

House Amendment to  
Senate File 336

S-3155

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 clear and  
24 convincing 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 clear and convincing 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 331.304, Code 2015, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 12. A county shall not adopt or  
13 enforce any ordinance or regulation in violation of  
14 chapter 562C.

15 Sec. 25. Section 331.424, subsection 1, paragraph  
16 a, subparagraph (6), Code 2015, is amended to read as  
17 follows:

18 (6) The maintenance and operation of the courts,  
19 including but not limited to the salary and expenses  
20 of the clerk of the district court and other employees  
21 of the clerk's office, and bailiffs, court costs  
22 if the prosecution fails or if the costs cannot be  
23 collected from the person liable, costs and expenses  
24 of prosecution under section 189A.17, salaries and  
25 expenses of juvenile court officers under chapter  
26 602, court-ordered costs in domestic abuse cases  
27 under section 236.5, sexual abuse cases under section  
28 236A.7, and elder abuse cases under section 235F.6,  
29 the county's expense for confinement of prisoners  
30 under chapter 356A, temporary assistance to the county  
31 attorney, county contributions to a retirement system  
32 for bailiffs, reimbursement for judicial magistrates  
33 under section 602.6501, claims filed under section  
34 622.93, interpreters' fees under section 622B.7,  
35 uniform citation and complaint supplies under section  
36 805.6, and costs of prosecution under section 815.13.

37 Sec. 26. Section 364.3, Code 2015, is amended by  
38 adding the following new subsection:

39 NEW SUBSECTION. 11. A city shall not adopt or  
40 enforce any ordinance or regulation in violation of  
41 chapter 562C.

42 Sec. 27. Section 507B.4, subsection 3, paragraph  
43 g, subparagraph (3), Code 2015, is amended to read as  
44 follows:

45 (3) Making or permitting any discrimination in the  
46 sale of insurance solely on the basis of domestic abuse  
47 as defined in section 236.2 or sexual abuse as defined  
48 in section 236A.2.

49 Sec. 28. NEW SECTION. 562C.1 Title — purpose.

50 1. This chapter shall be known and may be cited as

1 the "*Right to Assistance Act*".

2 2. The purpose of this chapter is to ensure that  
3 an owner, lessee, or lessor of property in need of law  
4 enforcement assistance or other emergency assistance  
5 in the state of Iowa is not penalized for those  
6 authorities being contacted, and to provide a remedy  
7 for violations of this chapter.

8 Sec. 29. NEW SECTION. **562C.2 Definitions.**

9 For purposes of this chapter, unless the context  
10 otherwise requires:

11 1. "*Commercial landlord*" means a person who is the  
12 owner, lessor, or sublessor of a property on which a  
13 tenant operates or intends to operate a business.

14 2. "*Commercial tenant*" means a person who leases a  
15 property for the purpose of operating a business on the  
16 property.

17 3. "*Landlord*" means a commercial landlord or a  
18 residential landlord.

19 4. "*Owner*" means one or more persons, jointly or  
20 severally, in whom is vested either of the following:

21 a. All or part of the legal title to property.

22 b. All or part of the beneficial ownership and a  
23 right to present use and enjoyment of the property, and  
24 the term includes a mortgagee in possession.

25 5. "*Rental agreement*" means the same as defined  
26 in section 562A.6 or 562B.7, or an oral or written  
27 agreement embodying the terms and conditions concerning  
28 the use and occupancy of real estate used for  
29 commercial purposes, whichever is applicable.

30 6. "*Resident*" means a residential tenant, a member  
31 of such tenant's family, and any other person residing  
32 at the premises with the consent of the residential  
33 tenant.

34 7. "*Residential landlord*" means the same as  
35 "landlord" in section 562A.6 or 562B.7, whichever is  
36 applicable.

37 8. "*Residential tenant*" means the same as "tenant"  
38 in section 562A.6 or 562B.7, whichever is applicable.

39 9. "*Tenant*" means a commercial tenant or  
40 residential tenant.

41 Sec. 30. NEW SECTION. **562C.3 Uniform application.**

42 To provide for the uniform application of the  
43 provisions of this chapter, the provisions of this  
44 chapter shall supersede any local ordinance, rule, or  
45 regulation that is inconsistent with or conflicts with  
46 the provisions of this chapter.

47 Sec. 31. NEW SECTION. **562C.4 Prohibition of local  
48 penalties for emergency assistance contact.**

49 1. An ordinance, rule, or regulation of a city,  
50 county, or other governmental entity shall not

1 authorize imposition of a penalty against a resident,  
2 owner, tenant, or landlord for a contact made for law  
3 enforcement assistance or other emergency assistance  
4 by or on behalf of a victim of abuse, a victim of a  
5 crime, or an individual in an emergency, if either of  
6 the following is established:

7     a. The person making the contact had a reasonable  
8 belief that the emergency assistance was necessary to  
9 prevent the perpetration or escalation of the abuse,  
10 crime, or emergency.

11     b. In the event of abuse, crime, or other  
12 emergency, the emergency assistance was actually  
13 needed.

14     2. Penalties prohibited by subsection 1 include the  
15 following:

16     a. The actual or threatened revocation, suspension,  
17 or nonrenewal of a rental certificate, license, or  
18 permit.

19     b. The actual or threatened assessment of  
20 penalties, fines, or fees.

21     c. The actual or threatened eviction, or causing  
22 the actual or threatened eviction, from the leased  
23 premises.

24     3. This section does not prohibit a city,  
25 county, or other governmental entity from enforcing  
26 any ordinance, rule, or regulation premised upon  
27 grounds other than a contact made for law enforcement  
28 assistance or other emergency assistance by or on  
29 behalf of a victim of abuse, a victim of a crime, or an  
30 individual in an emergency.

31     Sec. 32. **NEW SECTION. 562C.5 Prohibition of**  
32 **landlord penalties — waiver of rights.**

33     1. A landlord may not prohibit or limit a  
34 resident's or tenant's rights to summon law enforcement  
35 assistance or other emergency assistance by or on  
36 behalf of a victim of abuse, a victim of a crime,  
37 or an individual in an emergency or may not impose  
38 monetary or other penalties on a resident or tenant who  
39 exercises that right.

40     2. Any waiver of the provisions of this section is  
41 contrary to public policy and is void, unenforceable,  
42 and of no force or effect.

43     3. This section shall not be construed to prohibit  
44 a landlord from recovering from a resident or tenant an  
45 amount equal to the costs incurred to repair property  
46 damage if the damage is caused by law enforcement or  
47 other emergency personnel summoned by the resident or  
48 tenant.

49     4. This section does not prohibit a landlord from  
50 terminating, evicting, or refusing to renew a tenancy

1 or rental agreement when such action is premised upon  
2 grounds other than a contact made for law enforcement  
3 assistance or other emergency assistance by or on  
4 behalf of a victim of abuse, a victim of a crime, or an  
5 individual in an emergency.

6 Sec. 33. NEW SECTION. **562C.6 Remedies.**

7 1. In addition to other remedies provided by  
8 law, if a city, county, or other governmental entity  
9 violates the provisions of this chapter, a resident,  
10 owner, tenant, or landlord is entitled to recover from  
11 the city, county, or other governmental entity any of  
12 the following:

13 a. An order requiring the city, county, or other  
14 governmental entity to cease and desist the unlawful  
15 practice.

16 b. Other equitable relief, including reinstatement  
17 of a rental certificate, license, or permit, as the  
18 court may deem appropriate.

19 c. Actual damages.

20 d. Reasonable attorney fees the resident, owner,  
21 tenant, or landlord incurs in seeking enforcement of  
22 this chapter.

23 e. Court costs.

24 2. In addition to other remedies provided by law,  
25 if an owner or landlord violates the provisions of this  
26 chapter, a resident or tenant is entitled to recover  
27 from the owner or landlord any of the following:

28 a. A civil penalty in an amount equal to one  
29 month's rent.

30 b. Actual damages.

31 c. Reasonable attorney fees the tenant or resident  
32 incurs in seeking enforcement of this chapter.

33 d. Court costs.

34 e. Injunctive relief.

35 Sec. 34. Section 600A.8, Code 2015, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 11. A biological parent of the  
38 child who is the subject of the termination of parental  
39 rights has been convicted of sexual abuse against the  
40 other biological parent of the child and the child was  
41 conceived as a result of the sexual abuse.

42 Sec. 35. Section 664A.1, subsection 2, Code 2015,  
43 is amended to read as follows:

44 2. "*Protective order*" means a protective order  
45 issued pursuant to chapter 232, a court order or  
46 court-approved consent agreement entered pursuant  
47 to this chapter or chapter 235F, a court order or  
48 court-approved consent agreement entered pursuant  
49 to chapter 236 or 236A, including a valid foreign  
50 protective order under section 236.19, subsection 3, or

1 section 236A.19, subsection 3, a temporary or permanent  
2 protective order or order to vacate the homestead under  
3 chapter 598, or an order that establishes conditions of  
4 release or is a protective order or sentencing order in  
5 a criminal prosecution arising from a domestic abuse  
6 assault under section 708.2A, or a civil injunction  
7 issued pursuant to section 915.22.

8 Sec. 36. Section 664A.2, subsection 2, Code 2015,  
9 is amended to read as follows:

10 2. A protective order issued in a civil proceeding  
11 shall be issued pursuant to chapter 232, 235F, 236,  
12 236A,598, or 915. Punishment for a violation of a  
13 protective order shall be imposed pursuant to section  
14 664A.7.

15 Sec. 37. Section 664A.3, subsection 1, unnumbered  
16 paragraph 1, Code 2015, is amended to read as follows:

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

25 Sec. 38. Section 664A.3, subsection 2, Code 2015,  
26 is amended to read as follows:

27 2. Notwithstanding chapters 804 and 805, a person  
28 taken into custody pursuant to section 236.11 or  
29 236A.12 or arrested pursuant to section 236.12 may  
30 be released on bail or otherwise only after initial  
31 appearance before a magistrate as provided in chapter  
32 804 and the rules of criminal procedure or section  
33 236.11 or 236A.12, whichever is applicable.

34 Sec. 39. Section 664A.4, subsection 2, Code 2015,  
35 is amended to read as follows:

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

45 Sec. 40. Section 664A.5, Code 2015, is amended to  
46 read as follows:

47 **664A.5 Modification — entry of permanent no-contact**  
48 **order.**

49 If a defendant is convicted of, receives a deferred  
50 judgment for, or pleads guilty to a public offense



1 referred to in section 664A.2, subsection 1, or is  
2 held in contempt for a violation of a no-contact order  
3 issued under section 664A.3 or for a violation of a  
4 protective order issued pursuant to chapter 232, 235F,  
5 236, 236A,598, or 915, the court shall either terminate  
6 or modify the temporary no-contact order issued by the  
7 magistrate. The court may enter a no-contact order or  
8 continue the no-contact order already in effect for  
9 a period of five years from the date the judgment is  
10 entered or the deferred judgment is granted, regardless  
11 of whether the defendant is placed on probation.

12 Sec. 41. Section 664A.7, subsections 1, 3, and 5,  
13 Code 2015, are amended to read as follows:

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

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

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

45 Sec. 42. Section 702.11, subsection 1, Code 2015,  
46 is amended to read as follows:

47 1. A "*forcible felony*" is any felonious child  
48 endangerment, assault, murder, sexual abuse,  
49 kidnapping, robbery, arson in the first degree, ~~or~~  
50 burglary in the first degree, or human trafficking.

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

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

6 (a) A person who holds a license, certificate,  
7 authorization, or statement of professional recognition  
8 issued by the board of educational examiners under  
9 chapter 272.

10 (b) A person employed by a school district or  
11 nonpublic school full-time or part-time, or as a  
12 substitute employee.

13 (c) A contract employee of a school district or  
14 nonpublic school who has significant contact with  
15 students enrolled in the school district or nonpublic  
16 school.

17 (d) A person who performs services as a volunteer  
18 for a school district or nonpublic school and who has  
19 significant contact with students enrolled in the  
20 school district or nonpublic school.

21 (2) "School employee" does not include the  
22 following:

23 (a) A student enrolled in a school district or  
24 nonpublic school.

25 (b) A person who holds a coaching authorization  
26 issued under section 272.31, subsection 1, if the  
27 person is less than four years older than the student  
28 with whom the person engages in conduct prohibited  
29 under subsection 3, paragraph "a", and the person is  
30 not in a position of direct authority over the student.

31 (c) A person who performs services as a volunteer  
32 for a school district or nonpublic school and who has  
33 significant contact with students enrolled in the  
34 school district or nonpublic school, if the person  
35 is less than four years older than the student with  
36 whom the person engages in conduct prohibited under  
37 subsection 3, paragraph "a", and the person is not in a  
38 position of direct authority over the student.

39 Sec. 44. Section 709.15, subsection 3, Code 2015,  
40 is amended by adding the following new paragraph:

41 NEW PARAGRAPH. c. The provisions of this  
42 subsection do not apply to a person who is employed  
43 by, volunteers for, or is under contract with a school  
44 district or nonpublic school if the student is not  
45 enrolled in the same school district or nonpublic  
46 school that employs the person or for which the person  
47 volunteers or is under contract, and the person does  
48 not meet the requirements of subsection 1, paragraph  
49 "f", subparagraph (1), subparagraph division (a).

50 Sec. 45. Section 709.21, subsection 1, paragraph a,

1 Code 2015, is amended to read as follows:  
2 a. The other person ~~does not have knowledge about~~  
3 ~~and~~ does not consent or is unable to consent to being  
4 viewed, photographed, or filmed.  
5 Sec. 46. Section 709.21, subsection 3, Code 2015,  
6 is amended to read as follows:  
7 3. A person who violates this section commits a  
8 serious an aggravated misdemeanor.  
9 Sec. 47. Section 716.7, subsection 2, paragraph  
10 a, Code 2015, is amended by adding the following new  
11 subparagraph:  
12 NEW SUBPARAGRAPH. (7) Intentionally viewing,  
13 photographing, or filming another person through the  
14 window or any other aperture of a dwelling, without  
15 legitimate purpose, while present on the real property  
16 upon which the dwelling is located, or while placing  
17 on or retrieving from such property equipment to view,  
18 photograph, or film another person, if the person  
19 being viewed, photographed, or filmed has a reasonable  
20 expectation of privacy, and if the person being viewed,  
21 photographed, or filmed does not consent or cannot  
22 consent to being viewed, photographed, or filmed.  
23 Sec. 48. Section 716.8, subsection 1, Code 2015, is  
24 amended to read as follows:  
25 1. Any person who knowingly trespasses upon the  
26 property of another commits a simple misdemeanor,  
27 except that any person who intentionally trespasses as  
28 defined in section 716.7, subsection 2, paragraph "a",  
29 subparagraph (7), commits a serious misdemeanor.  
30 Sec. 49. Section 915.22, subsection 5, Code 2015,  
31 is amended to read as follows:  
32 5. The clerk of the district court shall provide  
33 notice and copies of restraining orders issued pursuant  
34 to this section in a criminal case involving an  
35 alleged violation of section 708.2A to the applicable  
36 law enforcement agencies and the twenty-four hour  
37 dispatcher for the law enforcement agencies, in the  
38 manner provided for protective orders under section  
39 236.5 or 236A.7. The clerk shall provide notice and  
40 copies of modifications or vacations of these orders  
41 in the same manner.  
42 Sec. 50. Section 915.50, unnumbered paragraph 1,  
43 Code 2015, is amended to read as follows:  
44 In addition to other victim rights provided in this  
45 chapter, victims of domestic abuse and sexual abuse  
46 shall have the following rights:  
47 Sec. 51. Section 915.50, subsections 1 and 2, Code  
48 2015, are amended to read as follows:  
49 1. The right to file a pro se petition for relief  
50 from domestic abuse and sexual abuse in the district

1 court, pursuant to sections 236.3 through 236.10 and  
2 sections 236A.3 through 236A.11.

3 2. The right, pursuant to ~~section~~ sections 236.12,  
4 and 236A.13, for law enforcement to remain on the  
5 scene, to assist the victim in leaving the scene,  
6 to assist the victim in obtaining transportation to  
7 medical care, and to provide the person with a written  
8 statement of victim rights and information about  
9 domestic abuse and sexual abuse shelters, support  
10 services, and crisis lines.

11 Sec. 52. Section 915.94, Code 2015, is amended to  
12 read as follows:

13 **915.94 Victim compensation fund.**

14 A victim compensation fund is established as a  
15 separate fund in the state treasury. Moneys deposited  
16 in the fund shall be administered by the department  
17 and dedicated to and used for the purposes of  
18 section 915.41 and this subchapter. In addition, the  
19 department may use moneys from the fund for the purpose  
20 of the department's prosecutor-based victim service  
21 coordination, including the duties defined in sections  
22 910.3 and 910.6 and this chapter, and for the award of  
23 funds to programs that provide services and support to  
24 victims of domestic abuse or ~~sexual assault~~ abuse as  
25 provided in chapter 236, to victims of sexual abuse  
26 as provided in chapter 236A, to victims under section  
27 710A.2, and for the support of an automated victim  
28 notification system established in section 915.10A.  
29 The department may also use up to one hundred thousand  
30 dollars from the fund to provide training for victim  
31 service providers. Notwithstanding section 8.33, any  
32 balance in the fund on June 30 of any fiscal year shall  
33 not revert to the general fund of the state.>

34 2. Title page, line 1, after <to> by inserting  
35 <sexual abuse, sexual exploitation, human trafficking,  
36 summoning emergency assistance, and invasion of  
37 privacy, including>

38 3. By renumbering as necessary.