

Senate File 426

S-3218

1 Amend Senate File 426 as follows:

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

4 <Section 1. Section 235B.2, subsection 5, paragraph a, Code  
5 2019, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (4) (a) Personal degradation of a  
7 dependent adult by a caretaker.

8 (b) (i) "*Personal degradation*" means a willful act or  
9 statement by a caretaker intended to shame, degrade, humiliate,  
10 or otherwise harm the personal dignity of a dependent adult, or  
11 where the caretaker knew or reasonably should have known the  
12 act or statement would cause shame, degradation, humiliation,  
13 or harm to the personal dignity of a reasonable person.

14 "*Personal degradation*" includes the taking, transmission,  
15 or display of an electronic image of a dependent adult by a  
16 caretaker, where the caretaker's actions constitute a willful  
17 act or statement intended to shame, degrade, humiliate, or  
18 otherwise harm the personal dignity of the dependent adult, or  
19 where the caretaker knew or reasonably should have known the  
20 act would cause shame, degradation, humiliation, or harm to the  
21 personal dignity of a reasonable person.

22 (ii) "*Personal degradation*" does not include any of the  
23 following:

24 (A) The taking, transmission, or display of an electronic  
25 image of a dependent adult for the purpose of reporting  
26 dependent adult abuse to law enforcement, the department,  
27 or any other regulatory agency that oversees caretakers or  
28 enforces abuse or neglect provisions, or for the purpose of  
29 treatment or diagnosis or as part of an ongoing investigation.

30 (B) The taking, transmission, or display of an electronic  
31 image by a caretaker who takes, transmits, or displays the  
32 electronic image in accordance with the confidentiality policy  
33 and release of information or consent policies of a contractor,  
34 employer, or facility or program not covered under section  
35 235E.1, subsection 5, paragraph "a", subparagraph (3).

SF426.2345 (2) 88

(amending this SF 426 to CONFORM to HF 569)

1 (C) A statement by a caretaker who is the spouse of a  
2 dependent adult that is not intended to shame, degrade,  
3 humiliate, or otherwise harm the personal dignity of the  
4 dependent adult spouse.

5 Sec. 2. Section 235B.3, subsection 1, paragraph c, Code  
6 2019, is amended to read as follows:

7 c. A report of dependent adult abuse that meets the  
8 definition of dependent adult abuse under section 235B.2,  
9 subsection 5, paragraph "a", subparagraph (1), subparagraph  
10 division (a) or (d), or section 235B.2, subsection 5, paragraph  
11 "a", subparagraph (4), which the department determines is  
12 minor, isolated, and unlikely to reoccur shall be collected  
13 and maintained by the department as an assessment only for  
14 a five-year period and shall not be included in the central  
15 registry and shall not be considered to be founded dependent  
16 adult abuse. However, a subsequent report of dependent adult  
17 abuse that meets the definition of dependent adult abuse under  
18 section 235B.2, subsection 5, paragraph "a", subparagraph  
19 (1), subparagraph division (a) or (d), or section 235B.2,  
20 subsection 5, paragraph "a", subparagraph (4), that occurs  
21 within the five-year period and that is committed by the  
22 caretaker responsible for the act or omission which was the  
23 subject of the previous report of dependent adult abuse which  
24 the department determined was minor, isolated, and unlikely to  
25 reoccur shall not be considered minor, isolated, and unlikely  
26 to reoccur.>

27 2. Title page, by striking lines 1 through 4 and inserting  
28 <An Act relating to personal degradation of a dependent adult  
29 as a form of dependent adult abuse by a caretaker regulated  
30 by the department of human services, and making penalties  
31 applicable.>

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JAKE CHAPMAN