

FEB 21 1996
JUDICIARY

HOUSE FILE 2269
BY HARRISON

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

A BILL FOR

1 An Act relating to child abuse and child sexual abuse reporting
2 and referral requirements and increasing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2269

1 Section 1. Section 232.69, subsection 1, unnumbered
2 paragraph 1, Code 1995, is amended to read as follows:

3 The following classes of persons shall make a report within
4 twenty-four hours and as provided in section 232.70, of cases
5 of child abuse. In addition, the classes of persons shall
6 make a report of abuse of a child who is under twelve years of
7 age and may make a report of abuse of a child who is twelve
8 years of age or older, which would be defined as child abuse
9 under section 232.68, subsection 2, paragraph "c" or "e",
10 except that the abuse resulted from the acts or omissions of a
11 person other than a person responsible for the care of the
12 child:

13 Sec. 2. Section 232.71, Code Supplement 1995, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 1A. If a report would be determined to
16 constitute an allegation of child abuse as defined under
17 section 232.68, subsection 2, paragraph "c" or "e", except
18 that the suspected abuse resulted from the acts or omissions
19 of a person other than a person responsible for the care of
20 the child, the department shall refer the report to the
21 appropriate law enforcement agency having jurisdiction to
22 investigate the allegation. The department shall refer the
23 report orally as soon as practicable and in writing within
24 seventy-two hours of receiving the report.

25 Sec. 3. Section 232.75, subsection 1, Code 1995, is
26 amended to read as follows:

27 1. Any A person, official, agency, or institution,
28 required by this chapter to report a suspected case-of child
29 abuse or suspected abuse of a child who is under twelve years
30 of age which would be defined as child abuse under section
31 232.68, subsection 2, paragraph "c" or "e", except that the
32 abuse resulted from the acts or omissions of a person other
33 than a person responsible for the care of the child, who
34 knowingly and willfully fails to do so is-guilty-of commits a
35 simple serious misdemeanor.

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EXPLANATION

This bill relates to child abuse provisions and increases a penalty.

Section 232.69 is amended to require mandatory reporters of child abuse to also report sexual abuse of a child who is under 12 years which would be defined as child abuse except that the abuse resulted from acts or omissions of a person other than a person responsible for the care of the child.

The bill also authorizes a mandatory reporter to report sexual abuse by this type of perpetrator of a child who is 12 years of age or older. Under current law, a finding of child abuse requires that the abuse results from the acts or omissions of a "person responsible for the care of a child," which is a defined term. The term includes a parent, guardian, foster parent, child care provider, or other person who assumes care or supervision of a child. The sexual abuse required to be reported under the bill includes sexual abuse under chapter 709, incest, involvement in prostitution, or sexual exploitation of a minor.

Section 232.71 is amended to require the department of human services to refer reports of sexual abuse of a child which result from the acts or omissions of a person other than a person responsible for the care of a child to an appropriate law enforcement agency. The referral must be made orally as soon as practicable and in writing within 72 hours of receiving the report.

Section 232.75 is amended to increase the penalty for a mandatory reporter of child abuse who knowingly and willfully does not report a suspected case of child abuse. The reporting requirement is expanded to include the sexual abuse reporting required by the bill. The penalty is increased from a simple to a serious misdemeanor.