

January 25, 1951.  
Judiciary No. 1.

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**House File 219**  
By PALMER.

Passed House, Date .....  
Vote: Ayes..... Nays.....  
Passed Senate, Date.....  
Vote: Ayes..... Nays.....  
Approved .....

## A BILL FOR

An Act to amend chapter six hundred twenty-two (622), Code 1950, relating to refusal of public officials to testify in criminal proceedings.

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

1 Section 1. Chapter six hundred twenty-two (622), Code  
2 1950, is amended by inserting therein the following new section:  
3 "Any person holding or who has held any elective or  
4 appointive public office, trust or employment, whether state,  
5 county, municipal or any public school office, who refuses to  
6 testify upon matters relating to the office, trust or employment  
7 in any criminal proceeding wherein he is a defendant or is  
8 called as a witness on behalf of the prosecution, upon the  
9 ground that his answer may tend to incriminate him or compel  
10 him to be a witness against himself, or who refuses to waive  
11 immunity when called by a grand jury to testify thereon, shall,  
12 if holding any elective or appointive public office trust or  
13 employment be removed therefrom by appropriate authority or  
14 shall forfeit the same at the suit of the attorney general and  
15 shall be disqualified from holding any elective or appointive  
16 public office, trust or employment, for a period of five years

17 thereafter; and he shall, if not holding any elective or appointive  
18 public office, trust or employment, be disqualified from holding  
19 the same for a period of five years after the refusal. Nothing  
20 herein shall apply to any person holding a state office for  
21 which the state constitution provides exclusive causes and  
22 methods for removal therefrom.

23 If any provision hereof or the application thereof to any  
24 person or circumstance is held invalid, such invalidity shall  
25 not affect other provisions or applications, and to this end  
26 the provisions of this law are declared to be severable.

#### EXPLANATION OF H. F. 219

It is proposed by this bill to remove the privilege of public officials in refusing to testify in self-incriminating matters. Such person is not required to give testimony in a matter which would incriminate him, but failure to so testify will result in penalty by requiring forfeit of such office and further in prohibiting the holding of any other public office for a period of five years.