incest. Incest is a class "D"
10 felony.

11 Sec. 2. Section 910A.3, Code Supplement 1985, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 4. A court may, upon its own motion or
14 upon the motion of a party, order the court testimony of a
15 child to be limited in duration in accordance with the
16 developmental maturity of the child. The court may consider
17 or hear expert testimony in order to determine the appropriate
18 limitation on the duration of a child's testimony. However,
19 the court shall, upon motion, limit the duration of a child's
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21 shall allow the child to rest before continuing to testify.

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uninterrupted testimony to one hour, at which time the court shall allow the child to rest before continuing to testify.

HOUSE FILE 2239

AN ACT
RELATING TO CRIMINAL OFFENSES COMMITTED AGAINST OR WITH CHILDREN AND TO COURT TESTIMONY BY CHILDREN.

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

Section 1. Section 726.2, Code 1985, is amended to read as follows:

726.2 INCEST.

A person, except a child as defined in section 702.5, who ~~has sexual intercourse~~ performs a sex act with another whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class "D" felony.

Sec. 2. Section 910A.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A court may, upon its own motion or upon the motion of a party, order the court testimony of a child to be limited in duration in accordance with the developmental maturity of the child. The court may consider or hear expert testimony in order to determine the appropriate limitation on the duration of a child's testimony. However, the court shall, upon motion, limit the duration of a child's

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2239, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved April 17, 1986

TERRY E. BRANSTAD
Governor