

**Senate File 2111 - Introduced**

SENATE FILE 2111

BY SODDERS and HATCH

**A BILL FOR**

1 An Act relating to the state military forces by establishing  
2 response and reporting requirements for the handling of  
3 allegations of sexual abuse in the state military forces.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29B.116, Code 2014, is amended to read  
2 as follows:

3 **29B.116 General article.**

4 1. Though not specifically mentioned in this code, all  
5 disorders and neglects to the prejudice of good order and  
6 discipline in the state military forces, of which persons  
7 subject to this code may be guilty, shall be taken cognizance  
8 of by a general, special, or summary court-martial, according  
9 to the nature and degree of the offense, and shall be punished  
10 at the discretion of that court. ~~However, cognizance~~

11 2. a. Cognizance shall not be taken of, and jurisdiction  
12 shall not be extended to, the crimes of murder, manslaughter,  
13 sexual abuse, robbery, maiming, arson, extortion, assault,  
14 burglary, or housebreaking, jurisdiction of which is reserved  
15 to civil courts. For the purposes of this subsection, "sexual  
16 abuse" includes any crime contained in chapter 709.

17 b. The state military forces shall assist and support  
18 civilian investigations of allegations of the commission of  
19 sexual abuse. The adjutant general shall prescribe rules to  
20 require the state military forces to respond to allegations of  
21 the commission of sexual abuse and immediately report any such  
22 allegation to the appropriate civil authorities.

23 **Sec. 2. NEW SECTION. 29B.116A Reporting of crimes under**  
24 **civil authority.**

25 1. a. A person subject to this code who makes an allegation  
26 that a crime, as referred to in section 29B.116, subsection  
27 2, has been committed, may contact and give statements to any  
28 proper civil authority or military authority regarding such  
29 allegations.

30 b. A person subject to this code shall not do any of the  
31 following:

32 (1) Stop, prevent, or discourage a person from contacting  
33 and giving statements to any proper civil authority or military  
34 authority pursuant to this subsection.

35 (2) Threaten, directly or implicitly, or take punitive

1 action against a person making an allegation that a crime,  
2 as referred to in section 29B.116, subsection 2, has been  
3 committed.

4 (3) Presumptively dismiss any allegation that would  
5 interfere with the due process of a civil authority.

6 (4) Suppress any action, report, or evidence that would  
7 interfere with the due process of a civil authority.

8 2. The adjutant general shall prescribe rules, consistent  
9 with federal law and regulations, to require that the state  
10 military forces not give a member of the state military  
11 forces making an allegation of sexual abuse a less favorable  
12 rating or evaluation because of such an allegation. The rules  
13 shall also require that the state military forces not give a  
14 less favorable rating or evaluation to a member of the state  
15 military forces if a subordinate of that member has made an  
16 allegation of sexual abuse against a third person or because of  
17 the number of any such allegations.

18 3. The adjutant general shall report annually, by January  
19 15, to the governor and to the chairpersons and ranking members  
20 of the general assembly's standing committees on veterans  
21 affairs on the number of sexual abuse allegations known to have  
22 been reported by the state military forces to civil authorities  
23 in the prior year.

24 EXPLANATION

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

27 This bill establishes response and reporting requirements  
28 regarding sexual abuse in the state military forces.

29 Under current law, Code section 29B.116 provides that  
30 the civil courts have jurisdiction of all crimes of murder,  
31 manslaughter, sexual abuse, robbery, maiming, arson, extortion,  
32 assault, burglary, and housebreaking committed by persons  
33 subject to the Iowa code of military justice (military  
34 persons). The bill includes within the term sexual abuse  
35 any crime described in Code chapter 709, relating to sexual

1 abuse and certain other sexual offenses. The bill requires  
2 that state military forces assist and support civilian  
3 investigations of sexual abuse under the jurisdiction of the  
4 civil courts.

5 The bill further requires that the adjutant general  
6 prescribe rules to require the state military forces to respond  
7 to the allegation of sexual abuse and immediately report the  
8 allegation to the appropriate civil authority.

9 The bill provides that a military person who makes an  
10 allegation that such a crime has been committed may contact  
11 and give statements to any proper civil authority or military  
12 authority regarding such an allegation. The bill requires  
13 that a military person not stop, prevent, or discourage such a  
14 person from contacting any proper civil authority or military  
15 authority or threaten, directly or implicitly, or take punitive  
16 action against a person making an allegation that such a crime  
17 has been committed. The bill further requires that a military  
18 person not presumptively dismiss any allegation that would  
19 interfere with the due process of a civil authority or suppress  
20 any action, report, or evidence that would interfere with the  
21 due process of a civil authority.

22 The bill also requires the adjutant general to prescribe  
23 rules, consistent with federal law and regulations, to not give  
24 a member of the state military forces making an allegation of  
25 sexual abuse a less favorable rating or evaluation because  
26 of such an allegation. The bill also requires that the  
27 rules provide that the state military forces not give a  
28 less favorable rating or evaluation to a member of the state  
29 military forces if a subordinate of that member has made an  
30 allegation of sexual abuse against a third person or because of  
31 the number of any such allegations.

32 The bill also requires that the adjutant general  
33 report annually, by January 15, to the governor and to the  
34 chairpersons and ranking members of the general assembly's  
35 standing committees on veterans affairs on the number of sexual

S.F. 2111

1 abuse allegations known to have been reported by the state  
2 military forces to civil authorities in the prior year.