

House File 2115 - Introduced

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A BILL FOR

1 An Act relating to the privacy of a victim of sexual related
2 crimes.

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

1 Section 1. Section 915.36, subsections 1 and 2, Code 2014,
2 are amended to read as follows:

3 1. a. Prior to an arrest or the filing of an information
4 or indictment, whichever occurs first, against a person
5 charged with a violation of chapter 709, section 726.2, or
6 section 728.12, committed with or on a child, as defined in
7 section 702.5, the identity of the child or any information
8 reasonably likely to disclose the identity of the child shall
9 not be released to the public by any public employee except as
10 authorized by the court of jurisdiction.

11 b. Prior to an arrest or the filing of an information or
12 indictment, whichever occurs first, against a person charged
13 with a violation of chapter 709, the identity of the victim or
14 any information reasonably likely to disclose the identity of
15 the victim shall not be released to the public by any public
16 employee except as authorized by the court of jurisdiction.

17 2. In order to protect the welfare of the child or victim,
18 the name of the child or victim and identifying biographical
19 information shall not appear on the information or indictment
20 or any other public record. Instead, a nondescriptive
21 designation shall appear on all public records. The nonpublic
22 records containing the child's or victim's name and identifying
23 biographical information shall be kept by the court. This
24 subsection does not apply to the release of information to
25 an accused or accused's counsel; however, the use or release
26 of this information by the accused or accused's counsel for
27 purposes other than the preparation of defense constitutes
28 contempt.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the privacy of a victim of sexual
33 related crimes.

34 Under the bill, the identity of any victim of a criminal
35 offense committed under Code chapter 709 (sexual abuse and

1 other sexual offenses) shall not be released to the public by
2 any public employee except as authorized by the court prior
3 to the arrest or the filing of an information or indictment,
4 whichever occurs first.

5 The bill also provides that in order to protect the
6 welfare of the victim, the name of the victim and identifying
7 biographical information shall not appear on the information
8 or indictment or any other public record. The bill further
9 specifies a nondescriptive designation shall appear on all
10 public records.

11 This bill does not apply to the release of information to
12 a defendant or a defendant's attorney; however, the use or
13 release of this information by the defendant or defendant's
14 counsel for purposes other than the preparation of defense
15 constitutes contempt.

16 A person who willfully violates the bill or who willfully
17 neglects or refuses to obey a court order made pursuant to this
18 bill commits contempt.

19 A release of information in violation of the bill does not
20 bar prosecution or provide grounds for dismissal of criminal
21 charges.