

House Study Bill 19 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to expert witness testimony in child sexual
2 abuse and child endangerment cases.

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

1 Section 1. NEW SECTION. 915.39 Expert witness testimony in
2 child sexual abuse, child abuse, and child endangerment cases.

3 1. For the purposes of this section:

4 a. "*Child endangerment*" means a criminal charge alleging
5 that a defendant has committed an offense under section 726.2,
6 726.3, or 726.6, against a victim under eighteen years of age
7 at the time of the offense.

8 b. "*Sexual abuse*" means a criminal charge alleging that a
9 defendant has committed an offense under chapter 709 against a
10 victim under eighteen years of age at the time of the offense.

11 2. In a criminal prosecution in which a defendant has been
12 charged with child sexual abuse or child endangerment, evidence
13 from a qualified expert witness shall be admissible on matters
14 relevant to the case, including but not limited to testimony
15 from the expert witness based upon the expert's education,
16 training, and experience concerning any of the following:

17 a. The various reasons child victims delay disclosure of
18 circumstances surrounding sexual abuse or child endangerment,
19 or intermittently disclose details of such circumstances
20 surrounding sexual abuse or child endangerment.

21 b. The process engaged in by perpetrators of sexual abuse
22 to groom their victims, or grooming behaviors in general,
23 which include but are not limited to preparing a child for
24 victimization and ensuring the child does not report the sexual
25 abuse.

26 c. The various reasons that child victims recant allegations
27 of sexual abuse or child endangerment.

28 d. Possible symptoms or post-allegation behaviors of a child
29 who is the victim of sexual abuse or child endangerment.

30 EXPLANATION

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

33 This bill relates to expert testimony in child sexual abuse,
34 child abuse, and child endangerment cases.

35 The bill defines "child endangerment" as a criminal charge

1 alleging that the defendant has committed an offense under
2 Code section 726.2 (incest), 726.3 (neglect or abandonment of
3 a dependent person), or 726.6 (child endangerment), against a
4 victim under 18 years of age at the time of the offense and
5 "sexual abuse" as a criminal charge alleging that the defendant
6 has committed an offense under Code chapter 709 (sexual abuse)
7 against a victim under 18 years of age at the time of the
8 offense.

9 The bill creates new Code section 915.39, which provides
10 that in a criminal prosecution in which a defendant has
11 been charged with child sexual abuse or child endangerment,
12 evidence from a qualified expert witness is admissible on
13 matters relevant to the case, including but not limited to
14 testimony from the expert witness based upon the expert's
15 education, training, and experience concerning any of the
16 following: (1) reasons child victims delay disclosure of
17 circumstances surrounding sexual abuse or child endangerment,
18 or intermittently disclose details of such circumstances
19 surrounding sexual abuse or child endangerment; (2) the process
20 engaged in by perpetrators of sexual abuse to groom their
21 victims, or grooming behaviors in general, which include but
22 are not limited to preparing a child for victimization and
23 ensuring the child does not report the sexual abuse; (3) the
24 various reasons that child victims recant allegations of
25 sexual abuse or child endangerment; and (4) possible symptoms
26 or post-allegation behaviors of a child who is the victim of
27 sexual abuse or child endangerment.