

MAR 8 1995

WITHDRAWN

JUDICIARY

HOUSE FILE 295

BY BURNETT and MASCHER

WITHDRAWN

1-12-96

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

A BILL FOR

1 An Act relating to prohibiting a polygraph examination of a
 2 victim of sexual abuse as a precondition to an investigation
 3 by a law enforcement agency.

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

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WITHDRAWN

HF 295

1 Section 1. NEW SECTION. 709.17 POLYGRAPH EXAMINATIONS OF
2 VICTIMS -- LIMITATIONS.

3 A criminal or juvenile justice agency shall not require a
4 person claiming to be a victim of sexual abuse or claiming to
5 be a witness regarding the sexual abuse of another person to
6 submit to a polygraph or similar examination as a precondition
7 to the agency conducting an investigation into the matter. An
8 agency wishing to perform a polygraph examination of a person
9 claiming to be a victim or witness shall inform the person of
10 the following:

11 1. That taking the polygraph examination is voluntary.

12 2. That the results of the examination are not admissible
13 in court.

14 3. That the person's decision to submit or refuse a
15 polygraph examination will not be the sole basis for a
16 decision by the agency not to investigate the matter.

17 An agency which declines to investigate an alleged case of
18 sexual abuse following a decision by a person claiming to be a
19 victim or witness not to submit to a polygraph examination
20 shall provide to that person, in writing, the reasons why the
21 agency did not pursue the investigation at the request of the
22 person.

23

EXPLANATION

24 This bill provides that a criminal or juvenile justice
25 agency shall not make the submission to a polygraph
26 examination by a person claiming to be a victim of sexual
27 abuse or a witness regarding the sexual abuse of another the
28 sole criteria for a decision not to investigate the matter.
29 The bill also provides that an agency which desires a person
30 claiming to be a victim of or witness to sexual abuse to take
31 a polygraph test to inform the person that submitting to the
32 test is voluntary, that the test is not admissible in court,
33 and that the person's decision whether or not to submit to the
34 test will not be the sole factor in whether the agency
35 investigates the matter or not. Finally, the bill provides

1 that the agency must provide a written response to a person
2 claiming to be a victim of or witness to sexual abuse stating
3 the reasons why an investigation was not pursued if the person
4 requests it.

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