

An answer, statement, or admission, oral or written, made by a hearing impaired person in reply to a question of a law enforcement officer or any other person having a prosecutorial function in a criminal proceeding is not admissible in court and shall not be used against the hearing impaired person if that answer, statement, or admission was not made or elicited through a qualified interpreter, unless the hearing impaired person had waived the right to an interpreter pursuant to this section. In the event of a waiver and criminal proceeding, the court shall determine whether the waiver and any subsequent answer, statement, or admission made by the hearing impaired person were knowingly, voluntarily, and intelligently made.

When communication occurs with a person through an interpreter pursuant to this section, all questions or statements and responses shall be relayed through the interpreter. The role of the interpreter is to facilitate communication between the hearing and hearing impaired parties. An interpreter shall not be compelled to answer any question or respond to any statement that serves to violate that role at the time of questioning or arrest or at any subsequent administrative or judicial proceeding.

An interpreter procured under this section shall be paid a reasonable fee and expenses by the governmental subdivision funding the law enforcement agency that procured the interpreter.

Approved May 15, 1985

CHAPTER 132

VIOLATION OF CUSTODIAL ORDER

H.F. 641

AN ACT relating to the violation of a custodial order and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 710.6, Code 1985, is amended to read as follows:

710.6 VIOLATING CUSTODIAL ORDER.

Any A relative of a child who, acting in violation of any an order of any court which fixes, permanently or temporarily, the custody of such the child in another, takes and removes such child from the state, and conceals the child's whereabouts without the consent of child, within or outside the state, from the person having lawful custody, commits a class "D" felony.

Any parent of a child living apart from the other parent who takes and conceals that child from another within the state in violation of a custodial order and without the other parent's consent shall be guilty of a serious misdemeanor.

Any A parent of a child living apart from the other parent who conceals that child in violation of a court order granting visitation rights and without the other parent's consent, shall be guilty of commits a serious misdemeanor.

Approved May 15, 1985