

MAR 15 2001
JUDICIARY

HOUSE FILE 625
BY FORD

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

A BILL FOR

1 An Act relating to predatory acts and taking a polygraph
2 examination of a sexual assault victim or witness.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 625

1 Section 1. Section 229A.2, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. "Predatory" means acts directed toward a person with
4 ~~whom-a-relationship-has-been-established-or-promoted~~ for the
5 primary purpose of victimization.

6 Sec. 2. Section 915.44, Code 2001, is amended to read as
7 follows:

8 915.44 POLYGRAPH EXAMINATIONS OF VICTIMS OR WITNESSES --
9 LIMITATIONS.

10 1. A criminal or juvenile justice agency shall not ~~require~~
11 request that a person claiming to be a victim of sexual
12 assault or claiming to be a witness regarding the sexual
13 assault of another person ~~to~~ submit to a polygraph or similar
14 examination as a precondition to the agency conducting an
15 investigation into the matter.

16 2. ~~An-agency-wishing~~ A victim or witness who is requested
17 to perform a polygraph examination ~~of-a-person-claiming-to-be~~
18 ~~a-victim-or-witness-of-sexual-assault~~ shall ~~inform-the-person~~
19 be informed by the examining agency of the following:

20 a. That taking the polygraph examination is voluntary.

21 b. That the results of the examination are not admissible
22 in court.

23 c. That the person's decision to submit or refuse a
24 polygraph examination will not be the sole basis for a
25 decision by the agency not to investigate the matter.

26 3. An agency which declines to investigate an alleged case
27 of sexual assault ~~following-a-decision-by-a-person-claiming-to~~
28 ~~be-a-victim-not-to-submit-to-a-polygraph-examination~~ shall
29 provide to that person, in writing, the reasons why the agency
30 did not pursue the investigation at the request of the person.

31 EXPLANATION

32 This bill relates to predatory acts and polygraphs of
33 sexual assault victims and witnesses.

34 The bill makes changes to the definition of a predatory act
35 in Code section 229A.2. The bill provides that a predatory

1 act means an act directed toward a person for the primary
2 purpose of victimization. Current law provides that a
3 predatory act means an act directed toward a person with whom
4 a relationship has been established or promoted for the
5 primary purpose of victimization.

6 The bill also provides that a law enforcement agency may
7 not even request a victim of sexual assault or a witness to
8 the assault to submit to a polygraph examination before an
9 investigation is conducted. The bill further provides that if
10 a law enforcement agency declines to investigate a sexual
11 assault, the agency shall provide the victim, in writing, the
12 reason for not investigating. Current law provides that a law
13 enforcement agency may not require a victim or witness to
14 submit to a polygraph examination before an investigation is
15 conducted. Current law also provides if a law enforcement
16 agency declines to investigate a sexual assault, the agency
17 only needs to provide the victim, in writing, the reasons for
18 not investigating, if the victim had declined to take a
19 polygraph examination.

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