

SENATE FILE 371
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 245)

Passed Senate, Date 3-27-95 ^(P. 883) Passed House, Date 4/18/95 ^(P. 1682)
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 1
Approved April 26, 1995

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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SENATE FILE 371

S-3173

1 Amend Senate File 371 as follows:

2 1. Page 1, line 19, by striking the words "or
3 witness".

By RANDAL J. GIANNETTO

S-3173 FILED MARCH 22, 1995

Adapted 3-27-95 ^(P. 883)

S.F. 371

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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H. 3/28/95 Judiciary
H. 4/6/95 Do Pass
H. 4/13/95 Unfinished Business
Calendar

SENATE FILE 371
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 245)

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1995)

* - Language Stricken by the Senate

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S.F. 371

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16 decision by the agency not to investigate the matter.

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18 sexual abuse following a decision by a person claiming to be a
*19 victim not to submit to a polygraph examination shall provide
20 to that person, in writing, the reasons why the agency did not
21 pursue the investigation at the request of the person.

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Hammond
Giannetto
Vilsack
Drake
Boehner

SSB-245
Judiciary

Succeeded By
SE/HF 371
SENATE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

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SENATE FILE 371

AN ACT

RELATING TO PROHIBITING A POLYGRAPH EXAMINATION OF A VICTIM OF SEXUAL ABUSE AS A PRECONDITION TO AN INVESTIGATION BY A LAW ENFORCEMENT AGENCY.

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

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

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

1. That taking the polygraph examination is voluntary.
2. That the results of the examination are not admissible in court.
3. That the person's decision to submit or refuse a polygraph examination will not be the sole basis for a decision by the agency not to investigate the matter.

An agency which declines to investigate an alleged case of sexual abuse following a decision by a person claiming to be a victim not to submit to a polygraph examination shall provide

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 371, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1995

TERRY E. BRANSTAD
Governor