

FEB 14 2003
Place On Calendar

HOUSE FILE 206
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 133)

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

A BILL FOR

1 An Act increasing the child age applicable to mandatory reporting
2 of suspected child sexual abuse perpetrated by a person other
3 than the person responsible for the care of the child.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 206

HOUSE FILE 206

H-1027

9 1 Amend the amendment, H-1019, to House File 206 as
10 2 follows:
11 3 1. Page 1, line 6, by striking the word
12 4 "subparagraph" and inserting the following:
13 5 "subparagraphs".
14 6 2. Page 1, by inserting after line 32, the
15 7 following:
16 8 "NEW SUBPARAGRAPH. (14) An employee or a
17 9 volunteer of an organization providing pregnancy-
18 10 related education, counseling, or referrals."
19 11 3. By renumbering as necessary.

16 **H-1027** FILED FEBRUARY 26, 2003 **By** WINCKLER of Scott

17 Lost 2/26/03

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1 Section 1. Section 232.69, subsection 1, unnumbered
2 paragraph 1, Code 2003, is amended to read as follows:

3 The classes of persons enumerated in this subsection shall
4 make a report within twenty-four hours and as provided in
5 section 232.70, of cases of child abuse. In addition, the
6 classes of persons enumerated in this subsection shall make a
7 report of abuse of a child who is under ~~twelve~~ sixteen years
8 of age and may make a report of abuse of a child who is ~~twelve~~
9 sixteen years of age or older, which would be defined as child
10 abuse under section 232.68, subsection 2, paragraph "c" or
11 "e", except that the abuse resulted from the acts or omissions
12 of a person other than a person responsible for the care of
13 the child.

14 EXPLANATION

15 This bill increases the child age for mandatory reporting
16 of suspected child sexual abuse perpetrated by a person other
17 than the person responsible for the care of the child.

18 Under current law, a finding of child abuse requires that
19 the abuse results from the act or omissions of a "person
20 responsible for the care of a child", which is a defined term.
21 The term includes a parent, guardian, foster parent, relative,
22 other person with whom the child resides, care provider, or
23 other person who assumes care or supervision of a child.
24 However, mandatory reporters are required by law to report
25 suspected child sex abuse of a child who is under age 12 by a
26 person who is not a caretaker of the child and may report such
27 abuse for older children. Under Code section 232.70, the
28 department of human services is required to refer reports of
29 suspected sexual abuse of a child by a noncaretaker to the
30 appropriate law enforcement agency having jurisdiction to
31 investigate the allegation.

32 The bill increases the child age for mandatory reporting of
33 suspected sexual abuse of a child by a noncaretaker from under
34 age 12 to under age 16.

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HOUSE FILE 206

H-1019

1 Amend House File 206 as follows:

2 1. Page 1, by inserting after line 13 the
3 following:

4 "Sec. _____. Section 232.69, subsection 1, paragraph
5 b, Code 2003, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (13) A member of the clergy.
8 However, if the belief that a child has suffered abuse
9 arises from information obtained only during a
10 penitential communication, the clergy member is not
11 subject to the requirement to make the report. This
12 subparagraph shall not be construed to modify or limit
13 a clergy member's duty to report the belief that a
14 child has been abused when the clergy member is acting
15 in some other capacity that would otherwise make the
16 clergy member a mandatory reporter of abuse. For the
17 purposes of this subparagraph, unless the context
18 otherwise requires:

19 (a) "Clergy member" or "member of the clergy"
20 means an individual who is designated as clergy by
21 ordination, licensing, or other form of entitlement by
22 the religious group or sect with whom the individual
23 is affiliated.

24 (b) "Penitential communication" means a
25 communication intended to be in confidence, including
26 but not limited to a sacramental confession made to a
27 clergy member who, in the course of the discipline or
28 practice of the clergy member's religious group or
29 sect, is authorized to hear those communications, and
30 under the discipline, practice, tenets, or customs of
31 the religious group or sect, the clergy member has the
32 duty to keep the communication secret.

33 Sec. _____. Section 232.69, subsection 3, paragraph
34 b, Code 2003, is amended to read as follows:

35 b. A person required to make a report under
36 subsection 1, other than a physician whose
37 professional practice does not regularly involve
38 providing primary health care to children or a member
39 of the clergy, shall complete two hours of training
40 relating to the identification and reporting of child
41 abuse within six months of initial employment or self-
42 employment involving the examination, attending,
43 counseling, or treatment of children on a regular
44 basis. Within one month of initial employment or
45 self-employment, the person shall obtain a statement
46 of the abuse reporting requirements from the person's
47 employer or, if self-employed, from the department.
48 The person shall complete at least two hours of
49 additional child abuse identification and reporting
50 training every five years."

H-1019

-1-

Page 2

1 2. By renumbering as necessary.

By MURPHY of Dubuque
McCARTHY of Polk

H-1019 FILED FEBRUARY 20, 2003

Adopted 2/26

~~Amendment H-1019 missing
Lost 2-26-03 H-1019~~

Description

House File 206 increases the child age from under age 12 to under age 16 for suspected child abuse that is perpetrated by a person other than the individual responsible for the care of the child. In addition, House File 206 requires mandatory reporters to report suspected child abuse of a child who is under age 16 by a person who is not a caretaker of the child and may report such abuse for older children. The Department of Human Services (DHS) is required to refer these reports to the appropriate law enforcement agency that has the jurisdiction to investigate the allegation.

Assumptions

1. In FY 2002, the DHS rejected 12,846 intake referrals for assessment of abuse. Of those, it is estimated that 954 (7.4%) were sexual abuse referrals, given the percentage of referrals the DHS did accept that were reports of sexual abuse.
2. It is estimated that DHS field staff will handle approximately 477 (50.0% of 954) additional intakes annually, representing referrals that may not be reported to the DHS or may be reviewed with DHS staff.
3. It is estimated that the 477 intakes would each require one hour of time for a Social Worker 3 to process and refer to the appropriate law enforcement agency.
4. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
5. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
6. There is a six-month lag time from the effective date (July 1, 2003) of the proposed legislation to the date of first entry of affected offenders into the correctional system.
7. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2002 data. Prison admission data from the Adult Corrections Information System was also used.
8. The median cost per case for indigent defense for a Class B felony is \$3,500, a Class C felony is \$1,200, and a Class D felony is \$1,000.
9. The marginal cost per day for State prisons is \$12 per offender. The average length of stay for new admissions for a Class B forcible felony is 255 months, a Class C felony against a person is 52 months, and a Class D felony against a person is 23 months.
10. The marginal cost per day for probation or parole is \$1.82 per offender. The average length of stay for a Class C felony conviction is 28 months on probation or 19 months on parole. The average length of stay for a Class D felony conviction is 26 months on probation or 13 months on parole.
11. The average cost for a jury for Class C or Class D felony trials is \$1,040. The average cost for a jury for a Class B felony trial is \$2,000.

12. The average cost for a Class C or Class D felony trial is \$195 without a jury, and \$1,235 with a jury. The average cost for a Class B felony trial is \$195 without a jury, and \$2,200 with a jury.

Correctional Impact

During FY 2004, HF 206 will result in an additional 120 convictions for sexual abuse. Of these, 16 convictions will be for Sexual Abuse in the Second Degree (Class B forcible felony), 74 for Sexual Abuse in the Third Degree (Class C felony), and 30 for Assault with Intent to Commit Sexual Abuse (Class D felony). The convicted offenders will result in 105 new prison admissions and 15 probation admissions (Community-Based Corrections - CBC).

During FY 2005 (annual impact), it is estimated that there will be 238 convictions. Of these, 32 convictions will be for Sexual Abuse in the Second Degree, 147 convictions for Sexual Abuse in the Third Degree, and 59 convictions for Assault with Intent to Commit Sexual Abuse. Thirty of these offenders will be sentenced to probation, while 208 offenders will be sentenced to prison.

The prison population will increase by 105 inmates in FY 2004 and 313 inmates in FY 2005. By the fifth year, the prison population will increase by 836 inmates. A new prison will be required at an estimated construction cost of \$45.0 million and an estimated annual operating cost of \$28.0 million.

The probation population will increase by 15 offenders in FY 2005 and 30 offenders each year thereafter.

House File 206 is expected to have an impact on local jails due to pre-trial detentions. However, due to insufficient information, the impact cannot be determined.

Fiscal Impact

House File 206 is estimated to increase State General Fund expenditures for FY 2004 ranging from \$668,000 to \$808,000, and ranging from \$1.8 million to \$2.1 million in FY 2005. A breakdown of expenditures is as follows:

	FY 2004		FY 2005	
	Low	High	Low	High
Dept. of Corrections - Prisons	\$ 460,000	\$ 460,000	\$ 1,400,000	\$ 1,400,000
Community-Based Corrections	10,000	10,000	30,000	30,000
Indigent Defense	175,000	175,000	347,000	347,000
Courts	23,000	163,000	46,000	324,000
DHS	Minimal	Minimal	Minimal	Minimal
Department of Public Safety	Minimal	Minimal	Minimal	Minimal
Total	\$ 668,000	\$ 808,000	\$ 1,823,000	\$ 2,101,000

A new prison will need to be built in FY 2008 at an estimated construction cost of \$45.0 million, and an estimated annual operating cost of \$28.0 million.

House File 206 is expected to have an impact to local government, especially for law enforcement agencies. However, due to insufficient information, the fiscal impact on local governments cannot be determined.

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning
Department of Human Services
Department of Public Safety
Judicial Branch

/s/ Dennis C Prouty

February 25, 2003

HOUSE FILE 206
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 133)

(As Amended and Passed by the House February 26, 2003)

Passed House, Date Passed 2/26/03 Passed Senate, Date Passed 4/21/03

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

~~Not Referred~~

A BILL FOR

1 An Act increasing the child age applicable to mandatory reporting
2 of suspected child sexual abuse perpetrated by a person other
3 than the person responsible for the care of the child.

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

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House Amendments _____

HOUSE FILE 206

S-3255

1 Amend House File 206, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 13.
4 2. Title page, by striking lines 1 through 3 and
5 inserting the following: "An Act relating to child
6 abuse reporting by requiring members of the clergy to
7 report child abuse under certain circumstances."

By JACK HATCH

S-3255 FILED APRIL 21, 2003
LOST

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HF 206

1 Section 1. Section 232.69, subsection 1, unnumbered
2 paragraph 1, Code 2003, is amended to read as follows:

3 The classes of persons enumerated in this subsection shall
4 make a report within twenty-four hours and as provided in
5 section 232.70, of cases of child abuse. In addition, the
6 classes of persons enumerated in this subsection shall make a
7 report of abuse of a child who is under ~~twelve~~ sixteen years
8 of age and may make a report of abuse of a child who is ~~twelve~~
9 sixteen years of age or older, which would be defined as child
10 abuse under section 232.68, subsection 2, paragraph "c" or
11 "e", except that the abuse resulted from the acts or omissions
12 of a person other than a person responsible for the care of
13 the child.

14 Sec. 2. Section 232.69, subsection 1, paragraph b, Code
15 2003, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (13) A member of the clergy. However,
17 if the belief that a child has suffered abuse arises from
18 information obtained only during a penitential communication,
19 the clergy member is not subject to the requirement to make
20 the report. This subparagraph shall not be construed to
21 modify or limit a clergy member's duty to report the belief
22 that a child has been abused when the clergy member is acting
23 in some other capacity that would otherwise make the clergy
24 member a mandatory reporter of abuse. For the purposes of
25 this subparagraph, unless the context otherwise requires:

26 (a) "Clergy member" or "member of the clergy" means an
27 individual who is designated as clergy by ordination,
28 licensing, or other form of entitlement by the religious group
29 or sect with whom the individual is affiliated.

30 (b) "Penitential communication" means a communication
31 intended to be in confidence, including but not limited to a
32 sacramental confession made to a clergy member who, in the
33 course of the discipline or practice of the clergy member's
34 religious group or sect, is authorized to hear those
35 communications, and under the discipline, practice, tenets, or

1 customs of the religious group or sect, the clergy member has
2 the duty to keep the communication secret.

3 Sec. 3. Section 232.69, subsection 3, paragraph b, Code
4 2003, is amended to read as follows:

5 b. A person required to make a report under subsection 1,
6 other than a physician whose professional practice does not
7 regularly involve providing primary health care to children or
8 a member of the clergy, shall complete two hours of training
9 relating to the identification and reporting of child abuse
10 within six months of initial employment or self-employment
11 involving the examination, attending, counseling, or treatment
12 of children on a regular basis. Within one month of initial
13 employment or self-employment, the person shall obtain a
14 statement of the abuse reporting requirements from the
15 person's employer or, if self-employed, from the department.
16 The person shall complete at least two hours of additional
17 child abuse identification and reporting training every five
18 years.

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21 HOUSE FILE 206

22 S-3256

23 1 Amend to House File 206, as amended, passed, and
24 2 reprinted by the House, as follows:

25 3 1. Page 1, line 15, by striking the word
26 4 "subparagraph" and inserting the following:
27 5 "subparagraphs".

28 6 2. Page 2, by inserting after line 2, the
29 7 following:

30 8 "NEW SUBPARAGRAPH. (14) An employee or a
31 9 volunteer of an organization providing pregnancy-
32 10 related education, counseling, or referrals."

33 11 3. By renumbering as necessary.

34 By JACK HATCH

35 S-3256 FILED APRIL 21, 2003

LOST

S-3260

DIV B

1 Amend House File 206, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 18 the
4 following:

5 "Sec. ____ . IMPLEMENTATION COSTS. There is
6 appropriated from the general fund of the state to the
7 designated branch and departments for the indicated
8 fiscal years, the following amounts, or so much
9 thereof as is necessary, to be used for the purposes
10 designated for additional costs resulting from
11 implementation of section 232.69, subsection 1,
12 unnumbered paragraph 1, as amended by this Act:

13 1. For the fiscal year beginning July 1, 2003, and
14 ending June 30, 2004:

15 a. To the judicial branch, including salaries,
16 support, maintenance, miscellaneous purposes, and
17 additional full-time equivalent positions:

18 \$ 163,000

19 b. To the department of corrections for prison and
20 probation admissions, including salaries, support,
21 maintenance, miscellaneous purposes, and additional
22 full-time equivalent positions:

23 \$ 470,000

24 Of the amount appropriated in this paragraph "b",
25 \$10,000 is allocated for costs incurred in the
26 judicial district departments of correctional
27 services.

28 c. To the office of the state public defender of
29 the department of inspections and appeals for indigent
30 defense costs, including salaries, support,
31 maintenance, miscellaneous purposes, and additional
32 full-time equivalent positions:

33 \$ 175,000

34 2. For the fiscal year beginning July 1, 2004, and
35 ending June 30, 2005:

36 a. To the judicial branch, including salaries,
37 support, maintenance, miscellaneous purposes, and
38 additional full-time equivalent positions:

39 \$ 324,000

40 b. To the department of corrections for prison and
41 probation admissions, including salaries, support,
42 maintenance, miscellaneous purposes, and additional
43 full-time equivalent positions:

44 \$ 1,430,000

45 Of the amount appropriated in this paragraph "b",
46 \$30,000 is allocated for costs incurred in the
47 judicial district departments of correctional
48 services.

49 c. To the office of the state public defender of
50 the department of inspections and appeals for indigent

S-3260

Page 2

DIV 1 defense costs, including salaries, support,
 B 2 maintenance, miscellaneous purposes, and additional
 3 full-time equivalent positions:
 4 \$ 347,000"

DIV 5 2. Page 2, by inserting after line 18 the
 A 6 following:
 7 "Sec. ____ . IMPLEMENTATION OF ACT. Section 25B.2,
 8 subsection 3, shall not apply to section 232.69,
 9 subsection 1, unnumbered paragraph 1, as amended by
 10 this Act."
 11 3. Title page, line 1, by inserting after the
 12 word "Act" the following: "relating to child abuse
 13 reporting by requiring members of the clergy to report
 14 child abuse under certain circumstances, by".

DIV 15 4. Title page, line 3, by inserting after the
 B 16 word "child" the following: ", and making
 17 appropriations".
 18 5. By renumbering as necessary.

By EUGENE S. FRAISE
JACK HATCH

S-3260 FILED APRIL 21, 2003
DIV A - WITHDRAWN; DIV B - RULED OUT OF ORDER

HOUSE FILE 206

S-3262

1 Amend House File 206, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 14, through page 2,
 4 line 2, and inserting the following:
 5 "Sec. ____ . Section 232.69, subsection 1, Code
 6 2003, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. c. A member of the clergy, who
 9 receives information from a source other than a source
 10 that under section 622.10 cannot be disclosed in
 11 testimony, and as a result of the information
 12 reasonably believes a child has been abused."
 13 2. By renumbering as necessary.

By KEITH A. KREIMAN

S-3262 FILED APRIL 21, 2003
LOST

Description

House File 206, as amended and passed by the House, increases the child age from under age 12 to under age 16 for suspected child abuse that is perpetrated by a person other than the individual responsible for the care of the child. In addition, HF 206, as amended and passed by the House, requires mandatory reporters to report suspected child abuse of a child who is under age 16 by a person who is not a caretaker of the child and may report such abuse for older children. The Department of Human Services (DHS) is required to refer these reports to the appropriate law enforcement agency that has the jurisdiction to investigate the allegation.

House File 206, as amended and passed by the House, also requires members of the clergy to be mandatory reporters of child abuse under certain circumstances. The Bill provides an exception for members of the clergy to the requirement of completing two hours of training relating to the identification and reporting of child abuse every five years under Section 232.69, Code of Iowa.

Assumptions

1. In FY 2002, the DHS rejected 12,846 intake referrals for assessment of abuse. Of those, it is estimated that 954 (7.4%) were sexual abuse referrals, given the percentage of referrals the DHS did accept that were reports of sexual abuse.
2. It is estimated that DHS field staff will handle approximately 477 (50.0% of 954) additional intakes annually, representing referrals that may not be reported to the DHS or may be reviewed with DHS staff.
3. It is estimated that the 477 intakes would each require one hour of time for a Social Worker 3 to process and refer to the appropriate law enforcement agency.
4. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
5. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
6. There is a six-month lag time from the effective date (July 1, 2003) of the proposed legislation to the date of first entry of affected offenders into the correctional system.
7. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2002 data. Prison admission data from the Adult Corrections Information System was also used.
8. The median cost per case for indigent defense for a Class B felony is \$3,500, a Class C felony is \$1,200, and a Class D felony is \$1,000.
9. The marginal cost per day for State prisons is \$12 per offender. The average length of stay for new admissions for a Class B forcible felony is 255 months, a Class C felony against a person is 52 months, and a Class D felony against a person is 23 months.
10. The marginal cost per day for probation or parole is \$1.82 per offender. The average length of stay for a Class C felony conviction is 28 months on probation or 19 months on parole. The average length of stay for a Class D felony conviction is 26 months on probation or 13 months on parole.
11. The average cost for a jury for Class C or Class D felony trials is \$1,040. The average cost for a jury for a Class B felony trial is \$2,000.

12. The average cost for a Class C or Class D felony trial is \$195 without a jury, and \$1,235 with a jury. The average cost for a Class B felony trial is \$195 without a jury, and \$2,200 with a jury.
13. An undetermined number of additional cases of child abuse will be reported by members of the clergy and additional offenders will be convicted.

Correctional Impact

During FY 2004, HF 206, as amended and passed by the House, will result in an additional 120 convictions for sexual abuse. Of these, 16 convictions will be for Sexual Abuse in the Second Degree (Class B forcible felony), 74 for Sexual Abuse in the Third Degree (Class C felony), and 30 for Assault with Intent to Commit Sexual Abuse (Class D felony). The convicted offenders will result in 105 new prison admissions and 15 probation admissions (Community-Based Corrections [CBC]).

During FY 2005 (annual impact), it is estimated that there will be 238 convictions. Of these, 32 convictions will be for Sexual Abuse in the Second Degree, 147 convictions for Sexual Abuse in the Third Degree, and 59 convictions for Assault with Intent to Commit Sexual Abuse. Thirty of these offenders will be sentenced to probation, while 208 offenders will be sentenced to prison.

The prison population will increase by 105 inmates in FY 2004 and 313 inmates in FY 2005. By the fifth year, the prison population will increase by 836 inmates. A new prison will be required at an estimated construction cost of \$45.0 million and an estimated annual operating cost of \$28.0 million.

The probation population will increase by 15 offenders in FY 2005 and 30 offenders each year thereafter.

House File 206, as amended and passed by the House, is expected to have an impact on local jails due to pre-trial detentions. However, due to insufficient information, the impact cannot be determined.

Fiscal Impact

House File 206, as amended and passed by the House, is estimated to increase State General Fund expenditures for FY 2004 ranging from \$668,000 to \$808,000, and ranging from \$1.8 million to \$2.1 million in FY 2005. A breakdown of expenditures is as follows:

	FY 2004		FY 2005	
	Low	High	Low	High
Dept. of Corrections - Prisons	\$ 460,000	\$ 460,000	\$ 1,400,000	\$ 1,400,000
Community-Based Corrections	10,000	10,000	30,000	30,000
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DHS	Minimal	Minimal	Minimal	Minimal
Department of Public Safety	Minimal	Minimal	Minimal	Minimal
Total	\$ 668,000	\$ 808,000	\$ 1,823,000	\$ 2,101,000

A new prison will need to be built in FY 2008 at an estimated construction cost of \$45.0 million, and an estimated annual operating cost of \$28.0 million.

House File 206, as amended and passed by the House, is expected to have an impact to local government, especially for law enforcement agencies. However, due to insufficient information, the fiscal impact on local governments cannot be determined.

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning
Department of Human Services
Department of Public Safety
Judicial Branch

/s/ Dennis C Prouty

March 26, 2003

AN ACT

INCREASING THE CHILD AGE APPLICABLE TO MANDATORY REPORTING OF SUSPECTED CHILD SEXUAL ABUSE PERPETRATED BY A PERSON OTHER THAN THE PERSON RESPONSIBLE FOR THE CARE OF THE CHILD.

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

Section 1. Section 232.69, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The classes of persons enumerated in this subsection shall make a report within twenty-four hours and as provided in section 232.70, of cases of child abuse. In addition, the classes of persons enumerated in this subsection shall make a report of abuse of a child who is under ~~twelve~~ sixteen years of age and may make a report of abuse of a child who is ~~twelve~~ sixteen years of age or older, which would be defined as child abuse under section 232.68, subsection 2, paragraph "c" or "e", except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.

Sec. 2. Section 232.69, subsection 1, paragraph b, Code 2003, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (13) A member of the clergy. However, if the belief that a child has suffered abuse arises from information obtained only during a penitential communication, the clergy member is not subject to the requirement to make the report. This subparagraph shall not be construed to modify or limit a clergy member's duty to report the belief that a child has been abused when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandatory reporter of abuse. For the purposes of this subparagraph, unless the context otherwise requires:

(a) "Clergy member" or "member of the clergy" means an individual who is designated as clergy by ordination, licensing, or other form of entitlement by the religious group or sect with whom the individual is affiliated.

(b) "Penitential communication" means a communication intended to be in confidence, including but not limited to a sacramental confession made to a clergy member who, in the course of the discipline or practice of the clergy member's religious group or sect, is authorized to hear those communications, and under the discipline, practice, tenets, or customs of the religious group or sect, the clergy member has the duty to keep the communication secret.

Sec. 3. Section 232.69, subsection 3, paragraph b, Code 2003, is amended to read as follows:

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children or a member of the clergy, shall complete two hours of training relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department.

The person shall complete at least two hours of additional child abuse identification and reporting training every five years.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 206, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor