

CHAPTER 194
VICTIM COUNSELING
H.F. 674

AN ACT relating to victim counseling and services.

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

Section 1. Section 22.7, subsection 2, Code 1989, is amended to read as follows:

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim of sexual assault or domestic violence and the victim's sexual assault or domestic violence counselor are not subject to disclosure except as provided in section 236A.1.

Sec. 2. Section 236A.1, subsections 1, 2, and 7, Code 1989, are amended to read as follows:

1. As used in this section:

a. "Victim" means a person who consults a victim counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual assault or domestic violence violent crime committed against the person.

b. "Victim counselor" means a person who is engaged in a sexual assault crime victim center or domestic violence center, is certified as a counselor by the sexual assault or domestic violence crime victim center, and is under the control of a direct services supervisor of a sexual assault or domestic violence crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of sexual assault or domestic violence crime. To qualify as a "victim counselor" under this section, the person must also have completed at least twenty hours of training provided by the center in which the person is engaged, by the Iowa organization of victim assistance, by the Iowa coalition against sexual abuse, or by the Iowa coalition against domestic violence, which shall include but not be limited to, the dynamics of victimization, substantive laws relating to violent crime, sexual assault, and domestic violence, crisis intervention techniques, communication skills, working with diverse populations, an overview of the state criminal justice system, information regarding pertinent hospital procedures, and information regarding state and community resources for victims of sexual assault or domestic violence crime.

c. "Sexual assault Crime victim center" means any office, institution, agency, or crisis center offering assistance to victims of sexual assault crime and their families through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling.

d. "Sexual assault" means any act of sexual abuse or other unlawful sexual conduct under chapter 709, 726 or 728.

e. "Domestic violence center" means any office, institution, shelter, host home, agency or crisis center offering assistance to victims of domestic violence through crisis intervention, referral to or provision of emergency shelter, and assistance and advocacy regarding medical and legal proceedings.

f. "Domestic violence" means any act of domestic abuse, as defined in section 236.2, subsection 1, and includes those acts commonly referred to as spouse abuse.

g d. "Confidential communication" means information transmitted between a victim of sexual assault or domestic violence and a victim counselor in the course of the counseling relationship and in confidence by a means which, so far as the victim is aware, does not disclose the information to a third person other than any who is present to further the interests of the victim in the consultation or to whom disclosure is reasonably necessary for the transmission of the information or for accomplishment of the purposes for which the counselor is consulted, and includes all information received and any advice, report, or working paper given or prepared by the counselor in the course of the relationship with the victim. Information shared between a crime victim and a victim counselor within the counseling relationship, and

includes all information received by the counselor and any advice, report, or working paper given to or prepared by the counselor in the course of the counseling relationship with the victim.

Confidential information is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim.

2. A victim counselor shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the counselor, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of a ~~sexual assault or domestic violence~~ victim counselor be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 7. Under no circumstances shall the location of a ~~domestic violence~~ crime victim center or the identity of the victim counselor be disclosed in any civil or criminal proceeding.

7. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:

a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged ~~criminal act of sexual assault or domestic violence~~ which is the subject of a criminal proceeding.

b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services.

c. The information cannot be obtained by reasonable means from any other source.

Approved May 22, 1989

CHAPTER 195

SPECIAL QUALITY GRAINS PROGRAM

H.F. 59

AN ACT relating to the purchase and sale of grain by providing for the offering of a special quality grains electronic bulletin board service through the department of agriculture and land stewardship and providing for an advisory committee study of grain marketing to draft proposed legislation to develop the market for special quality grains.

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

Section 1. LEGISLATIVE INTENT. It is the intent of the general assembly to develop a quality grain program under the auspices of the department of agriculture and land stewardship. Mindful of the potential impact of state laws involving grain standards and inspection on the competitiveness of Iowa grain in the world marketplace, the general assembly intends that development of the quality grain program be based on a high degree of private and government cooperation. As the leading corn and soybean state in the nation, Iowa should be a leader in the promotion and marketing of quality agricultural products. Success in this leadership role requires both government and industry to work together. A study of the options and impact of state inspection standards is needed to guide the development of the quality grain program and foster the desired cooperation between the private sector and state government.