

Senate File 336

H-1249

1 Amend Senate File 336, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 13.31, subsection 3, Code 2015,
6 is amended to read as follows:

7 3. Administer the domestic abuse program provided
8 in chapter 236 and the sexual abuse program provided
9 in chapter 236A.

10 Sec. 2. Section 232.8, subsection 1, paragraph d,
11 subparagraph (1), Code 2015, is amended to read as
12 follows:

13 (1) The juvenile court shall abide by the
14 provisions of sections 236.4, and 236.6, 236A.6, and
15 236A.8 in holding hearings and making a disposition.

16 Sec. 3. Section 232.22, subsection 1, paragraph g,
17 Code 2015, is amended to read as follows:

18 g. There is probable cause to believe that the
19 child has committed a delinquent act which would be
20 domestic abuse under chapter 236, ~~or~~ sexual abuse under
21 chapter 236A, or a domestic abuse assault under section
22 708.2A if committed by an adult.

23 Sec. 4. NEW SECTION. 236A.1 Short title.

24 This chapter may be cited as the "*Sexual Abuse Act*".

25 Sec. 5. NEW SECTION. 236A.2 Definitions.

26 For purposes of this chapter, unless a different
27 meaning is clearly indicated by the context:

28 1. "*Department*" means the department of justice.

29 2. "*Emergency shelter services*" include but are
30 not limited to secure crisis shelters or housing for
31 victims of sexual abuse.

32 3. "*Plaintiff*" includes a person filing an action
33 on behalf of an unemancipated minor.

34 4. "*Pro se*" means a person proceeding on the
35 person's own behalf without legal representation.

36 5. "*Sexual abuse*" means any commission of a crime
37 defined in chapter 709 or section 726.2 or 728.12.
38 "Sexual abuse" also means any commission of a crime
39 in another jurisdiction under a statute that is
40 substantially similar to any crime defined in chapter
41 709 or section 726.2 or 728.12.

42 6. "*Support services*" include but are not limited
43 to legal services, counseling services, transportation
44 services, child care services, and advocacy services.

45 Sec. 6. NEW SECTION. 236A.3 Commencement of
46 actions — waiver to juvenile court.

47 1. A person, including a parent or guardian on
48 behalf of an unemancipated minor, may seek relief from
49 sexual abuse by filing a verified petition in the
50 district court. Venue shall lie where either party

1 resides. The petition shall state the following:
2 *a.* Name of the plaintiff and the name and address
3 of the plaintiff's attorney, if any. If the plaintiff
4 is proceeding pro se, the petition shall state a
5 mailing address for the plaintiff. A mailing address
6 may be provided by the plaintiff pursuant to section
7 236A.11.
8 *b.* Name and address of the parent or guardian
9 filing the petition, if the petition is being filed on
10 behalf of an unemancipated minor. A mailing address
11 may be provided by the plaintiff pursuant to section
12 236A.11.
13 *c.* Name and address, if known, of the defendant.
14 *d.* Nature of the alleged sexual abuse.
15 *e.* Name and age of each child under eighteen whose
16 welfare may be affected by the controversy.
17 *f.* Desired relief, including a request for
18 temporary or emergency orders.
19 2. A temporary or emergency order shall be based
20 on a showing of a prima facie case of sexual abuse.
21 If the factual basis for the alleged sexual abuse is
22 contested, the court shall issue a protective order
23 based upon a finding of sexual abuse by a preponderance
24 of the evidence.
25 3. *a.* The filing fee and court costs for an order
26 for protection and in a contempt action under this
27 chapter shall be waived for the plaintiff.
28 *b.* The clerk of court, the sheriff of any county in
29 this state, and other law enforcement and corrections
30 officers shall perform their duties relating to service
31 of process without charge to the plaintiff. When an
32 order for protection is entered by the court, the court
33 may direct the defendant to pay to the clerk of court
34 the fees for the filing of the petition and reasonable
35 costs of service of process if the court determines the
36 defendant has the ability to pay the plaintiff's fees
37 and costs. In lieu of personal service of an order for
38 protection issued pursuant to this section, the sheriff
39 of any county in this state and other law enforcement
40 and corrections officers may serve a defendant with a
41 short-form notification pursuant to section 664A.4A.
42 4. If the person against whom relief from sexual
43 abuse is being sought is seventeen years of age
44 or younger, the district court shall waive its
45 jurisdiction over the action to the juvenile court.
46 Sec. 7. **NEW SECTION. 236A.4 Plaintiffs proceeding**
47 **pro se — provision of forms and assistance.**
48 1. The department shall prescribe standard forms
49 to be used by plaintiffs seeking protective orders
50 by proceeding pro se in actions under this chapter.

1 The standard forms shall include language in fourteen
2 point boldface type. Standard forms prescribed by
3 the department shall be the exclusive forms used by
4 plaintiffs proceeding pro se, and may be used by other
5 plaintiffs. The department shall distribute the forms
6 to the clerks of the district court.

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

10 **Sec. 8. NEW SECTION. 236A.5 Assistance by county**
11 **attorney.**

12 A county attorney's office may provide assistance
13 to a person wishing to initiate proceedings pursuant
14 to this chapter or to a plaintiff at any stage of a
15 proceeding under this chapter, if the individual does
16 not have sufficient funds to pay for legal assistance
17 and if the assistance does not create a conflict
18 of interest for the county attorney's office. The
19 assistance provided may include but is not limited to
20 assistance in obtaining or completing forms, filing
21 a petition or other necessary pleading, presenting
22 evidence to the court, and enforcing the orders of the
23 court entered pursuant to this chapter. Providing
24 assistance pursuant to this section shall not be
25 considered the private practice of law for the purposes
26 of section 331.752.

27 **Sec. 9. NEW SECTION. 236A.6 Hearings — temporary**
28 **orders.**

29 1. Not less than five and not more than fifteen
30 days after commencing a proceeding and upon notice to
31 the other party, a hearing shall be held at which the
32 plaintiff must prove the allegation of sexual abuse by
33 a preponderance of the evidence.

34 2. The court may enter any temporary order it deems
35 necessary to protect the plaintiff from sexual abuse
36 prior to the hearing upon good cause shown in an ex
37 parte proceeding. Present danger of sexual abuse to
38 the plaintiff constitutes good cause for purposes of
39 this subsection.

40 3. If a hearing is continued, the court may make or
41 extend any temporary order under subsection 2 that it
42 deems necessary.

43 4. Upon application of a party, the court shall
44 issue subpoenas requiring attendance and testimony of
45 witnesses and production of papers.

46 5. The court shall advise the defendant of a
47 right to be represented by counsel of the defendant's
48 choosing and to have a continuance to secure counsel.

49 6. Hearings shall be recorded.

50 **Sec. 10. NEW SECTION. 236A.7 Disposition.**

1 1. Upon a finding that the defendant has engaged in
2 sexual abuse, the court may grant a protective order or
3 approve a consent agreement which may contain but is
4 not limited to any of the following provisions:

5 a. That the defendant cease sexual abuse of the
6 plaintiff.

7 b. That the defendant stay away from the
8 plaintiff's residence, school, or place of employment.

9 2. An order for a protective order or approved
10 consent agreement shall be for a fixed period of
11 time not to exceed one year. The court may amend or
12 extend its order or a consent agreement at any time
13 upon a petition filed by either party and after notice
14 and hearing. The court may extend the order if the
15 court, after hearing at which the defendant has the
16 opportunity to be heard, finds that the defendant
17 continues to pose a threat to the safety of the victim,
18 persons residing with the victim, or members of the
19 victim's immediate family. The number of extensions
20 that can be granted by the court is not limited.

21 3. The order shall state whether a person is to be
22 taken into custody by a peace officer for a violation
23 of the terms stated in the order.

24 4. The court may order that the defendant pay the
25 plaintiff's attorney fees and court costs.

26 5. An order or consent agreement under this section
27 shall not affect title to real property.

28 6. A copy of any order or approved consent
29 agreement shall be issued to the plaintiff, the
30 defendant, the county sheriff of the county in which
31 the order or consent decree is initially entered, and
32 the twenty-four-hour dispatcher for the county sheriff.
33 Any subsequent amendment or revocation of an order
34 or consent agreement shall be forwarded by the clerk
35 to all individuals and the county sheriff previously
36 notified.

37 7. The clerk shall notify the county sheriff and
38 the twenty-four-hour dispatcher for the county sheriff
39 in writing so that the county sheriff and the county
40 sheriff's dispatcher receive written notice within six
41 hours of filing the order, approved consent agreement,
42 amendment, or revocation. The clerk may fulfill this
43 requirement by sending the notice by facsimile or other
44 electronic transmission which reproduces the notice in
45 writing within six hours of filing the order.

46 8. The county sheriff's dispatcher shall notify all
47 law enforcement agencies having jurisdiction over the
48 matter and the twenty-four-hour dispatcher for the law
49 enforcement agencies upon notification by the clerk.

50 Sec. 11. NEW SECTION. 236A.8 Emergency orders.

1 1. When the court is unavailable from the close
2 of business at the end of the day or week to the
3 resumption of business at the beginning of the day or
4 week, a petition may be filed before a district judge,
5 or district associate judge designated by the chief
6 judge of the judicial district, who may grant emergency
7 relief in accordance with section 236A.7, subsection
8 1, paragraph "b", if the district judge or district
9 associate judge deems it necessary to protect the
10 plaintiff from sexual abuse, upon good cause shown in
11 an ex parte proceeding. Present danger of sexual abuse
12 to the plaintiff constitutes good cause for purposes
13 of this subsection.

14 2. An emergency order issued under subsection 1
15 shall expire seventy-two hours after issuance. When
16 the order expires, the plaintiff may seek a temporary
17 order from the court pursuant to section 236A.6.

18 3. A petition filed and emergency order issued
19 under this section and any documentation in support of
20 the petition and order shall be immediately certified
21 to the court. The certification shall commence a
22 proceeding for purposes of section 236A.3.

23 Sec. 12. NEW SECTION. 236A.9 Procedure.

24 A proceeding under this chapter shall be held in
25 accordance with the rules of civil procedure, except
26 as otherwise set forth in this chapter and in chapter
27 664A, and is in addition to any other civil or criminal
28 remedy.

29 Sec. 13. NEW SECTION. 236A.10 Sexual abuse
30 information.

31 1. Criminal or juvenile justice agencies, as
32 defined in section 692.1, shall collect and maintain
33 information on incidents involving sexual abuse
34 and shall provide the information to the department
35 of public safety in the manner prescribed by the
36 department of public safety.

37 2. The department of public safety may compile
38 statistics and issue reports on sexual abuse in Iowa,
39 provided individual identifying details of the sexual
40 abuse are deleted. The statistics and reports may
41 include nonidentifying information on the personal
42 characteristics of perpetrators and victims. The
43 department of public safety may request the cooperation
44 of the department of justice in compiling the
45 statistics and issuing the reports. The department of
46 public safety may provide nonidentifying information
47 on individual incidents of sexual abuse to persons
48 conducting bona fide research, including but not
49 limited to personnel of the department of justice.

50 Sec. 14. NEW SECTION. 236A.11 Plaintiff's address

1 — **confidentiality of records.**

2 1. A person seeking relief from sexual abuse under
3 this chapter may use any of the following addresses as
4 a mailing address for purposes of filing a petition
5 under this chapter, as well as for the purpose of
6 obtaining any utility or other service:

7 a. The mailing address of a shelter or other
8 agency.

9 b. A public or private post office box.

10 c. Any other mailing address, with the permission
11 of the resident of that address.

12 2. A person shall report any change of address,
13 whether designated according to subsection 1 or
14 otherwise, to the clerk of court no more than five days
15 after the previous address on record becomes invalid.

16 3. The entire file or a portion of the file in a
17 sexual abuse case shall be sealed by the clerk of court
18 as ordered by the court to protect the privacy interest
19 or safety of any person.

20 4. Notwithstanding subsection 3, court orders and
21 support payment records shall remain public records,
22 although the court may order that address and location
23 information be redacted from the public records.

24 **Sec. 15. NEW SECTION. 236A.12 Duties of peace**
25 **officer — magistrate.**

26 1. A peace officer shall use every reasonable means
27 to enforce an order or court-approved consent agreement
28 entered under this chapter, an order that establishes
29 conditions of release or is a protective order or
30 sentencing order in a criminal prosecution arising from
31 a sexual abuse, or a protective order under chapter
32 232. If a peace officer has reason to believe that
33 sexual abuse has occurred, the peace officer shall ask
34 the abused person if any prior orders exist, and shall
35 contact the twenty-four-hour dispatcher to inquire
36 if any prior orders exist. If a peace officer has
37 probable cause to believe that a person has violated
38 an order or approved consent agreement entered under
39 this chapter, an order establishing conditions of
40 release or a protective or sentencing order in a
41 criminal prosecution arising from sexual abuse, or, if
42 the person is an adult, a violation of a protective
43 order under chapter 232, the peace officer shall take
44 the person into custody and shall take the person
45 without unnecessary delay before the nearest or most
46 accessible magistrate in the judicial district in which
47 the person was taken into custody. The magistrate
48 shall make an initial preliminary determination whether
49 there is probable cause to believe that an order or
50 consent agreement existed and that the person taken

1 into custody has violated its terms. The magistrate's
2 decision shall be entered in the record.

3 2. If a peace officer has probable cause to believe
4 that a person has violated an order or approved
5 consent agreement entered under this chapter, an order
6 establishing conditions of release or a protective or
7 sentencing order in a criminal prosecution arising from
8 a sexual abuse, or a protective order under chapter
9 232, and the peace officer is unable to take the person
10 into custody within twenty-four hours of making the
11 probable cause determination, the peace officer shall
12 either request a magistrate to make a determination
13 as to whether a rule to show cause or arrest warrant
14 should be issued, or refer the matter to the county
15 attorney.

16 3. If the magistrate finds probable cause, the
17 magistrate shall order the person to appear either
18 before the court which issued the original order or
19 approved the consent agreement, or before the court
20 in the jurisdiction where the alleged violation took
21 place, at a specified time not less than five days nor
22 more than fifteen days after the initial appearance
23 under this section. The magistrate shall cause the
24 original court to be notified of the contents of the
25 magistrate's order.

26 4. A peace officer shall not be held civilly or
27 criminally liable for acting pursuant to this section
28 provided that the peace officer acts reasonably and in
29 good faith, on probable cause, and the officer's acts
30 do not constitute a willful and wanton disregard for
31 the rights or safety of another.

32 **Sec. 16. NEW SECTION. 236A.13 Prevention of**
33 **further abuse — notification of rights — arrest —**
34 **liability.**

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

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

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

50 c. Providing an abused person with immediate and

1 adequate notice of the person's rights. The notice
2 shall consist of handing the person a document that
3 includes the telephone numbers of shelters, support
4 groups, and crisis lines operating in the area and
5 contains a copy of the following statement written in
6 English and Spanish; asking the person to read the
7 card; and asking whether the person understands the
8 rights:

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

11 [1] Keeping your attacker away from you, your home,
12 and your place of work.

13 [2] The right to stay at your home without
14 interference from your attacker.

15 You have the right to seek help from the court to
16 seek a protective order with or without the assistance
17 of legal representation. You have the right to seek
18 help from the courts without the payment of court costs
19 if you do not have sufficient funds to pay the costs.

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

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

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

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

33 2. A peace officer is not civilly or criminally
34 liable for actions pursuant to this section taken
35 reasonably and in good faith.

36 **Sec. 17. NEW SECTION. 236A.14 Prohibition against**
37 **referral.**

38 In a criminal action arising from sexual abuse, as
39 defined in section 236A.2, the prosecuting attorney or
40 court shall not refer or order the parties involved
41 to mediation or other nonjudicial procedures prior to
42 judicial resolution of the action.

43 **Sec. 18. NEW SECTION. 236A.15 Application for**
44 **designation and funding as a provider of services for**
45 **victims of sexual abuse.**

46 Upon receipt of state or federal funding designated
47 for victims of sexual abuse by the department, a public
48 or private nonprofit organization may apply to the
49 department for designation and funding as a provider
50 of emergency shelter services and support services

1 to victims of sexual abuse. The application shall
2 be submitted on a form prescribed by the department
3 and shall include but not be limited to information
4 regarding services to be provided, budget, and security
5 measures.

6 Sec. 19. NEW SECTION. 236A.16 Department powers
7 and duties.

8 1. The department shall do all of the following:

9 a. Designate and award grants for existing and
10 pilot programs pursuant to this chapter to provide
11 emergency shelter services and support services to
12 victims of sexual abuse.

13 b. Design and implement a uniform method of
14 collecting data from sexual abuse organizations funded
15 under this chapter.

16 c. Designate and award moneys for publicizing and
17 staffing a statewide, toll-free telephone hotline
18 for use by victims of sexual abuse. The department
19 may award a grant to a public agency or a private,
20 nonprofit organization for the purpose of operating the
21 hotline. The operation of the hotline shall include
22 informing victims of their rights and of various
23 community services that are available, referring
24 victims to service providers, receiving complaints
25 concerning misconduct by peace officers and encouraging
26 victims to refer such complaints to the office of
27 ombudsman, providing counseling services to victims
28 over the telephone, and providing sexual abuse victim
29 advocacy.

30 d. Advertise the toll-free telephone hotline
31 through the use of public service announcements,
32 billboards, print and broadcast media services,
33 and other appropriate means, and contact media
34 organizations to encourage the provision of free or
35 inexpensive advertising concerning the hotline and its
36 services.

37 e. Develop, with the assistance of the entity
38 operating the telephone hotline and other sexual abuse
39 victim services providers, brochures explaining the
40 rights of victims set forth under section 236A.13 and
41 the services of the telephone hotline, and distribute
42 the brochures to law enforcement agencies, victim
43 service providers, health practitioners, charitable and
44 religious organizations, and other entities that may
45 have contact with victims of sexual abuse.

46 2. The department shall consult and cooperate with
47 all public and private agencies which may provide
48 services to victims of sexual abuse, including but not
49 limited to legal services, social services, prospective
50 employment opportunities, and unemployment benefits.

1 3. The department may accept, use, and dispose of
2 contributions of money, services, and property made
3 available by an agency or department of the state or
4 federal government, or a private agency or individual.

5 **Sec. 20. NEW SECTION. 236A.17 Sexual abuse**
6 **training requirements.**

7 The department, in cooperation with victim service
8 providers, shall work with various professional
9 organizations to encourage organizations to establish
10 training programs for professionals who work in the
11 area of sexual abuse prevention and services. Sexual
12 abuse training may include but is not limited to the
13 following areas:

14 1. The enforcement of both civil and criminal
15 remedies in sexual abuse matters.

16 2. The nature, extent, and causes of sexual abuse.

17 3. The legal rights and remedies available
18 to sexual abuse victims, including crime victim
19 compensation.

20 4. Services available to sexual abuse victims
21 including the sexual abuse telephone hotline.

22 5. The duties of peace officers pursuant to this
23 chapter.

24 6. Techniques for intervention in sexual abuse
25 cases.

26 **Sec. 21. NEW SECTION. 236A.18 Reference to certain**
27 **criminal provisions.**

28 In addition to the provisions contained in this
29 chapter, certain criminal penalties and provisions
30 pertaining to sexual abuse are set forth in chapters
31 664A and 709 and section 726.2 or 728.12.

32 **Sec. 22. NEW SECTION. 236A.19 Foreign protective**
33 **orders — registration — enforcement.**

34 1. As used in this section, "*foreign protective*
35 *order*" means a protective order entered by a court of
36 another state, Indian tribe, or United States territory
37 that would be an order or court-approved consent
38 agreement entered under this chapter, an order that
39 establishes conditions of release, or a protective
40 order or sentencing order in a criminal prosecution
41 arising from a sexual abuse if it had been entered in
42 Iowa.

43 2. A certified or authenticated copy of a permanent
44 foreign protective order may be filed with the clerk of
45 the district court in any county that would have venue
46 if the original action was being commenced in this
47 state or in which the person in whose favor the order
48 was entered may be present.

49 a. The clerk shall file foreign protective orders
50 that are not certified or authenticated, if supported

1 by an affidavit of a person with personal knowledge,
2 subject to the penalties for perjury. The person
3 protected by the order may provide this affidavit.

4 *b.* The clerk shall provide copies of the order as
5 required by section 236A.7, except that notice shall
6 not be provided to the respondent without the express
7 written direction of the person in whose favor the
8 order was entered.

9 3. *a.* A valid foreign protective order has the
10 same effect and shall be enforced in the same manner as
11 a protective order issued in this state whether or not
12 filed with a clerk of court or otherwise placed in a
13 registry of protective orders.

14 *b.* A foreign protective order is valid if it meets
15 all of the following:

16 (1) The order states the name of the protected
17 individual and the individual against whom enforcement
18 is sought.

19 (2) The order has not expired.

20 (3) The order was issued by a court or tribunal
21 that had jurisdiction over the parties and subject
22 matter under the law of the foreign jurisdiction.

23 (4) The order was issued in accordance with
24 the respondent's due process rights, either after
25 the respondent was provided with reasonable notice
26 and an opportunity to be heard before the court or
27 tribunal that issued the order, or in the case of an
28 ex parte order, the respondent was granted notice and
29 opportunity to be heard within a reasonable time after
30 the order was issued.

31 *c.* Proof that a foreign protective order failed
32 to meet all of the factors listed in paragraph "b"
33 shall be an affirmative defense in any action seeking
34 enforcement of the order.

35 4. A peace officer shall treat a foreign protective
36 order as a valid legal document and shall make an
37 arrest for a violation of the foreign protective order
38 in the same manner that a peace officer would make an
39 arrest for a violation of a protective order issued
40 within this state.

41 *a.* The fact that a foreign protective order has not
42 been filed with the clerk of court or otherwise placed
43 in a registry shall not be grounds to refuse to enforce
44 the terms of the order unless it is apparent to the
45 officer that the order is invalid on its face.

46 *b.* A peace officer acting reasonably and in good
47 faith in connection with the enforcement of a foreign
48 protective order shall be immune from civil and
49 criminal liability in any action arising in connection
50 with such enforcement.

1 5. Filing and service costs in connection with
2 foreign protective orders are waived as provided in
3 section 236A.3.

4 Sec. 23. NEW SECTION. 236A.20 Mutual protective
5 orders prohibited — exceptions.

6 A court in an action under this chapter shall not
7 issue mutual protective orders against the victim and
8 the abuser unless both file a petition requesting a
9 protective order.

10 Sec. 24. Section 331.424, subsection 1, paragraph
11 a, subparagraph (6), Code 2015, is amended to read as
12 follows:

13 (6) The maintenance and operation of the courts,
14 including but not limited to the salary and expenses
15 of the clerk of the district court and other employees
16 of the clerk's office, and bailiffs, court costs
17 if the prosecution fails or if the costs cannot be
18 collected from the person liable, costs and expenses
19 of prosecution under section 189A.17, salaries and
20 expenses of juvenile court officers under chapter
21 602, court-ordered costs in domestic abuse cases
22 under section 236.5, sexual abuse cases under section
23 236A.7, and elder abuse cases under section 235F.6,
24 the county's expense for confinement of prisoners
25 under chapter 356A, temporary assistance to the county
26 attorney, county contributions to a retirement system
27 for bailiffs, reimbursement for judicial magistrates
28 under section 602.6501, claims filed under section
29 622.93, interpreters' fees under section 622B.7,
30 uniform citation and complaint supplies under section
31 805.6, and costs of prosecution under section 815.13.

32 Sec. 25. Section 507B.4, subsection 3, paragraph
33 g, subparagraph (3), Code 2015, is amended to read as
34 follows:

35 (3) Making or permitting any discrimination in the
36 sale of insurance solely on the basis of domestic abuse
37 as defined in section 236.2 or sexual abuse as defined
38 in section 236A.2.

39 Sec. 26. Section 664A.1, subsection 2, Code 2015,
40 is amended to read as follows:

41 2. "Protective order" means a protective order
42 issued pursuant to chapter 232, a court order or
43 court-approved consent agreement entered pursuant
44 to this chapter or chapter 235F, a court order or
45 court-approved consent agreement entered pursuant
46 to chapter 236 or 236A, including a valid foreign
47 protective order under section 236.19, subsection 3, or
48 section 236A.19, subsection 3, a temporary or permanent
49 protective order or order to vacate the homestead under
50 chapter 598, or an order that establishes conditions of

1 release or is a protective order or sentencing order in
2 a criminal prosecution arising from a domestic abuse
3 assault under section 708.2A, or a civil injunction
4 issued pursuant to section 915.22.

5 Sec. 27. Section 664A.2, subsection 2, Code 2015,
6 is amended to read as follows:

7 2. A protective order issued in a civil proceeding
8 shall be issued pursuant to chapter 232, 235F, 236,
9 236A, 598, or 915. Punishment for a violation of a
10 protective order shall be imposed pursuant to section
11 664A.7.

12 Sec. 28. Section 664A.3, subsection 1, unnumbered
13 paragraph 1, Code 2015, is amended to read as follows:

14 When a person is taken into custody for contempt
15 proceedings pursuant to section 236.11, taken into
16 custody pursuant to section 236A.12, or arrested for
17 any public offense referred to in section 664A.2,
18 subsection 1, and the person is brought before a
19 magistrate for initial appearance, the magistrate shall
20 enter a no-contact order if the magistrate finds both
21 of the following:

22 Sec. 29. Section 664A.3, subsection 2, Code 2015,
23 is amended to read as follows:

24 2. Notwithstanding chapters 804 and 805, a person
25 taken into custody pursuant to section 236.11 or
26 236A.12 or arrested pursuant to section 236.12 may
27 be released on bail or otherwise only after initial
28 appearance before a magistrate as provided in chapter
29 804 and the rules of criminal procedure or section
30 236.11 or 236A.12, whichever is applicable.

31 Sec. 30. Section 664A.4, subsection 2, Code 2015,
32 is amended to read as follows:

33 2. The clerk of the district court shall
34 provide a notice and copy of the no-contact order
35 to the appropriate law enforcement agencies and the
36 twenty-four-hour dispatcher for the law enforcement
37 agencies in the same manner as provided in section
38 235F.6, ~~or~~ 236.5, or 236A.7, as applicable. The clerk
39 of the district court shall provide a notice and copy
40 of a modification or vacation of a no-contact order in
41 the same manner.

42 Sec. 31. Section 664A.5, Code 2015, is amended to
43 read as follows:

44 **664A.5 Modification — entry of permanent no-contact**
45 **order.**

46 If a defendant is convicted of, receives a deferred
47 judgment for, or pleads guilty to a public offense
48 referred to in section 664A.2, subsection 1, or is
49 held in contempt for a violation of a no-contact
50 order issued under section 664A.3 or for a violation

1 of a protective order issued pursuant to chapter
2 232, 235F, 236, 236A, 598, or 915, the court shall
3 either terminate or modify the temporary no-contact
4 order issued by the magistrate. The court may enter
5 a no-contact order or continue the no-contact order
6 already in effect for a period of five years from the
7 date the judgment is entered or the deferred judgment
8 is granted, regardless of whether the defendant is
9 placed on probation.

10 Sec. 32. Section 664A.7, subsections 1, 3, and 5,
11 Code 2015, are amended to read as follows:

12 1. Violation of a no-contact order issued under
13 this chapter or a protective order issued pursuant
14 to chapter 232, 235F, 236, 236A, or 598, including a
15 modified no-contact order, is punishable by summary
16 contempt proceedings.

17 3. If convicted of or held in contempt for
18 a violation of a no-contact order or a modified
19 no-contact order for a public offense referred to in
20 section 664A.2, subsection 1, or held in contempt
21 of a no-contact order issued during a contempt
22 proceeding brought pursuant to section 236.11 or
23 236A.12, the person shall be confined in the county
24 jail for a minimum of seven days. A jail sentence
25 imposed pursuant to this subsection shall be served
26 on consecutive days. No portion of the mandatory
27 minimum term of confinement imposed by this subsection
28 shall be deferred or suspended. A deferred judgment,
29 deferred sentence, or suspended sentence shall not
30 be entered for a violation of a no-contact order,
31 modified no-contact order, or protective order and the
32 court shall not impose a fine in lieu of the minimum
33 sentence, although a fine may be imposed in addition to
34 the minimum sentence.

35 5. Violation of a no-contact order entered for the
36 offense or alleged offense of domestic abuse assault
37 in violation of section 708.2A or a violation of a
38 protective order issued pursuant to chapter 232, 235F,
39 236, 236A, 598, or 915 constitutes a public offense and
40 is punishable as a simple misdemeanor. Alternatively,
41 the court may hold a person in contempt of court for
42 such a violation, as provided in subsection 3.

43 Sec. 33. Section 709.15, subsection 1, paragraph
44 f, Code 2015, is amended by striking the paragraph and
45 inserting in lieu thereof the following:

46 f. (1) "*School employee*" means any of the
47 following, except as provided in subparagraph (2):

48 (a) A person who holds a license, certificate,
49 authorization, or statement of professional recognition
50 issued by the board of educational examiners under

1 chapter 272.

2 (b) A person employed by a school district or
3 nonpublic school full-time or part-time.

4 (c) A contract employee of a school district or
5 nonpublic school who has significant contact with
6 students enrolled in the school district or nonpublic
7 school.

8 (d) A person who performs services as a volunteer
9 for a school district or nonpublic school and who has
10 significant contact with students enrolled in the
11 school district or nonpublic school.

12 (2) "School employee" does not include the
13 following:

14 (a) A student enrolled in a school district or
15 nonpublic school.

16 (b) A person who holds a coaching authorization
17 issued under section 272.31, subsection 1, if the
18 person is less than four years older than the student
19 with whom the person engages in conduct prohibited
20 under subsection 3, paragraph "a", and the person is
21 not in a position of direct authority over the student.

22 (c) A person who performs services as a volunteer
23 for a school district or nonpublic school and who has
24 significant contact with students enrolled in the
25 school district or nonpublic school, if the person
26 is less than four years older than the student with
27 whom the person engages in conduct prohibited under
28 subsection 3, paragraph "a", and the person is not in a
29 position of direct authority over the student.

30 Sec. 34. Section 709.15, subsection 3, Code 2015,
31 is amended by adding the following new paragraph:

32 NEW PARAGRAPH. c. The provisions of this
33 subsection do not apply to a person who is employed
34 by, volunteers for, or is under contract with a school
35 district or nonpublic school if the student is not
36 enrolled in the same school district or nonpublic
37 school that employs the person or for which the person
38 volunteers or is under contract, and the person does
39 not meet the requirements of subsection 1, paragraph
40 "f", subparagraph (1), subparagraph division (a).

41 Sec. 35. Section 709.21, subsection 1, paragraph a,
42 Code 2015, is amended to read as follows:

43 a. The other person ~~does not have knowledge about~~
44 ~~and~~ does not consent or is unable to consent to being
45 viewed, photographed, or filmed.

46 Sec. 36. Section 709.21, subsection 3, Code 2015,
47 is amended to read as follows:

48 3. A person who violates this section commits a
49 serious an aggravated misdemeanor.

50 Sec. 37. Section 716.7, subsection 2, paragraph

1 a, Code 2015, is amended by adding the following new
2 subparagraph:

3 NEW SUBPARAGRAPH. (7) Intentionally viewing,
4 photographing, or filming another person through the
5 window or any other aperture of a dwelling, without
6 legitimate purpose, while present on the real property
7 upon which the dwelling is located, or while placing
8 on or retrieving from such property equipment to view,
9 photograph, or film another person, if the person
10 being viewed, photographed, or filmed has a reasonable
11 expectation of privacy, and if the person being viewed,
12 photographed, or filmed does not consent or cannot
13 consent to being viewed, photographed, or filmed.

14 Sec. 38. Section 716.8, subsection 1, Code 2015, is
15 amended to read as follows:

16 1. Any person who knowingly trespasses upon the
17 property of another commits a simple misdemeanor,
18 except that any person who intentionally trespasses as
19 defined in section 716.7, subsection 2, paragraph "a",
20 subparagraph (7), commits a serious misdemeanor.

21 Sec. 39. Section 915.22, subsection 5, Code 2015,
22 is amended to read as follows:

23 5. The clerk of the district court shall provide
24 notice and copies of restraining orders issued pursuant
25 to this section in a criminal case involving an
26 alleged violation of section 708.2A to the applicable
27 law enforcement agencies and the twenty-four hour
28 dispatcher for the law enforcement agencies, in the
29 manner provided for protective orders under section
30 236.5 or 236A.7. The clerk shall provide notice and
31 copies of modifications or vacations of these orders
32 in the same manner.

33 Sec. 40. Section 915.50, unnumbered paragraph 1,
34 Code 2015, is amended to read as follows:

35 In addition to other victim rights provided in this
36 chapter, victims of domestic abuse and sexual abuse
37 shall have the following rights:

38 Sec. 41. Section 915.50, subsections 1 and 2, Code
39 2015, are amended to read as follows:

40 1. The right to file a pro se petition for relief
41 from domestic abuse and sexual abuse in the district
42 court, pursuant to sections 236.3 through 236.10 and
43 sections 236A.3 through 236A.11.

44 2. The right, pursuant to section sections 236.12,
45 and 236A.13, for law enforcement to remain on the
46 scene, to assist the victim in leaving the scene,
47 to assist the victim in obtaining transportation to
48 medical care, and to provide the person with a written
49 statement of victim rights and information about
50 domestic abuse and sexual abuse shelters, support

1 services, and crisis lines.

2 Sec. 42. Section 915.94, Code 2015, is amended to
3 read as follows:

4 **915.94 Victim compensation fund.**

5 A victim compensation fund is established as a
6 separate fund in the state treasury. Moneys deposited
7 in the fund shall be administered by the department
8 and dedicated to and used for the purposes of
9 section 915.41 and this subchapter. In addition, the
10 department may use moneys from the fund for the purpose
11 of the department's prosecutor-based victim service
12 coordination, including the duties defined in sections
13 910.3 and 910.6 and this chapter, and for the award of
14 funds to programs that provide services and support to
15 victims of domestic abuse or ~~sexual assault~~ abuse as
16 provided in chapter 236, to victims of sexual abuse
17 as provided in chapter 236A, to victims under section
18 710A.2, and for the support of an automated victim
19 notification system established in section 915.10A.
20 The department may also use up to one hundred thousand
21 dollars from the fund to provide training for victim
22 service providers. Notwithstanding section 8.33, any
23 balance in the fund on June 30 of any fiscal year shall
24 not revert to the general fund of the state.>

25 2. Title page, line 1, after <to> by inserting
26 <sexual abuse, sexual exploitation, and invasion of
27 privacy, including>

28 3. By renumbering as necessary.

JONES of Clay