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FILED MARCH 15 1993

SENATE FILE 293
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 181)

Passed Senate, ^(P. 147) Date 3/22/93 Passed House, Date _____
Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____
Approved 5/28/93

A BILL FOR

1 An Act relating to the presence of victim counselors in
2 proceedings pertaining to the offense.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 293

SENATE FILE 293

S-3171

1 Amend Senate File 293 as follows:
2 1. Page 1, by striking lines 23 through 28 and
3 inserting the following:
4 "_____. This section does not affect the inherent
5 power of the court to regulate the conduct of
6 discovery pursuant to the Iowa rules of criminal or
7 civil procedure or to preside over and control the
8 conduct of criminal or civil hearings or trials."
9 2. By renumbering as necessary.

By RALPH ROSENBERG

S-3171 FILED MARCH 22, 1993
ADOPTED

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1 Section 1. NEW SECTION. 910A.20 PRESENCE OF VICTIM
2 COUNSELORS.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Proceedings related to the offense" means any
6 activities engaged in or proceedings commenced by a law
7 enforcement agency, judicial district department of
8 correctional services, or a court pertaining to the commission
9 of a public offense against the victim, in which the victim is
10 present, as well as examinations of the victim in an emergency
11 medical facility due to injuries from the public offense which
12 do not require surgical procedures. "Proceedings related to
13 the offense" includes, but is not limited to, law enforcement
14 investigations, pretrial court hearings, trial and sentencing
15 proceedings, and proceedings relating to the preparation of a
16 presentence investigation report in which the victim is
17 present.

18 b. "Victim counselor" means a victim counselor as defined
19 in section 236A.1.

20 2. A victim counselor who is present as a result of a
21 request by a victim shall not be denied access to any
22 proceedings related to the offense.

23 3. Counsel for the defendant may object to communication
24 between the victim counselor and the victim during the course
25 of a deposition, court hearing, or trial, and the court may
26 restrict such communication if the communication disrupts the
27 proceedings or poses the threat of creating an inappropriate
28 influence upon the testimony of the victim.

29 EXPLANATION

30 This bill provides that a victim counselor who is present
31 as a result of a request by a victim shall not be denied
32 access to any proceedings related to the offense. Defense
33 counsel may object to communications between a victim and the
34 counselor and the court may restrict the communication if it
35 is disruptive. The bill defines "proceedings related to the

1 offense" as including activities and proceedings of law
2 enforcement agencies, the judicial district departments of
3 correctional services, and courts pertaining to the commission
4 of a public offense against the victim, in which the victim is
5 present, as well as examinations of the victim in an emergency
6 medical facility due to injuries from the public offense which
7 do not require surgical procedures.

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13 the offense" includes, but is not limited to, law enforcement
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15 proceedings, and proceedings relating to the preparation of a
16 presentence investigation report in which the victim is
17 present.

18 b. "Victim counselor" means a victim counselor as defined
19 in section 236A.1.

20 2. A victim counselor who is present as a result of a
21 request by a victim shall not be denied access to any
22 proceedings related to the offense.

23 3. This section does not affect the inherent power of the
24 court to regulate the conduct of discovery pursuant to the
25 Iowa rules of criminal or civil procedure or to preside over
26 and control the conduct of criminal or civil hearings or
27 trials.

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Rosenberg, Ch.
Szymoniak
PATE

SSB 181
JUDICIARY

SENATE FILE 293
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON STURGEON)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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21 request by a victim shall not be denied access to any
22 proceedings related to the offense.

23 EXPLANATION

24 This bill provides that a victim counselor who is present
25 as a result of a request by a victim shall not be denied
26 access to any proceedings related to the offense. The bill
27 defines "proceedings related to the offense" as including
28 activities and proceedings of law enforcement agencies, the
29 judicial district departments of correctional services, and
30 courts pertaining to the commission of a public offense
31 against the victim, in which the victim is present, as well as
32 examinations of the victim in an emergency medical facility
33 due to injuries from the public offense which do not require
34 surgical procedures.

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