

CHAPTER 1224
IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE)	
IN THE IOWA RULES OF)	REPORT OF THE
EVIDENCE)	SUPREME COURT

TO: THE HONORABLE RANDAL GIANNETTO, CHAIR OF THE SENATE JUDICIARY COMMITTEE OF THE 1995 REGULAR SESSION OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports on this date to the Chair of the Senate Judiciary Committee concerning amendments to Iowa Rule of Evidence 609 as shown in the attached Exhibit "A."

Pursuant to Iowa Code section 602.4202(2), the changes to Iowa Rule of Evidence 609 are to take effect March 1, 1996.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin
ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa
December 7, 1995

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee, hereby acknowledge delivery to me on eleventh day of December, 1995, the Report of the Supreme Court pertaining to Iowa Rule of Evidence 609.

/s/ Randal Giannetto
Chair of the Senate Judiciary Committee

EXHIBIT "A"

Rule 609. Impeachment by evidence of conviction of crime.

a. *General rule.* For the purpose of attacking the credibility of a witness:

(1) ~~e~~Evidence that a witness other than the accused has been convicted of a crime involving dishonesty or false statement shall be admitted, ~~if elicited from the witness or established by public record during cross examination, but only~~ subject to rule 403, if the crime constituted a felony, aggravated misdemeanor, or other crime was punishable by death or imprisonment in excess of one year pursuant to the law under which he the witness was convicted, and evidence that an accused has been convicted of such a crime shall be admitted if the court determines that the probative value of admitting this evidence outweighs its prejudicial effect: to the accused; and

(2) Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.