

CHAPTER 217**FRANCHISE TAX ON FINANCIAL INSTITUTIONS***S.F. 350*

AN ACT relating to the franchise tax on financial institutions and providing an effective date.

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

Section 1. Section 422.61, subsection 4, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Net income" means the net income of the financial institution computed in accordance with section 422.35, with the following adjustments:

a. Federal income taxes paid or accrued shall not be subtracted.

b. Notwithstanding sections 262.41 and 262.51, or any other provisions of law, income from obligations of the state and its political subdivisions and franchise taxes paid or accrued under this division during the taxable year shall be added.

c. Interest and dividends from federal securities shall not be subtracted.

d. Interest and dividends derived from obligations of United States possessions, agencies, and instrumentalities, including bonds which were purchased after January 1, 1991, and issued by the governments of Puerto Rico, Guam, and the Virgin Islands shall be added, to the extent they were not included in computing federal taxable income.

e. A deduction disallowed under section 265(b) or section 291(e)(1)(B) of the Internal Revenue Code shall be subtracted.

Sec. 2. This Act applies to interest received on or after July 1, 1991.

Approved May 29, 1991

CHAPTER 218**DOMESTIC ABUSE AND RELATED PROVISIONS***S.F. 444*

AN ACT relating to law enforcement, victim services, and domestic abuse, establishing certain training requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, requiring batterers' treatment by offenders, and containing effective date and applicability provisions.

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

Section 1. **NEW SECTION. 13.11 INVESTIGATIONS OF LAW ENFORCEMENT OFFICERS INVOLVED IN PUBLIC OFFENSES.**

The attorney general shall conduct investigations of law enforcement officers who have been convicted or received a deferred judgment for an indictable misdemeanor in a domestic abuse assault case, and shall make recommendations to the Iowa law enforcement academy as to whether an officer's certification should be revoked under the criteria established by the academy.

Sec. 2. Section 80B.11, subsections 1 and 2, Code 1991, are amended to read as follows:

1. Minimum entrance requirements, course of study, attendance requirements, and equipment and facilities required at approved law enforcement training schools. Minimum age

requirements for entrance to approved law enforcement training schools shall be eighteen years of age. Minimum course of study requirements shall include a separate domestic abuse curriculum, which may include, but is not limited to, outside speakers from domestic abuse shelters and crime victim assistance organizations.

2. Minimum basic training requirements law enforcement officers employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. Minimum requirements shall mandate training devoted to the topic of domestic abuse.

Sec. 3. Section 135B.6, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules requiring hospitals to establish and implement protocols for responding to the needs of patients who are victims of domestic abuse, as defined in section 236.2.

Sec. 4. Section 236.2, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. "Pro se" means a person proceeding on the person's own behalf without legal representation.

Sec. 5. Section 236.3, subsection 1, Code 1991, is amended to read as follows:

1. Name of the plaintiff and the name and address of the plaintiff's attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff.

Sec. 6. NEW SECTION. 236.3A PLAINTIFFS PROCEEDING PRO SE – PROVISION OF FORMS AND ASSISTANCE.

1. The department shall prescribe standard forms to be used by plaintiffs seeking protective orders by proceeding pro se in actions under this chapter. The standard forms shall include language in fourteen-point boldface type, with a box which may be checked by the plaintiff, indicating that the plaintiff wishes to proceed by filing an affidavit pursuant to section 236.3, because the plaintiff does not have sufficient funds to pay the cost of filing and service. Standard forms prescribed by the department shall be the exclusive forms used by plaintiffs proceeding pro se, and may be used by other plaintiffs. The department shall distribute the forms to the clerks of the district courts.

2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.

Sec. 7. Section 236.5, subsection 2, paragraph d, Code 1991, is amended to read as follows:

d. The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court shall also investigate whether any other existing orders awarding custody or visitation rights should be modified.

Sec. 8. Section 236.5, subsection 4, Code 1991, is amended to read as follows:

4. A certified copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant and law enforcement agencies the county sheriff having jurisdiction to enforce the order or consent agreement, and the twenty-four hour dispatcher for the law enforcement agencies county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and agencies the county sheriff previously notified. The clerk shall notify the county sheriff and the twenty-four hour dispatcher for the county sheriff by telephone or otherwise within six hours of filing the order, approved consent agreement, amendment, or revocation. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four hour

dispatcher for the law enforcement agencies upon notification by the clerk. The clerk shall send or deliver a written copy of any such document to the law enforcement agencies and the twenty-four hour dispatcher within twenty-four hours of filing the document.

Sec. 9. Section 236.8, Code 1991, is amended to read as follows:

236.8 CONTEMPT.

The court may hold a party in contempt for a violation of an order or court-approved consent agreement entered under this chapter, for violation of a temporary or permanent protective order or order to vacate the homestead under chapter 598, or for violation of any order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault. If held in contempt, the defendant shall serve a jail sentence which may be on weekends. Any jail sentence imposed under this section shall be served on consecutive days.

Sec. 10. Section 236.11, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A peace officer shall use every reasonable means to enforce an order or court-approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or any order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault. If a peace officer has reason to believe that domestic abuse has occurred, the peace officer shall ask the abused person if any prior orders exist, and shall contact the twenty-four hour dispatcher to inquire if any prior orders exist. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or any order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. The magistrate shall make an initial preliminary determination whether there is probable cause to believe that an order or consent agreement existed and that the person taken into custody has violated its terms. The magistrate's decision shall be entered in the record.

If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or any order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer the matter to the county attorney.

Sec. 11. Section 236.12, subsection 1, paragraph c, Code 1991, is amended by adding the following new unnumbered paragraph after subparagraph (4):

NEW UNNUMBERED PARAGRAPH. You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

Sec. 12. Section 236.14, subsection 2, unnumbered paragraphs 3 and 4, Code 1991, are amended to read as follows:

The clerk of the court or other person designated by the court shall provide a copy of this order to the victim pursuant to chapter 910A. The order has force and effect until it is modified or terminated by subsequent court action in the contempt proceeding or the criminal or juvenile court action and is reviewable in the manner prescribed in section 811.2. The clerk of the district court shall also provide oral or other notice and copies of the no-contact order

to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide oral or other notice and copies of modifications or vacations of these orders in the same manner.

Violation of this no-contact order is punishable by summary contempt proceedings. If held in contempt for violation of a no-contact order, the person shall be confined in the county jail for a minimum of seven days. A jail sentence imposed pursuant to this paragraph shall be served on consecutive days.

Sec. 13. Section 236.15, Code 1991, is amended to read as follows:

236.15 APPLICATION FOR DESIGNATION AND FUNDING AS A PROVIDER OF SERVICES FOR VICTIMS OF DOMESTIC ABUSE.

Upon receipt of state or federal funding designated for victims of domestic abuse by the department, a public or private nonprofit organization may apply to the department for designation and funding as a provider of emergency shelter services and support services to victims of domestic abuse or sexual assault. The application shall be submitted on a form prescribed by the department and shall include, but not be limited to, information regarding services to be provided, budget, and security measures.

Sec. 14. NEW SECTION. 236.15A INCOME TAX CHECKOFF FOR DOMESTIC ABUSE SERVICES.

A person who files an individual or a joint income tax return with the department of revenue and finance under section 422.13 may designate any amount to be paid to the general fund of the state and used for the purposes of providing emergency shelter services, support services, and other services to victims of domestic abuse or sexual assault. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer to be used for the purposes of providing services to victims of domestic abuse or sexual assault, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return.

It is the intent of the general assembly that the funds generated from the checkoff be appropriated and used for the purposes of providing services to victims of domestic abuse or sexual assault.

The director of revenue and finance shall draft the income tax form to allow the designation of contributions to be used for the purposes of providing services to victims of domestic abuse or sexual assault on the tax return.

The department of revenue and finance on or before January 31 of the year following the preceding calendar year shall certify the total amount designated on the tax return forms due in the preceding calendar year and shall report the amount to the treasurer of state.

The department of revenue and finance shall consult the crime victim assistance board concerning the adoption of rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of revenue and finance and accounts identified as owing under section 421.17 and the political contribution allowed under section 56.18 shall be satisfied.

Sec. 15. Section 236.16, subsection 1, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of domestic abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of citizens' aide, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.

NEW PARAGRAPH. d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

NEW PARAGRAPH. e. Develop, with the assistance of the entity operating the telephone hotline and other domestic abuse victim services providers, brochures explaining the rights of victims set forth under section 236.12 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of domestic abuse.

Sec. 16. NEW SECTION. 236.17 DOMESTIC ABUSE TRAINING.

The department, in cooperation with victim service providers, may work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of domestic abuse prevention and services. Domestic abuse training may include, but is not limited to, the following areas:

1. The enforcement of both civil and criminal remedies in domestic abuse matters.
2. The nature, extent, and causes of domestic abuse.
3. The legal rights and remedies available to domestic abuse victims, including crime victim compensation.
4. Services available to domestic abuse victims and their children, including the domestic abuse telephone hotline.
5. The mandatory arrest provisions of section 236.12, and other duties of peace officers pursuant to this chapter.
6. Techniques for intervention in domestic abuse cases.

Sec. 17. NEW SECTION. 236.18 REFERENCE TO CERTAIN CRIMINAL PROVISIONS.

In addition to the criminal penalties contained in this chapter, certain criminal penalties and provisions pertaining to domestic abuse assaults are set forth in sections 708.2A and 708.2B.

Sec. 18. Section 246.108, subsection 1, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. p. Adopt rules subject to the approval of the board, requiring the establishment and implementation of batterers' support groups in all of the institutions under the jurisdiction of the department.

NEW PARAGRAPH. q. Adopt rules subject to the approval of the board, requiring special training for employees of the Iowa correctional institution for women who serve as counselors to female inmates who are victims of domestic abuse or sexual assault. The rules shall require that these employees receive training concerning the needs of female inmates. The rules shall mandate that the training include, but is not limited to, problems associated with battered spouse syndrome. As used in this paragraph, "battered spouse syndrome" means the psychological condition of a victim of repeated physical and psychological abuse by a spouse, former spouse, cohabitant, or former cohabitant, which is also recognized in the medical and scientific community as the "battered women's syndrome." The rules shall require new employees to receive the training during the employees' initial orientation to the institution.

Sec. 19. Section 279.50, subsection 4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Each school board shall provide instruction in human growth and development including instruction regarding human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, and acquired immune deficiency syndrome as required in section 256.11, in grades one through twelve. Each school board shall annually provide to a parent or guardian of any pupil enrolled in the school district, information about the human growth and development curriculum used in the pupil's grade level and the procedure for inspecting the instructional materials prior to their use in the classroom. A pupil shall not be required

to take instruction in human growth and development if the pupil's parent or guardian files with the appropriate principal a written request that the pupil be excused from the instruction. Notification that the written request may be made shall be included in the information provided by the school district.

Sec. 20. NEW SECTION. 598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

The clerk of the district court shall provide oral or other notice and copies of temporary or permanent protective orders and orders to vacate the homestead entered pursuant to this chapter to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide oral or other notice and copies of modifications or vacations of these orders in the same manner.

Sec. 21. Section 602.8105, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. For filing and docketing a petition other than for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of the modification, or an appeal or writ of error, ~~forty-five~~ fifty dollars. Four dollars of the fee shall be deposited in the court revenue distribution account established under section 602.8108, and forty-one dollars of the fee shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional five dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Sec. 22. Section 602.8105, subsection 1, paragraph l, Code 1991, is amended to read as follows:

l. In criminal cases, the same fees for the same services as in civil cases, and an additional five dollar fee to be remitted to the treasurer of state by the clerk of the district court for deposit in the general fund of the state, to be paid by the county or city, which has the duty to prosecute the criminal action, payable as provided in section 602.8109. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and in habitual offender actions pursuant to section 321.556, and the court costs taxed in connection with the trial of those actions or appeals from the judgments in those actions are waived.

Sec. 23. Section 602.8105, subsection 1, paragraph m, Code 1991, is amended to read as follows:

m. For filing an application for a license to marry, ~~fifteen~~ thirty dollars. The clerk of the district court shall remit to the treasurer of state ~~five~~ twenty dollars for each marriage license application filed. The treasurer of state shall deposit the funds received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars. The court shall authorize the issuance of a marriage license without the payment of any fees imposed by this paragraph upon a showing that the applicant is unable to pay the fees.

Sec. 24. Section 602.8105, subsection 1, paragraph n, Code 1991, is amended to read as follows:

n. For entering a final decree of dissolution of marriage, ~~fifteen~~ thirty dollars. The fees shall be deposited in the general fund of the state. It is the intent of the general assembly that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.

Sec. 25. Section 602.8106, subsection 1, Code 1991, is amended to read as follows:

1. Notwithstanding section 602.8105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor is ~~twenty~~ twenty-five dollars except that the filing and docketing of a complaint or information for a nonscheduled simple misdemeanor under chapter 321 is ~~fifteen~~ twenty dollars. The fee for filing and docketing a complaint or information or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361 is one dollar, effective January 1, 1991. The court costs in cases of parking meter and overtime parking violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint are eight dollars per information or complaint or per uniform citation and complaint, effective January 1, 1991.

Sec. 26. Section 631.6, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The clerk shall collect an additional fee of five dollars upon docketing a small claims action, and shall remit the fee to the treasurer of state for deposit in the general fund.

Sec. 27. Section 708.2A, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

708.2A DOMESTIC ABUSE ASSAULT — MANDATORY MINIMUMS, PENALTIES ENHANCED.

1. For the purposes of this chapter, "domestic abuse assault" means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2.

2. On a first offense of domestic abuse assault, the person commits:

a. A simple misdemeanor for a domestic abuse assault, except as otherwise provided.

b. A serious misdemeanor, if the domestic abuse assault is committed without the intent to inflict a serious injury upon another, and the assault causes bodily injury or disabling mental illness.

c. An aggravated misdemeanor, if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.

3. Except as otherwise provided in subsection 2, on a second or subsequent domestic abuse assault, a person commits:

a. A serious misdemeanor, if the first offense was classified as a simple misdemeanor, and the second offense would otherwise be classified as a simple misdemeanor.

b. An aggravated misdemeanor, if the first offense was classified as a simple or aggravated misdemeanor, and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.

A conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than six years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or 708.2A, which were issued on domestic abuse assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

4. A person convicted of violating this section shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. This section does not prohibit the court from sentencing and the defendant from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3.

5. The clerk of the district court shall provide oral or other notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide oral or other notice and copies of modifications of the judgment in the same manner.

6. In addition to the mandatory minimum term of confinement imposed by this section, the court may order the defendant to participate in a batterers' treatment program as required under section 708.2B. However, as a condition of deferring judgment or sentence pursuant to section 907.3, the court shall order the defendant to participate in a batterers' treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services.

Sec. 28. NEW SECTION. 708.2B TREATMENT OF DOMESTIC ABUSE OFFENDERS.

As used in this section, "district department" means a judicial district department of correctional services, established pursuant to section 905.2. A person convicted of, or receiving a deferred judgment for, domestic abuse assault shall report to the district department in order to participate in a batterers' treatment program for domestic abuse offenders, if ordered to do so by the court pursuant to section 708.2A. Participation in the batterers' treatment program shall not require a person to be placed on probation, but a person on probation may participate in the program. The district departments may contract for services in completing the duties relating to the batterers' treatment programs. The district departments shall assess the fees for participation in the program, and shall either collect or contract for the collection of the fees to recoup the costs of treatment, but may waive the fee or collect a lesser amount upon a showing of cause. The fees shall be used by each of the district departments or contract service providers for the establishment, administration, coordination, and provision of direct services of the batterers' treatment programs.

Sec. 29. Section 905.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Administer the batterers' treatment program for domestic abuse offenders required in section 708.2B.

Sec. 30. Section 907.3, subsection 3, Code 1991, is amended to read as follows:

3. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section 907.7. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend the minimum term of two days imposed pursuant to section 708.2A.

Sec. 31. Section 910A.11, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A temporary restraining order may be issued under this subsection without written or oral notice to the adverse party or the party's attorney in a civil action under this section or in a criminal case if the court finds, upon written certification of facts, that the notice should not be required and that there is a reasonable probability that the party will prevail on the merits. The temporary restraining order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.

Sec. 32. Section 910A.11, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Violation of a restraining or protective order issued under this section constitutes contempt of court, and may be punished by contempt proceedings.

NEW SUBSECTION. 4. An application may be made pursuant to this section in a criminal case, and if made, a district associate judge having jurisdiction of the highest offense charged in the criminal case or a district judge shall have jurisdiction to enter an order under this section.

NEW SUBSECTION. 5. The clerk of court shall provide oral or other notice and copies of restraining orders issued pursuant to this section in a criminal case involving an alleged violation of section 708.2A to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide oral or other notice and copies of modifications or vacations of these orders in the same manner.

Sec. 33. **RESTITUTION PLAN.** The department of justice shall develop a plan for the enforcement and collection of victim restitution required under chapter 910, and shall submit a report detailing the plan to the general assembly by January 1, 1992.

Sec. 34. **RETROACTIVE APPLICABILITY PROVISION.** Section 14 of this Act is retroactively applicable to January 1, 1991, for tax years beginning on or after that date.

Sec. 35. **IMPLEMENTATION OF SPECIAL TRAINING AT MITCHELLVILLE — APPLICABILITY PROVISIONS — EXISTING EMPLOYEES.** Persons employed at the Iowa correctional institution for women prior to July 1, 1991, who serve as counselors to female inmates who are victims of domestic abuse or sexual assault, shall receive the training required for new employees pursuant to the changes creating a new paragraph "q" to section 246.108, subsection 1, of section 18 of this Act, prior to January 1, 1992.

Sec. 36. **IMPLEMENTATION AND EFFECTIVE DATE OF BATTERERS' TREATMENT PROGRAMS.**

1. The portion of section 27 of this Act which enacts new subsection 6 of section 708.2A takes effect on January 1, 1992, in order to permit the judicial district departments of correctional services to establish batterers' treatment programs. The district departments shall establish at least one program in each district by January 1, 1992, and shall establish programs throughout the district so that the programs are readily accessible to offenders by January 1, 1993.

2. From July 1, 1991, through December 31, 1992, the court may order a defendant who is convicted of, or who receives a deferred judgment for, a violation of section 708.2A to participate in a batterers' treatment program through other treatment or counseling services, until the programs are established by the judicial district departments of correctional services, to the extent that the court has the authority under existing sentencing procedures. The court shall order the defendant to pay for the treatment, unless just cause is demonstrated for waiving the fee.

3. Notwithstanding any other provision of this Act to the contrary, the portion of section 27 of this Act which enacts new subsection 6 of section 708.2A, and sections 28, 29, and subsections 1 and 2 of this section of this Act shall only take effect upon enactment of a provision by the Seventy-fourth General Assembly during the 1991 regular session specifically appropriating funds for the particular purposes expressed in those sections.

Sec. 37. **EFFECTIVENESS CONTINGENT UPON SEPARATE FUNDING.** Sections 18 and 35 of this Act take effect upon enactment of a provision by the Seventy-fourth General Assembly during the 1991 regular session specifically appropriating funds for the particular purposes expressed in those sections.

Approved May 29, 1991

CHAPTER 219**CORRECTIONS***S.F. 496*

AN ACT relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, relating to treatment, prevention, prosecution, and sentencing concerning domestic abuse cases, and establishing additional public offenses and criminal penalties.

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

Section 1. Section 80B.11, subsection 2, Code 1991, as amended by 1991 Iowa Acts, Senate File 444,* section 2, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

2. Minimum basic training requirements law enforcement officers employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. Minimum requirements shall mandate training devoted to the topic of domestic abuse. The council shall submit an annual report to the general assembly by January 15 of each year relating to the continuing education requirements devoted to the topic of domestic abuse, including the number of hours required, the substance of the classes offered, and other related matters.

Sec. 2. Section 229.14, subsection 4, Code 1991, is amended to read as follows:

4. The respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. If the report so states, the chief medical officer shall recommend an alternative placement for the respondent and the court shall enter an order which may direct the respondent's transfer to the recommended placement. A respondent who is an inmate in the custody of the department of corrections may, as a court-ordered alternative placement, receive mental health services in a correctional program. If the court or the respondent's attorney consider the placement inappropriate, an alternative placement may be arranged upon consultation with the chief medical officer and approval of the court.

Sec. 3. Section 236.5, subsection 4, Code 1991, as amended by 1991 Iowa Acts, Senate File 444,* section 8, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. A certified copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant and the county sheriff having jurisdiction to enforce the order or consent agreement, and the twenty-four hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified. The clerk shall notify the county sheriff and the twenty-four hour dispatcher for the county sheriff by telephone or otherwise in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four hour dispatcher for the law enforcement agencies upon notification by the clerk. The clerk shall send or deliver a written copy of any such document to the law enforcement agencies and the twenty-four hour dispatcher within twenty-four hours of filing the document.

Sec. 4. Section 236.14, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

When a person arrested for a domestic abuse assault, or taken into custody for contempt proceedings pursuant to section 236.11, is brought before a magistrate and the magistrate finds probable cause to believe that domestic abuse or a violation of an order or consent agreement has occurred and that the presence of the alleged abuser in the victim's residence poses a threat to the victim's safety of the alleged victim, persons residing with the alleged victim, or

*Chapter 218 herein