

Senate File 2092 - Introduced

SENATE FILE 2092
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2005)

A BILL FOR

1 An Act relating to the privacy of a victim of a sex offense in a
2 criminal or civil proceeding.

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

1 Section 1. Section 915.36, subsections 1 and 2, Code 2020,
2 are amended to read as follows:

3 1. Prior to an arrest or the filing of an information or
4 indictment, whichever occurs first, against a person charged
5 with a violation of chapter 709, section 726.2, or section
6 728.12, committed with or on a child, as defined in section
7 ~~702.5~~ 232.2, 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 2. In order to protect the welfare of the child, the name of
12 the child and identifying biographical information shall not
13 appear on the information or indictment or any other public
14 record including any civil filings arising from the criminal
15 violation. Instead, a nondescriptive designation shall appear
16 on all public records. The nonpublic records containing the
17 child's name and identifying biographical information shall
18 be kept by the court. This subsection does not apply to the
19 release of information to ~~an accused~~ a defendant or ~~accused's~~
20 defendant's counsel; however, the use or release of this
21 information by the ~~accused~~ defendant or ~~accused's~~ defendant's
22 counsel for purposes other than the preparation of defense
23 constitutes contempt.

24 Sec. 2. Section 915.36, Code 2020, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 5. This section also applies to a child
27 victim of a violation of chapter 709, section 726.2, or section
28 728.12, after attaining the age of eighteen.

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 a sex offense
33 in a criminal or civil proceeding.

34 The bill changes the definition of "child" from a child under
35 14 years of age to a child under 18 years of age.

1 The bill specifies that the identity of any child victim of
2 a criminal offense committed under Code chapter 709 (sexual
3 abuse and related sexual offenses), or Code sections 726.2
4 (incest) and 728.12 (sexual exploitation) shall not be released
5 to the public by any public employee except as authorized by
6 the court prior to the arrest or the filing of an information
7 or indictment, whichever occurs first, despite the child victim
8 attaining the age of 18.

9 The bill also provides that in order to protect the welfare
10 of the child victim, the name of the child and identifying
11 biographical information shall not appear on any other public
12 record including any civil filings arising from the criminal
13 violation, despite the child victim attaining the age of 18.

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

19 A person who willfully violates the bill or who willfully
20 neglects or refuses to obey a court order made pursuant to this
21 bill commits contempt.

22 A release of information in violation of the bill does
23 not bar prosecution or provide grounds for dismissal of the
24 criminal charges.