

CHAPTER 1258
DOMESTIC ABUSE PROCEDURE FOR PEACE OFFICERS
H.F. 2164

AN ACT relating to the duties and responsibilities of a peace officer to a victim of domestic abuse, providing a penalty and requiring the department of public safety to submit a proposal to the general assembly by January 15, 1985 for the collection of domestic violence data and statistics to be disseminated to the department of human services.

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

Section 1. Chapter 236, Code 1983, is amended by adding the following new section:

NEW SECTION. 236.12 PREVENTION OF FURTHER ABUSE—NOTIFICATION OF RIGHTS—PENALTY FOR VIOLATION OF POLICE ORDER.

1. If a peace officer has reason to believe that domestic abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:

a. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.

b. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a copy of the following statement written in English and Spanish, asking the person to read the card and whether the person understands the rights:

"You have the right to ask the court for the following help on a temporary basis:

- (1) Keeping your attacker away from you, your home and your place of work.
- (2) The right to stay at your home without interference from your attacker.
- (3) Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.
- (4) Professional counseling.

You have the right to file criminal charges for threats, assaults, or other related crimes.

You have the right to seek restitution against your attacker for harm to yourself or your property.

If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured."

The notice shall also contain the telephone numbers of safe shelters, support groups, or crisis lines operating in the area.

2. A peace officer may, with or without a warrant, take any or all of the following courses of action if the officer has reasonable grounds to believe that there was recent physical domestic abuse inflicted on a person:

a. The officer may make reasonable inquiry of the person upon whom the officer believes the harm has been inflicted and of any witnesses, to ascertain whether there is probable danger of further physical domestic abuse being inflicted on the injured person.

b. If the officer has reasonable grounds to believe that there is a probable danger, the officer may lawfully order the abusing party to leave the premises for a cooling-off period of up to twelve hours.

c. If the abusing party refuses to comply with the order to leave or returns to the premises before the expiration of time ordered by the peace officer, the officer may place the abuser under arrest.

The person refusing to comply with the lawful order of a peace officer under this subsection commits a violation of, and is subject to, the provisions of section 719.1.

3. A peace officer is not civilly or criminally liable for actions pursuant to this section taken in good faith.

Sec. 2. The department of public safety shall study and recommend to the general assembly by January 15, 1985 a proposal to provide for the collection of domestic violence data and statistics, through the use of the uniform crime report or a similiary reporting system, and for the dissemination of the data and statistics to the department of human services. The report of the study and recommendations shall include a summary of the data and statistical collection systems instituted by other states or private agencies within the state, specific proposals for funding, the requirements sufficient to insure the confidentiality of data and statistics and other priorities and requirements of any proposed system.

Approved May 11, 1984