

JAN 31 1995
JUDICIARY

HOUSE FILE 109
BY MILLAGE

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

A BILL FOR

1 An Act to change the Iowa rules of evidence to permit impeachment
2 by evidence of conviction of any crime punishable by death or
3 imprisonment in excess of one year or any crime involving
4 dishonesty or false statement.

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

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1 Section 1. Rule of evidence 609, paragraph a, Iowa rules
2 of evidence, third edition, is amended to read as follows:

3 a. GENERAL RULE. For the purpose of attacking the
4 credibility of a witness, ~~evidence:~~

5 (1) Evidence that the a witness other than an accused has
6 been convicted of a crime involving dishonesty or false state-
7 ment shall be admitted, if elicited from the witness or
8 established by public record during cross-examination, but
9 only subject to rule 403, if the crime constituted a felony,
10 aggravated misdemeanor, or other crime was punishable by death
11 or imprisonment in excess of one year pursuant to the law
12 under which he the witness was convicted, and evidence that an
13 accused has been convicted of such a crime shall be admitted
14 if the court determines that the probative value of admitting
15 this evidence outweighs its prejudicial effect: to the
16 accused; and

17 (2) Evidence that any witness has been convicted of a
18 crime shall be admitted if it involved dishonesty or false
19 statement, regardless of the punishment.

20 Sec. 2. This Act shall apply to all charges filed on or
21 after the effective date of this Act.

22 EXPLANATION

23 This bill changes a portion of the Iowa rule of evidence
24 which relates to when the credibility of a witness may be
25 impeached by evidence of conviction of a crime. Currently, in
26 order to be able to be used for impeachment purposes, the
27 crime must both involve dishonesty or false statement and be
28 punishable by imprisonment of more than one year, and it can
29 only be used if it is mentioned by the witness or established
30 by public record during cross-examination. The changes
31 contained in the bill conform this portion of the rule to the
32 portion of the federal rule of evidence 609, which deals with
33 the same subject. The requirement that the crime be mentioned
34 by the witness or established on record during cross-
35 examination is eliminated; evidence of commission of any crime

1 of dishonesty or false statement may be used; and crimes
2 involving punishment which is greater than one-year
3 imprisonment may be used whether or not dishonesty or false
4 statement is involved, provided that, in the case that the
5 witness is the accused, the probative value of the evidence
6 outweighs its prejudicial effect.

7 The bill applies to charges filed on or after the effective
8 date of the bill.

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