

H-8346

1 Amend House File 2704 as follows:

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

4 <DIVISION I

5 VICTIM COUNSELORS

6 Section 1. Section 915.20A, subsection 1, paragraphs a and
7 d, Code 2026, are amended to read as follows:

8 a. "*Confidential communication*" means information shared
9 between a crime victim and a victim counselor within the
10 counseling relationship, and includes all information received
11 by the counselor and any advice, report, or working paper given
12 to or prepared by the counselor in the course of the counseling
13 relationship with the victim. "*Confidential information*" is
14 confidential information ~~which~~ that, so far as the victim is
15 aware, is not disclosed to a third party with the exception
16 of a person present in the consultation for the purpose
17 of furthering the interest of the victim, a person to whom
18 disclosure is reasonably necessary for the transmission of the
19 information, or a person with whom disclosure is necessary
20 for accomplishment of the purpose for which the counselor is
21 consulted by the victim, or as may be required by this section.

22 d. "*Victim counselor*" means a person who is engaged in a
23 crime victim center, is certified as a counselor by the crime
24 victim center, and is under the control of a direct services
25 supervisor of a crime victim center, whose primary purpose
26 is the rendering of advice, counseling, and assistance to
27 the victims of crime. To qualify as a "~~victim counselor~~"
28 victim counselor under this section, the person must also have
29 completed at least twenty hours of training provided by the
30 center in which the person is engaged, ~~by the Iowa organization~~
31 ~~of victim assistance, by the Iowa coalition against sexual~~
32 ~~assault, or by the Iowa coalition against domestic violence,~~
33 or by an organization under contract with the department
34 to provide training, which training shall include but not
35 be limited to the dynamics of victimization, substantive

1 laws relating to violent crime, human trafficking, sexual
2 assault, and domestic violence, crisis intervention techniques,
3 communication skills, working with diverse populations, an
4 overview of the state criminal justice system, information
5 regarding pertinent hospital procedures, and information
6 regarding state and community resources for victims of crime.

7 Sec. 2. Section 915.20A, subsections 2 and 5, Code 2026, are
8 amended to read as follows:

9 2. A victim counselor shall not be compelled to produce
10 confidential communications or confidential information or be
11 examined or required to give evidence in any civil or criminal
12 proceeding as to any confidential communication or confidential
13 information made by a victim to the counselor, nor shall a
14 clerk, secretary, stenographer, or any other employee who types
15 or otherwise prepares or manages the confidential reports or
16 working papers of a victim counselor be required to produce
17 evidence of any such confidential communication or confidential
18 information, unless the except under any of the following
19 circumstances:

20 a. The victim waives this privilege in writing ~~or~~
21 disclosure.

22 b. Disclosure of the information is compelled by a court
23 pursuant to subsection 7. Under no circumstances shall the
24 location of a crime victim center or the identity of the victim
25 counselor be disclosed in any civil or criminal proceeding.

26 5. The privilege under this section does not apply in
27 matters of proof concerning the chain of custody of evidence,
28 or in matters of proof concerning the physical appearance
29 of the victim at the time of the injury or the counselor's
30 first contact with the victim after the injury, ~~or where the~~
31 ~~counselor has reason to believe that the victim has given~~
32 ~~perjured testimony and the defendant or the state has made an~~
33 ~~offer of proof that perjury may have been committed.~~

34 DIVISION II

35 PROTECTIVE ORDERS

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 provided, however, that another person may appear on the
2 victim's behalf.

3 d. A court may grant an order of protection pursuant to
4 this section for any length of time, including for a victim's
5 lifetime.

6 e. An order of protection granted pursuant to this section
7 shall continue until the expiration provided in the order,
8 if any, or until modified or rescinded upon a motion by the
9 victim.

10 DIVISION III

11 SEX OFFENDER REGISTRATION

12 Sec. 4. Section 692A.104, subsections 1, 2, 3, 5, 7, and 8,
13 Code 2026, are amended to read as follows:

14 1. A sex offender shall appear in person to register with
15 the sheriff of each county where the offender has a residence,
16 maintains employment, or is in attendance as a student, within
17 ~~five~~ three business days of being required to register under
18 section 692A.103 by providing all relevant information to
19 the sheriff. A sheriff shall accept the registration of any
20 person who is required to register in the county pursuant to
21 the provisions of [this chapter](#).

22 2. A sex offender shall, within ~~five~~ three business days of
23 changing a residence, employment, or attendance as a student,
24 appear in person to notify the sheriff of each county where a
25 change has occurred.

26 3. A sex offender shall, within ~~five~~ three business days
27 of a change in relevant information, other than relevant
28 information enumerated in [subsection 2](#), notify the sheriff of
29 the county where the principal residence of the offender is
30 maintained about the change to the relevant information. The
31 department shall establish by rule what constitutes proper
32 notification under [this subsection](#).

33 5. A sex offender shall, within ~~five~~ three business days of
34 the establishment of a residence, employment, or attendance as
35 a student in another jurisdiction, appear in person to notify

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 the sheriff of the county where the principal residence of the
2 offender is maintained, about the establishment of a residence,
3 employment, or attendance in another jurisdiction. A sex
4 offender shall, within ~~five~~ three business days of establishing
5 a new residence, employment, or attendance as a student in
6 another jurisdiction, register with the registering agency of
7 the other jurisdiction, if the offender is required to register
8 under the laws of the other jurisdiction. The department shall
9 notify the registering agency in the other jurisdiction of the
10 sex offender's new residence, employment, or attendance as a
11 student in the other jurisdiction.

12 7. Except as provided in [subsection 8](#), the initial or
13 subsequent registration and any notifications required in
14 subsections 1, 2, 4, 5, and 6 shall be by appearance at the
15 sheriff's office and completion of the initial or subsequent
16 registration or notification shall be on a printed form, which
17 shall be signed and dated by the sex offender. If the sheriff
18 uses an electronic form to complete the initial registration
19 or notification, the electronic form shall be printed upon
20 completion and signed and dated by the sex offender. The
21 sheriff shall transmit the registration or notification form
22 completed by the sex offender within ~~five~~ three business days
23 by paper copy, or electronically, using procedures established
24 by the department by rule.

25 8. The collection of relevant information by a court or
26 releasing agency under [section 692A.109](#) shall serve as the sex
27 offender's initial or subsequent registration for purposes of
28 this section. However, the sex offender shall register by
29 appearing in person in the county of residence to verify the
30 offender's arrival and relevant information. The court or
31 releasing agency shall forward a copy of the registration to
32 the department within ~~five~~ three business days of completion
33 of registration using procedures established by the department
34 by rule.

35 Sec. 5. Section 692A.105, Code 2026, is amended to read as

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 follows:

2 **692A.105 Additional registration requirements — temporary**
3 **lodging.**

4 In addition to the registration provisions specified in
5 section 692A.104, a sex offender, within ~~five~~ three business
6 days of a change, shall also appear in person to notify
7 the sheriff of the county of principal residence, of any
8 location in which the offender is staying when away from the
9 principal residence of the offender for more than five days, by
10 identifying the location and the period of time the offender is
11 staying in such location.

12 **Sec. 6. NEW SECTION. 692A.105A Additional registration**
13 **requirements.**

14 In addition to the registration provisions specified in
15 section 692A.104, a sex offender, within three business days
16 of a change, shall also appear in person to notify the sheriff
17 of the county of the sex offender's principal residence of the
18 following:

19 1. The name, address, and telephone number of the sex
20 offender's place of employment, and any changes to such
21 information.

22 2. The license plate number and a physical description,
23 including make, model, and color, of any vehicle owned or
24 regularly operated by the sex offender.

25 **DIVISION IV**

26 **SEXUAL ABUSE — RIGHTS**

27 **Sec. 7. Section 709.10, subsections 6 and 7, Code 2026, are**
28 **amended to read as follows:**

29 6. The law enforcement agency shall store the kit in a
30 clean, dry location for a minimum of ~~fifteen~~ twenty years, or
31 in the case of a minor victim for ~~a minimum of fifteen years~~
32 ~~after the minor reaches the age of majority~~ the lifetime of the
33 minor victim, even if the reported victim of sexual abuse has
34 not filed a criminal complaint.

35 7. Prior to the disposal of a kit by a law enforcement

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 agency, the law enforcement agency shall notify the reported
2 victim ~~of~~ in writing not fewer than sixty days before the
3 intended date of disposal of the kit, the reason for disposal
4 of the kit, and the options that remain available for retention
5 and analysis of the kit, if any. The law enforcement agency
6 shall obtain written approval from the appropriate county
7 attorney and retain that approval in the victim's case file
8 prior to disposal. Any kit disposed of shall be documented
9 by a law enforcement agency in the kit tracking system within
10 forty-eight hours of disposal. Upon written request of the
11 reported victim, the law enforcement agency shall grant further
12 preservation of the kit or its probative contents.

13 Sec. 8. Section 709.22, subsection 1, paragraph c, Code
14 2026, is amended to read as follows:

15 c. Providing a victim with immediate and adequate notice
16 of the victim's rights. The notice shall consist of handing
17 the victim a document that includes the telephone numbers of
18 shelters, support groups, and crisis lines operating in the
19 area and contains the following statement of rights written in
20 English and Spanish; asking the victim to read the document;
21 and asking whether the victim understands the rights:

22 [1] You have the right to ask the court for help with any of
23 the following on a temporary basis:

24 [a] Keeping your attacker away from you, your home, and your
25 place of work.

26 [b] The right to stay at your home without interference from
27 your attacker.

28 [c] The right to seek a no-contact order under [section 664A.3](#)
29 or [915.22](#), if your attacker is arrested for sexual assault.

30 [2] You have the right to register as a victim with the
31 county attorney under [section 915.12](#).

32 [3] You have the right to file a complaint for threats,
33 assaults, or other related crimes.

34 [4] You have the right to seek restitution against your
35 attacker for harm to you or your property.

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 [5] You have the right to apply for victim compensation.

2 [6] You have the right to contact the county attorney or
3 local law enforcement to determine the status of your case.

4 [7] If you are in need of medical treatment, you have
5 the right to request that the officer present assist you in
6 obtaining transportation to the nearest hospital or otherwise
7 assist you.

8 [8] You have the right to a sexual assault examination
9 performed at state expense. You have the right not to be
10 prevented from receiving a sexual assault examination. If you
11 choose to have a sexual assault examination:

12 [a] You have the right to have a sexual assault examination
13 kit or its probative contents preserved, without charge, for
14 twenty years, or in the case of a minor victim for the lifetime
15 of the minor victim, even if you do not file a criminal
16 complaint, pursuant to section 709.10, subsection 6.

17 [b] You have the right to be informed of any results of a
18 sexual assault examination kit if such disclosure would not
19 impede or compromise an ongoing investigation.

20 [c] You have the right to be informed of the status and
21 location of a sexual assault examination kit.

22 [d] At least sixty days prior to the intended disposal of
23 a sexual assault examination kit, you have the right to be
24 notified in writing by a law enforcement agency of the intended
25 disposal. This is so that you can make a written request for
26 further preservation of the kit or its probative contents.

27 [e] In order to notify a victim, the law enforcement
28 office that has custody of the sexual assault examination kit
29 must verify the victim's physical address. A victim must
30 notify the law enforcement office with custody of the sexual
31 assault examination kit of any change to the victim's contact
32 information.

33 [9] You have the right to request the presence of a victim
34 counselor, as defined in [section 915.20A](#), at any proceeding
35 related to an assault including a medical examination.

1 [10] If you believe that police protection is needed for your
2 physical safety, you have the right to request that the officer
3 present remain at the scene until you and other affected
4 parties can leave or until safety is otherwise ensured.

5 DIVISION V

6 MENTAL COMPETENCY

7 Sec. 9. Section 812.8, subsections 4 and 8, Code 2026, are
8 amended to read as follows:

9 4. a. Upon receiving a notification under [this section](#), the
10 court shall schedule a hearing to be held within fourteen days.
11 Within ten days of receiving notice, a party may request a
12 separate independent psychiatric evaluation to be performed by
13 a psychiatrist or licensed, doctorate-level psychologist of the
14 party's own choosing. The requesting party must file notice
15 of intent to seek such evaluation before the scheduled hearing
16 and proceedings shall be stayed until such separate evaluation
17 is completed. Upon receipt of the independent expert's report,
18 the requesting party shall file notice of receipt of that
19 report with the court. The court shall schedule a hearing to
20 be held within fourteen days of receipt of notice. The court
21 shall also issue an order to transport the defendant to the
22 hearing if the defendant is in custody or is being held in
23 an inpatient facility. The defendant shall be transported
24 by the sheriff of the county where the court's motion or the
25 application pursuant to [section 812.3](#) was filed.

26 b. Following the submission of an initial evaluation finding
27 that there is no substantial probability that the defendant
28 will be restored to competency in a reasonable amount of time
29 and provided the defendant is otherwise eligible for pretrial
30 release, the defendant may request a bond review hearing. In
31 determining the conditions, if any, of the defendant's release,
32 the court shall consider whether the defendant is likely to
33 voluntarily participate in the second evaluation as a factor in
34 setting bond or other conditions of release.

35 c. Upon receipt of the second evaluation, or upon expiration

1 of the time period for obtaining a second evaluation, the court
2 shall schedule and hold a hearing to determine the defendant's
3 competency status. At the hearing, the court shall make one of
4 the following findings:

5 (1) The defendant is competent to stand trial.

6 (2) The defendant is not currently competent but there is a
7 substantial probability that the defendant will be restored to
8 competency within a reasonable period of time.

9 (3) The defendant is not competent and there is no
10 substantial probability that the defendant will be restored to
11 competency within a reasonable period of time.

12 8. If the court finds by a preponderance of the evidence
13 that there is no substantial probability the defendant's
14 competency will be restored in a reasonable amount of time,
15 the court shall terminate the commitment under [section 812.6](#)
16 in accordance with the provisions of [section 812.9](#) and, if the
17 person is charged with a forcible felony, set the matter for
18 commencement of civil proceedings. A charge of a forcible
19 felony shall be deemed a recent overt act for purposes of civil
20 commitment proceedings under chapter 229.

21 DIVISION VI

22 RESTITUTION

23 Sec. 10. Section 602.8107, subsection 2, paragraph c, Code
24 2026, is amended to read as follows:

25 c. Payments received under [this section](#) shall be applied in
26 the following priority order:

27 (1) Pecuniary damages as defined in section 910.1,
28 subsection 6.

29 (2) Fines or penalties and the crime services surcharge.

30 ~~(3) Crime victim compensation program reimbursement.~~

31 ~~(4)~~ (3) Court costs, court-appointed attorney fees, or
32 public defender expenses.

33 Sec. 11. Section 910.1, subsections 1 and 2, Code 2026, are
34 amended to read as follows:

35 1. "Category "A" restitution" means fines, penalties,

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 payment of crime victim compensation program reimbursements,
2 and surcharges.

3 2. "*Category "B" restitution*" means the contribution of
4 funds to a local anticrime organization ~~which~~ that provided
5 assistance to law enforcement in an offender's case, ~~the~~
6 ~~payment of crime victim compensation program reimbursements,~~
7 payment of restitution to public agencies pursuant to
8 section 321J.2, subsection 13, paragraph "b", court costs,
9 court-appointed attorney fees ordered pursuant to section
10 815.9, including the expense of a public defender, and payment
11 to the medical assistance program pursuant to [chapter 249A](#) for
12 expenditures paid on behalf of the victim resulting from the
13 offender's criminal activities including investigative costs
14 incurred by the Medicaid fraud control unit pursuant to section
15 249A.50.

16 Sec. 12. Section 910.1, Code 2026, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 2A. "*Crime victim compensation program*"
19 means the program established in sections 915.80 through
20 915.94 that provides financial assistance to crime victims for
21 out-of-pocket expenses resulting from criminal acts.

22 NEW SUBSECTION. 2B. "*Crime victim compensation program*
23 *reimbursements*" means amounts a court has ordered a defendant
24 to pay to the crime victim compensation program to reimburse
25 the program for amounts the program expended to assist the
26 defendant's victim with out-of-pocket expenses incurred as a
27 result of the defendant's criminal actions. Reimbursements
28 shall be made in accordance with this chapter and chapter 915.

29 Sec. 13. Section 910.2, subsection 1, paragraph c, Code
30 2026, is amended to read as follows:

31 c. In structuring a plan of restitution, the plan of payment
32 shall provide for payments in the following order of priority:

- 33 (1) Pecuniary damages to the victim.
- 34 (2) Category "A" restitution.
- 35 (3) Category "B" restitution in the following order:

HF 2704.3947 (1) 91

(amending this HF 2704 to CONFORM to SF 2379)

1 **b.** The sexual assault forensic examiner program shall
2 provide didactic and clinical training opportunities consistent
3 with the sexual assault forensic examiner education guidelines
4 ~~established~~ approved by the ~~international association of~~
5 ~~forensic nurses~~ federal department of justice, in collaboration
6 with the department of health and human services and the Iowa
7 coalition against sexual assault, in sufficient numbers and
8 geographical locations across the state to assist treatment
9 facilities with training sexual assault examiners and sexual
10 assault nurse examiners.

11 Sec. 18. Section 915.80, subsection 7, Code 2026, is amended
12 to read as follows:

13 7. "*Secondary victim*" means the victim's spouse, children,
14 parents, ~~and~~ siblings, foster parents, custodians, and any
15 person who resides in the victim's household at the time of the
16 crime or at the time of the discovery of the crime. "*Secondary*
17 *victim*" does not include persons who are the survivors of a
18 victim who dies as a result of a crime.>

GUSTOFF of Polk