

Withdrawn
3/30/04

FILED MAR 04 '04

SENATE FILE 2260
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3143)

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

A BILL FOR

1 An Act relating to evidence in a sexual abuse case.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2260 JUDICIARY

1 Section 1. NEW SECTION. 709.10 SEXUAL ABUSE -- EVIDENCE.

2 1. When an alleged victim of sexual abuse consents to
3 undergo a sexual abuse examination and to having the evidence
4 preserved, a sexual abuse evidence collection kit must be
5 collected and properly stored with the law enforcement agency
6 under whose jurisdiction the offense occurred or with the
7 agency collecting the evidence to ensure that the chain of
8 custody is complete and sufficient.

9 2. If an alleged victim of sexual abuse has not filed a
10 complaint and a sexual abuse evidence collection kit has been
11 completed, the kit must be stored by the law enforcement
12 agency for a minimum of ten years. In addition, if the
13 alleged victim does not want their name recorded on the sexual
14 abuse collection kit, a case number or other identifying
15 information shall be assigned to the kit in place of the name
16 of the alleged victim.

17 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
18 3, shall not apply to this Act.

19 EXPLANATION

20 This bill relates to evidence in a sexual abuse case.

21 Under the bill, if an alleged victim of sexual abuse
22 consents to undergo a sexual abuse examination and to having
23 the evidence preserved, the evidence must be collected and
24 properly stored with the law enforcement agency under whose
25 jurisdiction the offense occurred or with the agency that
26 collected the evidence to ensure that the chain of custody is
27 complete and sufficient.

28 If an alleged victim of sexual abuse, under the bill, does
29 not wish to file a criminal complaint and a sexual abuse
30 evidence collection kit has been completed, the kit must be
31 stored for a minimum of 10 years. In addition, if the alleged
32 victim does not want their name recorded on the sexual abuse
33 collection kit, a case number or other identifying information
34 shall be assigned to the kit in place of the name of the
35 alleged victim.

1 The bill may include a state mandate as defined in Code
2 section 25B.3. The bill makes inapplicable Code section
3 25B.2, subsection 3, which would relieve a political
4 subdivision from complying with a state mandate if funding for
5 the cost of the state mandate is not provided or specified.
6 Therefore, political subdivisions are required to comply with
7 any state mandate included in the bill.

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SENATE FILE 2260

S-5131

1 Amend Senate File 2260 as follows:

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

4 "Section 1. Section 602.8102, Code Supplement
5 2003, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. 135C. Assess the domestic or
8 sexual abuse surcharge of fifty dollars as provided by
9 section 911.4.

10 Sec. _____. Section 602.8107, subsection 4,
11 unnumbered paragraph 2, Code Supplement 2003, is
12 amended to read as follows:

13 This subsection does not apply to amounts collected
14 for victim restitution, the victim compensation fund,
15 criminal penalty surcharge, law enforcement initiative
16 surcharge, domestic or sexual abuse surcharge, amounts
17 collected as a result of procedures initiated under
18 subsection 5 or under section 8A.504, or sheriff's
19 room and board fees.

20 Sec. _____. Section 602.8108, Code Supplement 2003,
21 is amended by adding the following new subsection:

22 NEW SECTION. 4A. Notwithstanding provisions of
23 this section to the contrary, all moneys collected
24 from the domestic or sexual abuse surcharge provided
25 in section 911.4 shall be deposited in the crime
26 victim compensation fund established in section
27 915.94."

28 2. Page 1, by inserting after line 16 the
29 following:

30 "Sec. _____. Section 902.9, unnumbered paragraph 2,
31 Code 2003, is amended to read as follows:

32 The ~~criminal penalty surcharge~~ surcharges required
33 by sections 911.2, ~~and 911.3,~~ and 911.4 shall be added
34 to a fine imposed on a class "C" or class "D" felon,
35 as provided by those sections, and is not a part of or
36 subject to the maximums set in this section.

37 Sec. _____. Section 903.1, subsection 4, Code 2003,
38 is amended to read as follows:

39 4. The ~~criminal penalty surcharge~~ surcharges
40 required by sections 911.2, ~~and 911.3,~~ and 911.4 shall
41 be added to a fine imposed on a misdemeanor, and ~~is~~
42 are not a part of or subject to the maximums set in
43 this section.

44 Sec. _____. Section 909.8, Code 2003, is amended to
45 read as follows:

46 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
47 SURCHARGE.

48 The provisions of this chapter governing the
49 payment and collection of a fine, except section
50 909.3A, also apply to the payment and collection of

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Page 2

1 surcharges imposed pursuant to chapter 911. However,
2 section 909.10 shall not apply to surcharges assessed
3 under ~~section~~ sections 911.3 and 911.4.

4 Sec. ____ . NEW SECTION. 911.4 DOMESTIC OR SEXUAL
5 ABUSE SURCHARGE.

6 In addition to any of the other surcharges assessed
7 under this chapter, a domestic or sexual abuse
8 surcharge of fifty dollars shall be assessed by the
9 clerk of the district court if an adjudication of
10 guilt or a deferred judgment has been entered for a
11 criminal violation of section 708.2A, 709.2, 709.3, or
12 709.4."

13 3. Title page, line 1, by inserting after the
14 word "case" the following: ", and providing for a fee
15 in domestic or sexual abuse cases".

By ROBERT E. DVORSKY

S-5131 FILED MARCH 23, 2004

SENATE FILE 2260

S-5174

1 Amend Senate File 2260 as follows:

2 1. Page 1, by striking lines 17 and 18.

By NANCY BOETTGER

S-5174 FILED MARCH 29, 2004

Boettger
Holweck
Ward

SSB# 3143
Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON REDFERN)

Succeeded By
① / HF 2260

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

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