

MAR 5 1997

JUDICIARY

HOUSE FILE 465
BY DODERER

(COMPANION TO LSB 2525SS
BY NEUHAUSER)

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

A BILL FOR

1 An Act relating to requests for polygraphs from sexual abuse
2 victims or witnesses.

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

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HF 465

1 Section 1. Section 709.17, Code 1997, is amended to read
2 as follows:

3 709.17 POLYGRAPH EXAMINATIONS OF VICTIMS OR WITNESSES --
4 LIMITATIONS.

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

14 1. That taking the polygraph examination is voluntary.

15 2. That the results of the examination are not admissible
16 in court.

17 3. That the person's decision to submit or refuse a
18 polygraph examination will not be the sole basis for a
19 decision by the agency to investigate or not to investigate
20 the matter.

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

26 EXPLANATION

27 This bill makes changes in the current requirements for the
28 taking of polygraph examinations of victims of or witnesses to
29 sexual abuse. Under the bill, a criminal or juvenile justice
30 agency may no longer request a polygraph examination as a
31 precondition to an investigation. Currently, those agencies
32 are prohibited from requiring the examination as a
33 precondition to investigation. The requirement that agencies
34 wishing to perform a polygraph examination must inform the
35 person to be examined that the polygraph is voluntary, that

1 the results are not admissible, and that the decision to
2 submit or not to submit will not be the sole basis for a
3 decision to investigate or not to investigate is changed to
4 simply require that a person who requests to submit to a
5 polygraph be so informed prior to submission to the
6 examination. Language currently requiring the criminal or
7 juvenile justice agency to send an explanation of why an
8 investigation was not pursued to a sexual abuse victim or
9 witness, if the agency did not investigate and the person
10 decided not to submit to the polygraph, is deleted.

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