

House Study Bill 81

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

A BILL FOR

1 An Act relating to the protection of a minor victim's identity in
2 a criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1417DP 83
5 jm/rj/14

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1 1 Section 1. Section 915.36, subsections 1 and 2, Code 2009,
1 2 are amended to read as follows:
1 3 1. Prior to an arrest or the filing of an information or,
1 4 indictment, or criminal complaint, whichever occurs first,
1 5 against a person charged with a violation of chapter 709,
1 6 section 726.2, or section 728.12, relating to or alleging the
1 7 commission of an offense committed with or on a child, as
1 8 defined in section 702.5 minor, the identity of the child
1 9 minor or any information reasonably likely to disclose the
1 10 identity of the child minor shall not be released to the
1 11 public by any public employee except as authorized by the
1 12 court of jurisdiction.
1 13 2. In order to protect the welfare of the child minor, the
1 14 name of the child minor and identifying biographical
1 15 information shall not appear on the information or,
1 16 indictment, criminal complaint, or any other public record.
1 17 Instead, a nondescriptive designation shall appear on all
1 18 public records. The nonpublic records containing the child's
1 19 minor's name and identifying biographical information shall be
1 20 kept by the court. This subsection does not apply to the
1 21 release of information to an accused or accused's counsel;
1 22 however, the use or release of this information by the accused
1 23 or accused's counsel for purposes other than the preparation
1 24 of defense constitutes contempt.
1 25 EXPLANATION
1 26 This bill relates to the protection of a minor victim's
1 27 identity in a criminal proceeding.
1 28 The bill provides that prior to an arrest or the filing of
1 29 an information, indictment, or criminal complaint, whichever
1 30 occurs first, against a person for a criminal offense against
1 31 a minor, the identity of the minor shall not be released to
1 32 the public by any public employee except as authorized by the
1 33 court.
1 34 Current law provides that the identity of a child under age
1 35 14 shall not be released prior to the arrest or the filing of
2 1 the trial information or indictment, whichever occurs first,
2 2 except if authorized by the court. Current law restricts the
2 3 disclosure of the identity of a child in only certain
2 4 sexual-related criminal offenses.
2 5 Under current law and not affected by the bill, Code
2 6 section 22.7(5) may be used under certain circumstances to
2 7 keep confidential the identity of a crime victim.
2 8 A person who violates the bill commits contempt under Code
2 9 section 915.36. The punishment for contempt is provided in
2 10 Code section 665.4.
2 11 LSB 1417DP 83
2 12 jm/rj/14.1