

House File 403 - Introduced

HOUSE FILE 403

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OLSON, KRESSIG, GOSA,
BAGNIEWSKI, and CROKEN

A BILL FOR

1 An Act relating to testimony by certain witnesses by two-way
2 closed-circuit equipment.

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

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1 Section 1. Section 915.38, subsection 1, paragraph a, Code
2 2025, is amended to read as follows:

3 a. Upon its own motion or upon motion of any party, a court
4 may protect a minor, as defined in section 599.1, from trauma
5 caused by testifying in the physical presence of the defendant
6 where it would impair the minor's ability to communicate, by
7 ordering that the testimony of the minor be taken in a room other
8 than the courtroom and be televised by two-way closed-circuit
9 equipment for viewing in the courtroom. However, such an order
10 shall be entered only upon a specific finding by the court that
11 such measures are necessary to protect the minor from trauma.
12 Only the judge, prosecuting attorney, defendant's attorney,
13 persons necessary to operate the equipment, and any person whose
14 presence, in the opinion of the court, would contribute to the
15 welfare and well-being of the minor may be present in the room
16 with the minor during the minor's testimony. The judge shall
17 inform the minor that the defendant will not be present in the
18 room in which the minor will be testifying but that the defendant
19 will be viewing the minor's testimony through closed-circuit
20 television, and that the minor will be able to view the defendant
21 while giving testimony.

22 EXPLANATION

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

25 This bill relates to testimony by certain witnesses by two-way
26 closed-circuit equipment.

27 The bill provides that upon its own motion or upon motion
28 of any party, a court may protect a minor up to 18 years of
29 age from trauma caused by testifying in the physical presence
30 of the defendant where it would impair the minor's ability to
31 communicate, by ordering that the testimony of the minor be
32 taken in a room other than the courtroom and be televised by
33 two-way closed-circuit equipment for viewing in the courtroom.
34 Current law does not specify that the closed-circuit equipment be
35 two-way. Upon a finding of necessity, the court may also allow

1 the testimony of a victim or witness with a mental illness, an
2 intellectual disability, or other developmental disability to be
3 taken by two-way closed-circuit equipment regardless of the age
4 of the victim or witness.

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