

House File 375

H-1368

1 Amend the amendment, H-1111, to House File 375 as follows:

2 1. By striking page 1, line 2, through page 2, line 25, and  
3 inserting:

4 <\_\_\_. By striking everything after the enacting clause and  
5 inserting:

6 <Section 1. Section 13.31, subsection 3, Code 2017, is  
7 amended to read as follows:

8 3. Administer the domestic abuse program provided in  
9 chapter 236 and the sexual abuse program provided in chapter  
10 236A.

11 Sec. 2. Section 232.8, subsection 1, paragraph d,  
12 subparagraph (1), Code 2017, is amended to read as follows:

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

16 Sec. 3. Section 232.22, subsection 1, paragraph g, Code  
17 2017, is amended to read as follows:

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

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

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

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

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

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

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

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

33 4. "*Pro se*" means proceeding on one's own behalf without  
34 legal representation.

35 5. "*Sexual abuse*" means any commission of a crime defined

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1 in chapter 709 or section 726.2 or 728.12. "Sexual abuse" also  
2 means any commission of a crime in another jurisdiction under a  
3 statute that is substantially similar to any crime defined in  
4 chapter 709 or section 726.2 or 728.12.

5 6. "Support services" include but are not limited to legal  
6 services, counseling services, transportation services, child  
7 care services, and advocacy services.

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

10 1. A person, including a parent or guardian on behalf of  
11 an unemancipated minor, may seek relief from sexual abuse by  
12 filing a verified petition in the district court. Venue shall  
13 lie where either the plaintiff or defendant resides. The  
14 petition shall state the following:

15 a. Name of the plaintiff and the name and address of the  
16 plaintiff's attorney, if any. If the plaintiff is proceeding  
17 pro se, the petition shall state a mailing address for the  
18 plaintiff. A mailing address may be provided by the plaintiff  
19 pursuant to section 236A.11.

20 b. Name and address of the parent or guardian filing the  
21 petition, if the petition is being filed on behalf of an  
22 unemancipated minor. A mailing address may be provided by the  
23 plaintiff pursuant to section 236A.11.

24 c. Name and address, if known, of the defendant.

25 d. Nature of the alleged sexual abuse.

26 e. Name and age of each child under eighteen whose welfare  
27 may be affected by the controversy.

28 f. Desired relief, including a request for temporary or  
29 emergency orders.

30 2. A temporary or emergency order shall be based on a  
31 showing of a prima facie case of sexual abuse. If the factual  
32 basis for the alleged sexual abuse is contested, the court  
33 shall issue a protective order based upon a finding of sexual  
34 abuse by a preponderance of the evidence.

35 3. a. The filing fee and court costs for an order for

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1 protection and in a contempt action under this chapter shall be  
2 waived for the plaintiff.

3     *b.* The clerk of court, the sheriff of any county in this  
4 state, and other law enforcement and corrections officers shall  
5 perform their duties relating to service of process without  
6 charge to the plaintiff. When an order for protection is  
7 entered by the court, the court may direct the defendant to pay  
8 to the clerk of court the fees for the filing of the petition  
9 and reasonable costs of service of process if the court  
10 determines the defendant has the ability to pay the plaintiff's  
11 fees and costs. In lieu of personal service of an order for  
12 protection issued pursuant to this section, the sheriff of any  
13 county in this state and other law enforcement and corrections  
14 officers may serve a defendant with a short-form notification  
15 pursuant to section 664A.4A.

16     4. If the person against whom relief from sexual abuse is  
17 being sought is seventeen years of age or younger, the district  
18 court shall waive its jurisdiction over the action to the  
19 juvenile court.

20     Sec. 7. NEW SECTION. **236A.4 Plaintiffs proceeding pro se —**  
21 **provision of forms and assistance.**

22     1. The department shall prescribe standard forms to be  
23 used by plaintiffs seeking protective orders by proceeding pro  
24 se in actions under this chapter. The standard forms shall  
25 include language in fourteen point boldface type. Standard  
26 forms prescribed by the department shall be the exclusive forms  
27 used by plaintiffs proceeding pro se, and may be used by other  
28 plaintiffs. The department shall distribute the forms to the  
29 clerks of the district court.

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

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

34     A county attorney's office may provide assistance to a  
35 person wishing to initiate proceedings pursuant to this chapter

1 or to a plaintiff at any stage of a proceeding under this  
2 chapter, if the person or plaintiff does not have sufficient  
3 funds to pay for legal assistance and if the assistance does  
4 not create a conflict of interest for the county attorney's  
5 office. The assistance provided may include but is not limited  
6 to assistance in obtaining or completing forms, filing a  
7 petition or other necessary pleading, presenting evidence  
8 to the court, and enforcing the orders of the court entered  
9 pursuant to this chapter. Providing assistance pursuant to  
10 this section shall not be considered the private practice of  
11 law for the purposes of section 331.752.

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

13 1. Not less than five and not more than fifteen days after  
14 commencing a proceeding and upon notice to the defendant, a  
15 hearing shall be held at which the plaintiff must prove the  
16 allegation of sexual abuse by a preponderance of the evidence.

17 2. The court may enter any temporary order it deems  
18 necessary to protect the plaintiff from sexual abuse prior to  
19 the hearing upon good cause shown in an ex parte proceeding.  
20 Present danger of sexual abuse to the plaintiff constitutes  
21 good cause for purposes of this subsection.

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

24 4. Upon application of the plaintiff or defendant, the court  
25 shall issue subpoenas requiring attendance and testimony of  
26 witnesses and production of papers.

27 5. The court shall advise the defendant of a right to be  
28 represented by counsel of the defendant's choosing and to have  
29 a continuance to secure counsel.

30 6. Hearings shall be recorded.

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

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

1     *a.* That the defendant cease sexual abuse of the plaintiff.

2     *b.* That the defendant stay away from the plaintiff's  
3 residence, school, or place of employment.

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

15     3. The order shall state whether the defendant is to be  
16 taken into custody by a peace officer for a violation of the  
17 terms stated in the order.

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

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

22     6. A copy of any order or approved consent agreement shall  
23 be issued to the plaintiff, the defendant, the county sheriff  
24 of the county in which the order or consent decree is initially  
25 entered, and the twenty-four-hour dispatcher for the county  
26 sheriff. Any subsequent amendment or revocation of an order  
27 or consent agreement shall be forwarded by the clerk to all  
28 persons and the county sheriff previously notified.

29     7. The clerk shall notify the county sheriff and the  
30 twenty-four-hour dispatcher for the county sheriff in writing  
31 so that the county sheriff and the county sheriff's dispatcher  
32 receive written notice within six hours of filing the order,  
33 approved consent agreement, amendment, or revocation. The  
34 clerk may fulfill this requirement by sending the notice by  
35 facsimile or other electronic transmission which reproduces the

1 notice in writing within six hours of filing the order.

2 8. The county sheriff's dispatcher shall notify all law  
3 enforcement agencies having jurisdiction over the matter  
4 and the twenty-four-hour dispatcher for the law enforcement  
5 agencies upon notification by the clerk.

6 Sec. 11. NEW SECTION. **236A.8 Emergency orders.**

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

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

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

27 Sec. 12. NEW SECTION. **236A.9 Procedure.**

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

32 Sec. 13. NEW SECTION. **236A.10 Sexual abuse information.**

33 1. Criminal or juvenile justice agencies, as defined  
34 in section 692.1, shall collect and maintain information  
35 on incidents involving sexual abuse and shall provide the

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1 information to the department of public safety in the manner  
2 prescribed by the department of public safety.

3 2. The department of public safety may compile statistics  
4 and issue reports on sexual abuse in Iowa, provided individual  
5 identifying details of the sexual abuse are deleted. The  
6 statistics and reports may include nonidentifying information  
7 on the personal characteristics of perpetrators and victims.  
8 The department of public safety may request the cooperation  
9 of the department of justice in compiling the statistics and  
10 issuing the reports. The department of public safety may  
11 provide nonidentifying information on individual incidents  
12 of sexual abuse to persons conducting bona fide research,  
13 including but not limited to personnel of the department of  
14 justice.

15 Sec. 14. NEW SECTION. 236A.11 Plaintiff's address —  
16 confidentiality of records.

17 1. A plaintiff seeking relief from sexual abuse under this  
18 chapter may use any of the following addresses as a mailing  
19 address for purposes of filing a petition under this chapter,  
20 as well as for the purpose of obtaining any utility or other  
21 service:

22 a. The mailing address of a shelter or other agency.

23 b. A public or private post office box.

24 c. Any other mailing address, with the permission of the  
25 resident of that address.

26 2. A plaintiff shall report any change of address, whether  
27 designated according to subsection 1 or otherwise, to the clerk  
28 of court no more than five days after the previous address on  
29 record becomes invalid.

30 3. The entire file or a portion of the file in a sexual  
31 abuse case shall be sealed by the clerk of court as ordered  
32 by the court to protect the privacy interest or safety of any  
33 person.

34 4. Notwithstanding subsection 3, court orders and support  
35 payment records shall remain public records, although the court

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1 may order that address and location information be redacted  
2 from the public records.

3     Sec. 15. NEW SECTION.   **236A.12 Duties of peace officer —**  
4 **magistrate.**

5     1. A peace officer shall use every reasonable means to  
6 enforce an order or court-approved consent agreement entered  
7 under this chapter, an order that establishes conditions  
8 of release or is a protective order or sentencing order in  
9 a criminal prosecution arising from a sexual abuse, or a  
10 protective order under chapter 232. If a peace officer has  
11 reason to believe that sexual abuse has occurred, the peace  
12 officer shall ask the abused person if any prior orders  
13 exist, and shall contact the twenty-four-hour dispatcher to  
14 inquire if any prior orders exist. If a peace officer has  
15 probable cause to believe that a person has violated an order  
16 or approved consent agreement entered under this chapter,  
17 an order establishing conditions of release or a protective  
18 or sentencing order in a criminal prosecution arising from  
19 sexual abuse, or, if the person is an adult, a violation  
20 of a protective order under chapter 232, the peace officer  
21 shall take the person into custody and shall take the person  
22 without unnecessary delay before the nearest or most accessible  
23 magistrate in the judicial district in which the person was  
24 taken into custody. The magistrate shall make an initial  
25 preliminary determination whether there is probable cause to  
26 believe that an order or consent agreement existed and that  
27 the person taken into custody has violated its terms. The  
28 magistrate's decision shall be entered in the record.

29     2. If a peace officer has probable cause to believe that  
30 a person has violated an order or approved consent agreement  
31 entered under this chapter, an order establishing conditions  
32 of release or a protective or sentencing order in a criminal  
33 prosecution arising from a sexual abuse, or a protective order  
34 under chapter 232, and the peace officer is unable to take the  
35 person into custody within twenty-four hours of making the

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1 probable cause determination, the peace officer shall either  
2 request a magistrate to make a determination as to whether a  
3 rule to show cause or arrest warrant should be issued, or refer  
4 the matter to the county attorney.

5 3. If the magistrate finds probable cause, the magistrate  
6 shall order the person to appear either before the court which  
7 issued the original order or approved the consent agreement,  
8 or before the court in the jurisdiction where the alleged  
9 violation took place, at a specified time not less than five  
10 days nor more than fifteen days after the initial appearance  
11 under this section. The magistrate shall cause the original  
12 court to be notified of the contents of the magistrate's order.

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

18 Sec. 16. NEW SECTION. 236A.13 **Prevention of further abuse**  
19 **— notification of rights — arrest — liability.**

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

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

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

33 c. Providing an abused person with immediate and adequate  
34 notice of the person's rights. The notice shall consist of  
35 handing the person a document that includes the telephone

1 numbers of shelters, support groups, and crisis lines operating  
2 in the area and contains a copy of the following statement  
3 written in English and Spanish; asking the person to read the  
4 card; and asking whether the person understands the rights:

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

7 [1] Keeping your attacker away from you, your home, and your  
8 place of work.

9 [2] The right to stay at your home without interference from  
10 your attacker.

11 You have the right to seek help from the court to seek  
12 a protective order with or without the assistance of legal  
13 representation. You have the right to seek help from the  
14 courts without the payment of court costs if you do not have  
15 sufficient funds to pay the costs.

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

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

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

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

27 2. A peace officer is not civilly or criminally liable for  
28 actions pursuant to this section taken reasonably and in good  
29 faith.

30 Sec. 17. NEW SECTION. 236A.14 Prohibition against referral.

31 In a criminal action arising from sexual abuse, the  
32 prosecuting attorney or court shall not refer or order  
33 the parties involved to participate in mediation or other  
34 nonjudicial procedures prior to judicial resolution of the  
35 action.

1     Sec. 18. NEW SECTION. 236A.15 Application for designation  
2 and funding as a provider of services for victims of sexual  
3 abuse.

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

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

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

15     a. Designate and award grants for existing and pilot  
16 programs pursuant to this chapter to provide emergency shelter  
17 services and support services to victims of sexual abuse.

18     b. Design and implement a uniform method of collecting data  
19 from sexual abuse organizations funded under this chapter.

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

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

1 or inexpensive advertising concerning the hotline and its  
2 services.

3 e. Develop, with the assistance of the entity operating  
4 the telephone hotline and other sexual abuse victim services  
5 providers, brochures explaining the rights of victims set  
6 forth under section 236A.13 and the services of the telephone  
7 hotline, and distribute the brochures to law enforcement  
8 agencies, victim service providers, health practitioners,  
9 charitable and religious organizations, and other entities that  
10 may have contact with victims of sexual abuse.

11 2. The department shall consult and cooperate with all  
12 public and private agencies which may provide services  
13 to victims of sexual abuse, including but not limited to  
14 legal services, social services, prospective employment  
15 opportunities, and unemployment benefits.

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

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

22 The department, in cooperation with victim service  
23 providers, shall work with various professional organizations  
24 to encourage organizations to establish training programs for  
25 professionals who work in the area of sexual abuse prevention  
26 and services. Sexual abuse training may include but is not  
27 limited to the following areas:

28 1. The enforcement of both civil and criminal remedies in  
29 sexual abuse matters.

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

31 3. The legal rights and remedies available to sexual abuse  
32 victims, including crime victim compensation.

33 4. Services available to sexual abuse victims including the  
34 sexual abuse telephone hotline.

35 5. The duties of peace officers pursuant to this chapter.

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1 6. Techniques for intervention in sexual abuse cases.

2 Sec. 21. NEW SECTION. 236A.18 Reference to certain criminal  
3 provisions.

4 In addition to the provisions contained in this chapter,  
5 certain criminal penalties and provisions pertaining to sexual  
6 abuse are set forth in chapters 664A and 709 and sections 726.2  
7 and 728.12.

8 Sec. 22. NEW SECTION. 236A.19 Foreign protective orders —  
9 registration — enforcement — immunity.

10 1. As used in this section, "*foreign protective order*" means  
11 a protective order entered by a court of another state, Indian  
12 tribe, or United States territory that would be an order or  
13 court-approved consent agreement entered under this chapter, an  
14 order that establishes conditions of release, or a protective  
15 order or sentencing order in a criminal prosecution arising  
16 from a sexual abuse if it had been entered in Iowa.

17 2. A certified or authenticated copy of a permanent foreign  
18 protective order may be filed with the clerk of the district  
19 court in any county that would have venue if the original  
20 action was being commenced in this state or in which the person  
21 in whose favor the order was entered may be present.

22 a. The clerk shall file foreign protective orders that are  
23 not certified or authenticated, if supported by an affidavit of  
24 a person with personal knowledge, subject to the penalties for  
25 perjury. The person protected by the order may provide this  
26 affidavit.

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

31 3. a. A valid foreign protective order has the same effect  
32 and shall be enforced in the same manner as a protective order  
33 issued in this state whether or not filed with a clerk of court  
34 or otherwise placed in a registry of protective orders.

35 b. A foreign protective order is valid if it meets all of

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1 the following:

2 (1) The order states the name of the protected person and  
3 the person against whom enforcement is sought.

4 (2) The order has not expired.

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

8 (4) The order was issued in accordance with the respondent's  
9 due process rights, either after the respondent was provided  
10 with reasonable notice and an opportunity to be heard before  
11 the court or tribunal that issued the order, or in the case  
12 of an ex parte order, the respondent was granted notice and  
13 opportunity to be heard within a reasonable time after the  
14 order was issued.

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

18 4. A peace officer shall treat a foreign protective order as  
19 a valid legal document and shall make an arrest for a violation  
20 of the foreign protective order in the same manner that a peace  
21 officer would make an arrest for a violation of a protective  
22 order issued within this state.

23 *a.* The fact that a foreign protective order has not been  
24 filed with the clerk of court or otherwise placed in a registry  
25 shall not be grounds to refuse to enforce the terms of the  
26 order unless it is apparent to the officer that the order is  
27 invalid on its face.

28 *b.* A peace officer acting reasonably and in good faith in  
29 connection with the enforcement of a foreign protective order  
30 shall be immune from civil and criminal liability in any action  
31 arising in connection with such enforcement.

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

34 **Sec. 23. NEW SECTION. 236A.20 Mutual protective orders**  
35 **prohibited — exceptions.**

1 A court in an action under this chapter shall not issue  
2 mutual protective orders against the victim and the abuser  
3 unless both file a petition requesting a protective order.

4 Sec. 24. Section 331.424, subsection 1, paragraph a,  
5 subparagraph (6), Code 2017, is amended to read as follows:

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

22 Sec. 25. Section 507B.4, subsection 3, paragraph g,  
23 subparagraph (3), Code 2017, is amended to read as follows:

24 (3) Making or permitting any discrimination in the sale of  
25 insurance solely on the basis of domestic abuse as defined in  
26 [section 236.2](#) or sexual abuse as defined in section 236A.2.

27 Sec. 26. Section 664A.1, subsection 2, Code 2017, is amended  
28 to read as follows:

29 2. "*Protective order*" means a protective order issued  
30 pursuant to [chapter 232](#), a court order or court-approved  
31 consent agreement entered pursuant to [this chapter](#) or chapter  
32 235F, a court order or court-approved consent agreement entered  
33 pursuant to [chapter 236](#) or 236A, including a valid foreign  
34 protective order under [section 236.19](#), [subsection 3](#), or section  
35 236A.19, [subsection 3](#), a temporary or permanent protective

1 order or order to vacate the homestead under [chapter 598](#), or an  
2 order that establishes conditions of release or is a protective  
3 order or sentencing order in a criminal prosecution arising  
4 from a domestic abuse assault under [section 708.2A](#), or a civil  
5 injunction issued pursuant to [section 915.22](#).

6 Sec. 27. Section 664A.2, subsection 2, Code 2017, is amended  
7 to read as follows:

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

12 Sec. 28. Section 664A.3, subsection 1, unnumbered paragraph  
13 1, Code 2017, is amended to read as follows:

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

21 Sec. 29. Section 664A.3, subsection 2, Code 2017, is amended  
22 to read as follows:

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

29 Sec. 30. Section 664A.4, subsection 2, Code 2017, is amended  
30 to read as follows:

31 2. The clerk of the district court shall provide a notice  
32 and copy of the no-contact order to the appropriate law  
33 enforcement agencies and the twenty-four-hour dispatcher for  
34 the law enforcement agencies in the same manner as provided  
35 in [section 235F.6](#), or 236.5, or 236A.7, as applicable. The



1 clerk of the district court shall provide a notice and copy of  
2 a modification or vacation of a no-contact order in the same  
3 manner.

4 Sec. 31. Section 664A.5, Code 2017, is amended to read as  
5 follows:

6 **664A.5 Modification — entry of permanent no-contact order.**

7 If a defendant is convicted of, receives a deferred judgment  
8 for, or pleads guilty to a public offense referred to in  
9 section 664A.2, subsection 1, or is held in contempt for a  
10 violation of a no-contact order issued under [section 664A.3](#)  
11 or for a violation of a protective order issued pursuant to  
12 chapter 232, [235F](#), [236](#), [236A](#), [598](#), or [915](#), the court shall  
13 either terminate or modify the temporary no-contact order  
14 issued by the magistrate. The court may enter a no-contact  
15 order or continue the no-contact order already in effect for  
16 a period of five years from the date the judgment is entered  
17 or the deferred judgment is granted, regardless of whether the  
18 defendant is placed on probation.

19 Sec. 32. Section 664A.7, subsections 1, 3, and 5, Code 2017,  
20 are amended to read as follows:

21 1. Violation of a no-contact order issued under [this chapter](#)  
22 or a protective order issued pursuant to [chapter 232](#), [235F](#),  
23 [236](#), [236A](#), or [598](#), including a modified no-contact order, is  
24 punishable by summary contempt proceedings.

25 3. If convicted of or held in contempt for a violation  
26 of a no-contact order or a modified no-contact order for a  
27 public offense referred to in [section 664A.2, subsection 1](#),  
28 or held in contempt of a no-contact order issued during a  
29 contempt proceeding brought pursuant to [section 236.11](#) or  
30 [236A.12](#), the person shall be confined in the county jail for  
31 a minimum of seven days. A jail sentence imposed pursuant  
32 to [this subsection](#) shall be served on consecutive days. No  
33 portion of the mandatory minimum term of confinement imposed  
34 by [this subsection](#) shall be deferred or suspended. A deferred  
35 judgment, deferred sentence, or suspended sentence shall not

1 be entered for a violation of a no-contact order, modified  
2 no-contact order, or protective order and the court shall not  
3 impose a fine in lieu of the minimum sentence, although a fine  
4 may be imposed in addition to the minimum sentence.

5 5. Violation of a no-contact order entered for the offense  
6 or alleged offense of domestic abuse assault in violation  
7 of [section 708.2A](#) or a violation of a protective order  
8 issued pursuant to [chapter 232](#), [235F](#), [236](#), [236A](#), [598](#), or [915](#)  
9 constitutes a public offense and is punishable as a simple  
10 misdemeanor. Alternatively, the court may hold a person  
11 in contempt of court for such a violation, as provided in  
12 subsection 3.

13 Sec. 33. Section 915.22, subsection 5, Code 2017, is amended  
14 to read as follows:

15 5. The clerk of the district court shall provide notice  
16 and copies of restraining orders issued pursuant to this  
17 section in a criminal case involving an alleged violation of  
18 section 708.2A to the applicable law enforcement agencies and  
19 the ~~twenty-four hour~~ twenty-four-hour dispatcher for the law  
20 enforcement agencies, in the manner provided for protective  
21 orders under [section 236.5](#) or [236A.7](#). The clerk shall provide  
22 notice and copies of modifications or vacations of these orders  
23 in the same manner.

24 Sec. 34. Section 915.50, unnumbered paragraph 1, Code 2017,  
25 is amended to read as follows:

26 In addition to other victim rights provided in [this chapter](#),  
27 victims of domestic abuse and sexual abuse shall have the  
28 following rights:

29 Sec. 35. Section 915.50, subsections 1 and 2, Code 2017, are  
30 amended to read as follows:

31 1. The right to file a pro se petition for relief from  
32 domestic abuse and sexual abuse in the district court, pursuant  
33 to [sections 236.3 through 236.10](#) and sections 236A.3 through  
34 236A.11.

35 2. The right, pursuant to [section sections 236.12](#), and

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1 236A.13, for law enforcement to remain on the scene, to  
2 assist the victim in leaving the scene, to assist the victim  
3 in obtaining transportation to medical care, and to provide  
4 the person with a written statement of victim rights and  
5 information about domestic abuse and sexual abuse shelters,  
6 support services, and crisis lines.

7 Sec. 36. NEW SECTION. 915.52 **Protective order victim**  
8 **notification system.**

9 1. An automated protective order victim notification system  
10 is established within the crime victim assistance division  
11 of the department of justice to assist public officials in  
12 informing registered victims of domestic abuse and sexual abuse  
13 pursuant to chapters 236 and 236A, the families of victims,  
14 and other interested persons of the date and time of service  
15 of a protective order upon respondents who are the subjects of  
16 protective orders and of the expiration dates of the protective  
17 orders. The system shall also have the capability to notify  
18 victims of the expiration of the protective orders thirty days  
19 prior to their expiration dates.

20 2. The automated protective order victim notification  
21 system shall disseminate the information to registered users  
22 through telephonic, electronic, or other means of access.

23 3. A law enforcement agency or any other public or private  
24 agency responsible for serving civil protective orders  
25 shall enter the date and time of the service of a protective  
26 order into the Iowa court information system or other secure  
27 electronic database intended only for law enforcement use  
28 within twenty-four hours of service of the protective order  
29 upon a respondent in a domestic abuse or sexual abuse case  
30 pursuant to chapter 236 or 236A. A law enforcement agency or  
31 any other public or private agency responsible for serving  
32 civil protective orders which has made a good-faith effort to  
33 serve a protective order upon a respondent and which is unable  
34 to comply with the requirements of this subsection shall notify  
35 the appropriate clerk of the district court, who shall, if

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1 possible, enter such information into the automated protective  
2 order victim notification system.

3 4. The standard forms prescribed by the department of  
4 justice to be used by victims of domestic abuse and sexual  
5 abuse pursuant to chapters 236 and 236A shall include a  
6 space to allow victims to register for service of process and  
7 expiration notifications pursuant to this section.

8 5. For the purposes of this section, *“registered”* means  
9 having provided the county attorney with the victim’s written  
10 request for registration and current mailing address and  
11 telephone number. *“Registered”* also means having provided the  
12 county attorney notice in writing that the victim has filed a  
13 request for registration with the automated protective order  
14 victim notification system established in this section.

15 Sec. 37. Section 915.94, Code 2017, is amended to read as  
16 follows:

17 **915.94 Victim compensation fund.**

18 A victim compensation fund is established as a separate fund  
19 in the state treasury. Moneys deposited in the fund shall  
20 be administered by the department and dedicated to and used  
21 for the purposes of [section 915.41](#) and [this subchapter](#). In  
22 addition, the department may use moneys from the fund for the  
23 purpose of the department’s prosecutor-based victim service  
24 coordination, including the duties defined in [sections 910.3](#)  
25 and [910.6](#) and [this chapter](#), for the award of funds to programs  
26 that provide services and support to victims of domestic abuse  
27 ~~or sexual assault~~ as provided in [chapter 236](#), to victims of  
28 sexual abuse as provided in chapter 236A, to victims under  
29 section 710A.2, for reimbursement to the Iowa law enforcement  
30 academy for domestic abuse and human trafficking training, and  
31 for the support of an automated victim notification system  
32 established in [section 915.10A](#). For each fiscal year, the  
33 department may also use up to three hundred thousand dollars  
34 from the fund to provide training for victim service providers,  
35 to provide training for related professionals concerning

1 victim service programming, and to provide training concerning  
2 homicide, domestic assault, sexual assault, stalking,  
3 harassment, and human trafficking as required by section  
4 710A.6. Notwithstanding [section 8.33](#), any balance in the fund  
5 on June 30 of any fiscal year shall not revert to the general  
6 fund of the state.>  
7 \_\_\_\_\_. Title page, by striking lines 1 and 2 and inserting  
8 <An Act relating to civil protective orders in domestic abuse  
9 and sexual abuse cases, and making penalties and remedies  
10 applicable.>>

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HEARTSILL of Marion