

FEB 8 2002

JUDICIARY

HOUSE FILE  
BY MURPHY

2241

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the admissibility of prior sexual abuse  
2 offenses into evidence in criminal and civil proceedings.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2241

1 Section 1. NEW SECTION. 701.11 EVIDENCE OF SIMILAR  
2 OFFENSES -- SEXUAL ABUSE -- CRIMINAL PROCEEDINGS.

3 1. Notwithstanding any other provision in the Code to the  
4 contrary, in a criminal prosecution in which a defendant has  
5 been charged with sexual abuse, evidence of the defendant's  
6 commission of another sexual abuse offense is admissible and  
7 may be considered for its bearing on any matter for which the  
8 evidence is relevant.

9 2. If the prosecution intends to offer evidence pursuant  
10 to this section, the prosecution shall disclose such evidence  
11 to the defendant, including statements of witnesses or a  
12 summary of the substance of any testimony that is expected to  
13 be offered, ten days prior to the scheduled date of trial.  
14 The court may for good cause shown permit disclosure less than  
15 ten days prior to the scheduled date of trial.

16 3. For purposes of this section, "sexual abuse" means any  
17 commission of or conviction for a crime defined in chapter 709  
18 or section 728.12, subsection 1. "Sexual abuse" also means  
19 any commission of or conviction for a crime in another  
20 jurisdiction under a statute that is substantially similar to  
21 any crime defined in chapter 709 or section 728.12, subsection  
22 1.

23 4. Any Iowa rule of evidence in contravention of this  
24 section is void when applied to this section.

25 Sec. 2. NEW SECTION. 701.11A EVIDENCE OF SIMILAR  
26 OFFENSES -- SEXUAL ABUSE -- CIVIL PROCEEDINGS.

27 1. In any civil case in which a claim for damages or other  
28 relief is predicated on a respondent's alleged commission of  
29 sexual abuse, evidence of the respondent's commission of  
30 another sexual abuse offense is admissible and may be  
31 considered for its bearing on any matter for which the  
32 evidence is relevant.

33 2. If the plaintiff intends to offer evidence pursuant to  
34 this section, the plaintiff shall disclose such evidence to  
35 the respondent, including statements of witnesses or a summary

1 of the substance of any testimony that is expected to be  
2 offered, fifteen days prior to the scheduled date of trial.  
3 The court may for good cause shown permit disclosure less than  
4 fifteen days prior to the scheduled date of trial.

5 3. For purposes of this section, "sexual abuse" means any  
6 commission of or conviction for a crime defined in chapter 709  
7 or section 728.12, subsection 1. "Sexual abuse" also means  
8 any commission of or conviction for a crime in another  
9 jurisdiction under a statute that is substantially similar to  
10 any crime defined in chapter 709 or section 728.12, subsection  
11 1.

12 4. Any Iowa rule of evidence in contravention of this  
13 section is void when applied to this section.

14 EXPLANATION

15 This bill relates to the admissibility of prior sexual  
16 abuse offenses into evidence in criminal and civil  
17 proceedings.

18 The bill provides that in a criminal prosecution in which a  
19 defendant has been charged with a sexual abuse-related  
20 offense, evidence of the commission of another sexual abuse  
21 offense by the defendant is admissible for its bearing on any  
22 matter which is relevant.

23 The bill provides that in a civil case in which a claim for  
24 damages or other relief is predicated on a person's alleged  
25 commission of sexual abuse, evidence of the person's  
26 commission of another sexual abuse offense is admissible into  
27 evidence in the same manner as in criminal proceedings under  
28 this bill.

29 The bill defines "sexual abuse" to mean any commission of  
30 or conviction for a crime defined in Code chapter 709, or  
31 sexual exploitation of a minor in Code section 728.12,  
32 subsection 1. The bill also defines "sexual abuse" to mean  
33 any commission of or conviction for a crime in another  
34 jurisdiction under a statute that is substantially similar to  
35 any crime defined in Code chapter 709 or Code section 728.12,

1 subsection 1.

2 The bill also voids any Iowa rule of evidence in  
3 contravention of this bill when applied to the bill. Current  
4 Iowa rule of evidence 5.404(b) only permits the admissibility  
5 of a prior crime, wrong, or act for purposes of proving  
6 motive, opportunity, intent, preparation, plan, knowledge,  
7 identity, or absence of mistake or accident.

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