

House File 2135 - Introduced

HOUSE FILE 2135
BY JONES

A BILL FOR

- 1 An Act relating to limitations on discovery depositions involving
- 2 minor victims.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **701.14 Limitation on discovery**
2 **depositions involving minor victims.**

3 1. Except as provided in subsection 2, discovery depositions
4 shall not be permitted in any criminal action when all of the
5 following apply:

6 a. The victim is a minor at the time of the deposition.

7 b. The victim has given a statement by video and audio
8 recording that describes the conduct that constitutes the
9 elements of the charged offense, which recording was all of the
10 following:

11 (1) Obtained by a forensic interviewer employed by an
12 accredited child advocacy center or child protection center.

13 (2) Conducted substantially in accordance with a nationally
14 recognized protocol for interviewing children.

15 2. Notwithstanding subsection 1, discovery depositions shall
16 be permitted in a criminal action involving a minor victim
17 upon application to the court and a showing of exceptional
18 circumstances.

19 **EXPLANATION**

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

22 This bill relates to limitations on discovery depositions
23 involving minor victims.

24 The bill provides that, except as provided, discovery
25 depositions are not permitted in any criminal action when the
26 victim is a minor at the time of the deposition and when
27 the victim has previously given a statement by video and
28 audio recording that describes the conduct that constitutes the
29 elements of the charged offense, which recording was obtained by
30 a forensic interviewer employed by an accredited child advocacy
31 center or child protection center, and conducted substantially in
32 accordance with a nationally recognized protocol for interviewing
33 children.

34 The bill provides that discovery depositions shall be
35 permitted in a criminal action involving a minor victim

1 upon application to the court and a showing of exceptional
2 circumstances.

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