

FILED FEB 29 1996

SENATE FILE 2380  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2026)

Passed Senate, Date <sup>(p.702)</sup> 3-11-96 Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to child abuse and child sexual abuse reporting  
2 and increasing a penalty.

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

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SENATE FILE 2380

S-5190

1 Amend Senate File 2380 as follows:  
2 1. Page 1, line 6, by striking the word "twelve"  
3 and inserting the following: "fourteen".  
4 2. Page 1, line 29, by striking the word "twelve"  
5 and inserting the following: "fourteen".

*Lost* 3-11-96 (p.701) By MERLIN E. BARTZ

S-5190 FILED MARCH 5, 1996

S.F. 2380

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.

## 1 EXPLANATION

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

4 Section 232.69 is amended to require mandatory reporters of  
5 child abuse to also report sexual abuse of a child who is  
6 under 12 years which would be defined as child abuse except  
7 that the abuse resulted from acts or omissions of a person  
8 other than a person responsible for the care of the child.  
9 The bill also authorizes a mandatory reporter to report sexual  
10 abuse by this type of perpetrator of a child who is 12 years  
11 of age or older. Under current law, a finding of child abuse  
12 requires that the abuse results from the acts or omissions of  
13 a "person responsible for the care of a child," which is a  
14 defined term. The term includes a parent, guardian, foster  
15 parent, child care provider, or other person who assumes care  
16 or supervision of a child. The sexual abuse required to be  
17 reported under the bill includes sexual abuse under chapter  
18 709, incest, involvement in prostitution, or sexual  
19 exploitation of a minor.

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

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

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