

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

**A BILL FOR**

1 An Act relating to victim protections including victim  
2 counselors, protective orders, sex offender registration,  
3 rights of sexual abuse victims, mental competency and civil  
4 commitment, restitution, and victim rights.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

VICTIM COUNSELORS

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

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

d. *“Victim counselor”* means a person who is engaged in a crime victim center, is certified as a counselor by the crime victim center, and is under the control of a direct services supervisor of a crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of crime. To qualify as a ~~“victim counselor”~~ victim counselor under this section, the person must also have completed at least twenty hours of training provided by the center in which the person is engaged, ~~by the Iowa organization of victim assistance, by the Iowa coalition against sexual assault, or by the Iowa coalition against domestic violence,~~ or by an organization under contract with the department to provide training, which training shall include but not be limited to the dynamics of victimization, substantive laws relating to violent crime, human trafficking, sexual assault, and domestic violence, crisis intervention techniques, communication skills, working with diverse populations, an

1 overview of the state criminal justice system, information  
2 regarding pertinent hospital procedures, and information  
3 regarding state and community resources for victims of crime.

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

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

17 a. The victim waives this privilege in writing ~~or~~  
18 disclosure.

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

23 c. Failure to disclose is likely to result in a clear,  
24 imminent risk of serious physical injury or death of the victim  
25 or another person.

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 Sec. 3. Section 915.20A, Code 2026, is amended by adding the  
35 following new subsection:

1 NEW SUBSECTION. 10. Any victim counselor or crime victim  
2 center participating in good faith in the disclosure of records  
3 and communications under this section shall have immunity from  
4 any liability, civil or criminal, arising out of a disclosure  
5 under this section. The good faith of the victim counselor or  
6 crime victim center shall be presumed.

7 DIVISION II

8 PROTECTIVE ORDERS

9 Sec. 4. Section 236A.7, subsection 3, Code 2026, is amended  
10 to read as follows:

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

23 b. Notwithstanding paragraph "a", in the sentencing  
24 proceeding for a person convicted of a sexual offense as  
25 provided in section 709.8, 709.8A, 709.11, 709.12, 709.14,  
26 709.15, 709.21, or 709.23, any violation of chapter 710A, or  
27 a violation of section 713.3, subsection 1, paragraph "d", a  
28 prosecutor may request that the criminal court grant the victim  
29 an order of protection to remain in effect for the duration of  
30 the criminal court's jurisdiction over the person. At any time  
31 after the expiration of a criminal court's jurisdiction over a  
32 person against whom an order of protection was granted pursuant  
33 to a request under this paragraph, the victim may:

34 (1) File a petition for an order of protection against the  
35 person.



1 information enumerated in subsection 2, notify the sheriff of  
2 the county where the principal residence of the offender is  
3 maintained about the change to the relevant information. The  
4 department shall establish by rule what constitutes proper  
5 notification under this subsection.

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

20 7. Except as provided in subsection 8, the initial or  
21 subsequent registration and any notifications required in  
22 subsections 1, 2, 4, 5, and 6 shall be by appearance at the  
23 sheriff's office and completion of the initial or subsequent  
24 registration or notification shall be on a printed form, which  
25 shall be signed and dated by the sex offender. If the sheriff  
26 uses an electronic form to complete the initial registration  
27 or notification, the electronic form shall be printed upon  
28 completion and signed and dated by the sex offender. The  
29 sheriff shall transmit the registration or notification form  
30 completed by the sex offender within ~~five~~ three business days  
31 by paper copy, or electronically, using procedures established  
32 by the department by rule.

33 8. The collection of relevant information by a court or  
34 releasing agency under section 692A.109 shall serve as the sex  
35 offender's initial or subsequent registration for purposes of

1 this section. However, the sex offender shall register by  
2 appearing in person in the county of residence to verify the  
3 offender's arrival and relevant information. The court or  
4 releasing agency shall forward a copy of the registration to  
5 the department within ~~five~~ three business days of completion  
6 of registration using procedures established by the department  
7 by rule.

8 Sec. 6. Section 692A.105, Code 2026, is amended to read as  
9 follows:

10 **692A.105 Additional registration requirements — temporary**  
11 **lodging.**

12 In addition to the registration provisions specified in  
13 section 692A.104, a sex offender, within ~~five~~ three business  
14 days of a change, shall also appear in person to notify  
15 the sheriff of the county of principal residence, of any  
16 location in which the offender is staying when away from the  
17 principal residence of the offender for more than five days, by  
18 identifying the location and the period of time the offender is  
19 staying in such location.

20 Sec. 7. NEW SECTION. **692A.105A Additional registration**  
21 **requirements.**

22 In addition to the registration provisions specified in  
23 section 692A.104, a sex offender, within three business days  
24 of a change, shall also appear in person to notify the sheriff  
25 of the county of the sex offender's principal residence of the  
26 following:

27 1. The name, address, and telephone number of the sex  
28 offender's place of employment, and any changes to such  
29 information.

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

33 DIVISION IV

34 SEXUAL ABUSE — RIGHTS

35 Sec. 8. Section 709.10, subsections 6 and 7, Code 2026, are

1 amended to read as follows:

2 6. The law enforcement agency shall store the kit in a  
3 clean, dry location for a minimum of ~~fifteen~~ twenty years, or  
4 in the case of a minor victim for ~~a minimum of fifteen years~~  
5 ~~after the minor reaches the age of majority~~ the lifetime of the  
6 minor victim, even if the reported victim of sexual abuse has  
7 not filed a criminal complaint.

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

21 Sec. 9. Section 709.22, subsection 1, paragraph c, Code  
22 2026, is amended to read as follows:

23 c. Providing a victim with immediate and adequate notice  
24 of the victim's rights. The notice shall consist of handing  
25 the victim a document that includes the telephone numbers of  
26 shelters, support groups, and crisis lines operating in the  
27 area and contains the following statement of rights written in  
28 English and Spanish; asking the victim to read the document;  
29 and asking whether the victim understands the rights:

30 [1] You have the right to ask the court for help with any of  
31 the following on a temporary basis:

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

34 [b] The right to stay at your home without interference from  
35 your attacker.

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

3 [2] You have the right to register as a victim with the  
4 county attorney under section 915.12.

5 [3] You have the right to file a complaint for threats,  
6 assaults, or other related crimes.

7 [4] You have the right to seek restitution against your  
8 attacker for harm to you or your property.

9 [5] You have the right to apply for victim compensation.

10 [6] You have the right to contact the county attorney or  
11 local law enforcement to determine the status of your case.

12 [7] If you are in need of medical treatment, you have  
13 the right to request that the officer present assist you in  
14 obtaining transportation to the nearest hospital or otherwise  
15 assist you.

16 [8] You have the right to a sexual assault examination  
17 performed at state expense. You have the right not to be  
18 prevented from receiving a sexual assault examination. If you  
19 choose to have a sexual assault examination:

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

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

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

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

35 [e] In order to notify a victim, the law enforcement

1 office that has custody of the sexual assault examination kit  
2 must verify the victim's physical address. A victim must  
3 notify the law enforcement office with custody of the sexual  
4 assault examination kit of any change to the victim's contact  
5 information.

6 [9] You have the right to request the presence of a victim  
7 counselor, as defined in section 915.20A, at any proceeding  
8 related to an assault including a medical examination.

9 [10] If you believe that police protection is needed for your  
10 physical safety, you have the right to request that the officer  
11 present remain at the scene until you and other affected  
12 parties can leave or until safety is otherwise ensured.

13 DIVISION V

14 MENTAL COMPETENCY

15 Sec. 10. Section 812.8, subsections 4 and 8, Code 2026, are  
16 amended to read as follows:

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

34 b. Following the submission of an initial evaluation finding  
35 that there is no substantial probability that the defendant

1 will be restored to competency in a reasonable amount of time  
2 and provided the defendant is otherwise eligible for pretrial  
3 release, the defendant may request a bond review hearing. In  
4 determining the conditions, if any, of the defendant's release,  
5 the court shall consider whether the defendant is likely to  
6 voluntarily participate in the second evaluation as a factor in  
7 setting bond or other conditions of release.

8 c. Upon receipt of the second evaluation, or upon expiration  
9 of the time period for obtaining a second evaluation, the court  
10 shall schedule and hold a hearing to determine the defendant's  
11 competency status. At the hearing, the court shall make one of  
12 the following findings:

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

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

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

20 8. If the court finds by a preponderance of the evidence  
21 that there is no substantial probability the defendant's  
22 competency will be restored in a reasonable amount of time,  
23 the court shall terminate the commitment under section 812.6  
24 in accordance with the provisions of section 812.9 and, if the  
25 person is charged with a forcible felony, set the matter for  
26 commencement of civil proceedings. A charge of a forcible  
27 felony shall be deemed a recent overt act for purposes of civil  
28 commitment proceedings under chapter 229.

29 DIVISION VI

30 RESTITUTION

31 Sec. 11. Section 602.8107, subsection 2, paragraph c, Code  
32 2026, is amended to read as follows:

33 c. Payments received under this section shall be applied in  
34 the following priority order:

35 (1) Pecuniary damages as defined in section 910.1,

1 subsection 6.

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

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

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

6 Sec. 12. Section 910.1, subsections 1 and 2, Code 2026, are  
7 amended to read as follows:

8 1. *“Category “A” restitution”* means fines, penalties,  
9 payment of crime victim compensation program reimbursements,  
10 and surcharges.

11 2. *“Category “B” restitution”* means the contribution of  
12 funds to a local anticrime organization ~~which~~ that provided  
13 assistance to law enforcement in an offender’s case, ~~the~~  
14 ~~payment of crime victim compensation program reimbursements,~~  
15 payment of restitution to public agencies pursuant to  
16 section 321J.2, subsection 13, paragraph “b”, court costs,  
17 court-appointed attorney fees ordered pursuant to section  
18 815.9, including the expense of a public defender, and payment  
19 to the medical assistance program pursuant to chapter 249A for  
20 expenditures paid on behalf of the victim resulting from the  
21 offender’s criminal activities including investigative costs  
22 incurred by the Medicaid fraud control unit pursuant to section  
23 249A.50.

24 Sec. 13. Section 910.1, Code 2026, is amended by adding the  
25 following new subsections:

26 NEW SUBSECTION. 2A. *“Crime victim compensation program”*  
27 means the program established in sections 915.80 through  
28 915.94 that provides financial assistance to crime victims for  
29 out-of-pocket expenses resulting from criminal acts.

30 NEW SUBSECTION. 2B. *“Crime victim compensation program*  
31 *reimbursements”* means amounts a court has ordered a defendant  
32 to pay to the crime victim compensation program to reimburse  
33 the program for amounts the program expended to assist the  
34 defendant’s victim with out-of-pocket expenses incurred as a  
35 result of the defendant’s criminal actions. Reimbursements

1 shall be made in accordance with this chapter and chapter 915.

2 Sec. 14. Section 910.2, subsection 1, paragraph c, Code  
3 2026, is amended to read as follows:

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

6 (1) Pecuniary damages to the victim.

7 (2) Category "A" restitution.

8 (3) Category "B" restitution in the following order:

9 ~~(a) Crime victim compensation program reimbursement.~~

10 ~~(b)~~ (a) Public agencies.

11 ~~(c)~~ (b) Court costs.

12 ~~(d)~~ (c) Court-appointed attorney fees ordered pursuant to  
13 section 815.9, including the expense of a public defender.

14 ~~(e)~~ (d) Contribution to a local anticrime organization.

15 ~~(f)~~ (e) The medical assistance program.

16 Sec. 15. Section 910.3, subsection 5, Code 2026, is amended  
17 to read as follows:

18 5. The statement of pecuniary damages shall ordinarily be  
19 provided no later than thirty days after sentencing. However,  
20 a prosecuting attorney may file a statement of pecuniary  
21 damages within a reasonable time after the prosecuting attorney  
22 is notified by a victim or the crime victim compensation  
23 program of any pecuniary damages incurred.

24 Sec. 16. Section 915.80, Code 2026, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 2A. "*Crime victim compensation program*"  
27 means the same as defined in section 910.1.

28 DIVISION VII

29 VICTIM RIGHTS

30 Sec. 17. Section 915.46, subsection 1, paragraph e, Code  
31 2026, is amended to read as follows:

32 e. "*Sexual assault nurse examiner*" means a registered  
33 nurse, an advanced registered nurse practitioner, or an  
34 advanced practice registered nurse, licensed pursuant to  
35 chapter 152 or 152E who has completed a sexual assault forensic

1 examiner program that meets the sexual assault nurse examiner  
2 education guidelines ~~established~~ approved by the ~~international~~  
3 ~~association of forensic nurses~~ department of justice.

4 Sec. 18. Section 915.46, subsection 2, Code 2026, is amended  
5 to read as follows:

6 2. A sexual assault forensic examiner program is  
7 established within the department of justice. The sexual  
8 assault forensic examiner program shall maintain a list of  
9 sexual assault examiners and sexual assault nurse examiners who  
10 have completed didactic and clinical training approved by the  
11 department of justice and consistent with the sexual assault  
12 forensic examiner education guidelines ~~established~~ approved by  
13 the ~~international association of forensic nurses~~ department of  
14 justice.

15 Sec. 19. Section 915.46, subsection 4, paragraph b, Code  
16 2026, is amended to read as follows:

17 b. The sexual assault forensic examiner program shall  
18 provide didactic and clinical training opportunities consistent  
19 with the sexual assault forensic examiner education guidelines  
20 ~~established~~ approved by the ~~international association of~~  
21 ~~forensic nurses~~ department of justice, in collaboration with  
22 the department of health and human services and the Iowa  
23 coalition against sexual assault, in sufficient numbers and  
24 geographical locations across the state to assist treatment  
25 facilities with training sexual assault examiners and sexual  
26 assault nurse examiners.

27 Sec. 20. Section 915.80, subsection 7, Code 2026, is amended  
28 to read as follows:

29 7. "*Secondary victim*" means the victim's spouse, children,  
30 parents, ~~and~~ siblings, foster parents, custodians, and any  
31 person who resides in the victim's household at the time of the  
32 crime or at the time of the discovery of the crime. "*Secondary*  
33 *victim*" does not include persons who are the survivors of a  
34 victim who dies as a result of a crime.

35

EXPLANATION

1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3       This bill relates to victim protections including victim  
4 counselors, protective orders, sex offender registration,  
5 rights of sexual abuse victims, mental competency and civil  
6 commitment, restitution, and victim rights.

7       DIVISION I. The bill provides that a victim counselor, or a  
8 clerk, secretary, stenographer, or any other employee who types  
9 or otherwise prepares or manages the confidential reports or  
10 working papers of a victim counselor, must not be compelled to  
11 produce confidential communications or confidential information  
12 or be examined or required to give evidence concerning any  
13 confidential communication or confidential information made by  
14 a victim to the counselor, except under any of the following  
15 circumstances: the victim waives the privilege in writing,  
16 disclosure of the information is compelled by a court, or  
17 failure to disclose is likely to result in a clear, imminent  
18 risk of serious physical injury or death of the victim or  
19 another person.

20       The bill provides that a victim counselor or crime victim  
21 center participating in good faith in the disclosing of records  
22 and communications under the bill shall have immunity from any  
23 liability, civil or criminal, arising out of a disclosure under  
24 the bill. The good faith of the victim counselor or crime  
25 victim center shall be presumed.

26       DIVISION II. The bill provides that in the sentencing  
27 proceeding for a person convicted of certain sexual offenses a  
28 prosecutor may request that the criminal court grant the victim  
29 an order of protection to remain in effect for the duration of  
30 the criminal court's jurisdiction over the person. After the  
31 expiration of a criminal court's jurisdiction over a person  
32 against whom an order of protection was granted pursuant to a  
33 request under this paragraph, the victim may file a petition  
34 for an order of protection against the person, or submit  
35 evidence of the person's conviction for a sexual offense as

1 cause for the court to grant the order of protection.

2 A court may take judicial notice of the facts that led to a  
3 person's conviction for a sexual offense and a victim is not  
4 required to appear before the court on the victim's petition  
5 for an order of protection. Another person may appear on the  
6 victim's behalf.

7 The bill provides that a court may grant an order of  
8 protection for any length of time, including for a victim's  
9 lifetime. An order of protection continues until the  
10 expiration provided in the order, if any, or until modified or  
11 rescinded upon a motion by the victim.

12 DIVISION III. The bill provides that a sex offender must  
13 appear in person to register with the sheriff of each county  
14 where the offender has a residence, maintains employment, or  
15 is in attendance as a student, within three business days of  
16 being required to register. A sex offender must also notify  
17 the sheriff, within three business days of the following: a  
18 change of residence or employment, a change of attendance as a  
19 student, the establishment of a new residence or employment,  
20 and attendance of school in another jurisdiction.

21 The bill requires a sex offender to appear in person to  
22 notify the sheriff of the county of principal residence of any  
23 location in which the offender is staying when away from the  
24 principal residence of the offender for more than five days by  
25 identifying the location and the period of time the offender is  
26 staying in such location.

27 The bill provides that a sex offender appear in person  
28 to notify the sheriff of the county of the sex offender's  
29 principal residence of the following: the name, address, and  
30 telephone number of the sex offender's place of employment, and  
31 any changes to such information, and the license plate number  
32 and a physical description, including make, model, and color,  
33 of any vehicle owned or regularly operated by the sex offender.

34 DIVISION IV. The bill provides that a law enforcement agency  
35 shall store a sexual abuse evidence collection kit in a clean,

1 dry location for a minimum of 20 years, or in the case of a  
2 minor victim for the lifetime of the minor victim, even if  
3 the reported victim of sexual abuse has not filed a criminal  
4 complaint. Prior to the disposal of a kit by a law enforcement  
5 agency, the law enforcement agency shall notify the reported  
6 victim in writing not fewer than 60 days before the intended  
7 date of disposal of the kit, the reason for disposal of the  
8 kit, and the options that remain available for retention and  
9 analysis of the kit, if any. Upon written request of the  
10 reported victim, the law enforcement agency shall grant further  
11 preservation of the kit or its probative contents.

12 The bill adds additional information to be included in the  
13 document provided to victims explaining the victim's rights  
14 including the following: the right not to be prevented from  
15 receiving a sexual assault examination; the right to have  
16 a sexual assault examination kit or its probative contents  
17 preserved, without charge, for 20 years, or in the case of a  
18 minor victim for the lifetime of the minor victim, even if the  
19 minor victim does not file a criminal complaint; the right to  
20 be informed of any results of a sexual assault examination kit  
21 if such disclosure would not impede or compromise an ongoing  
22 investigation; the right to be informed of the status and  
23 location of a sexual assault examination kit; and the right  
24 to be notified in writing by a law enforcement agency of the  
25 intended disposal of a kit.

26 For notification purposes, the bill requires a victim to  
27 submit the victim's physical address to the law enforcement  
28 office that has custody of the sexual assault examination kit.  
29 A victim must also notify the law enforcement office that has  
30 custody of the sexual assault examination kit of any change to  
31 the victim's contact information.

32 DIVISION V. The bill provides that upon a finding by  
33 an evaluating psychiatrist or licensed doctorate-level  
34 psychologist that there is no substantial probability that  
35 the defendant will be restored to competency in a reasonable

1 amount of time, the court shall schedule a hearing to be held  
2 within 14 days. Within 10 days of receiving notice, a party  
3 may request a separate independent psychiatric evaluation to  
4 be performed by a psychiatrist or licensed, doctorate-level  
5 psychologist of the party's own choosing. The requesting party  
6 must file notice of intent to seek such evaluation before the  
7 scheduled hearing. The requesting party must file notice  
8 of receipt of that report with the court. The court shall  
9 schedule a hearing to be held within 14 days of receipt of  
10 notice.

11 The bill provides that following an initial evaluation  
12 finding that there is no substantial probability that the  
13 defendant will be restored to competency in a reasonable amount  
14 of time and provided the defendant is otherwise eligible for  
15 pretrial release, the defendant may request a bond review  
16 hearing. In determining the conditions, if any, of the  
17 defendant's release, the court shall consider whether the  
18 defendant is likely to voluntarily participate in the second  
19 evaluation as a factor in setting bond or other conditions of  
20 release.

21 The bill provides that after the receipt of a second  
22 evaluation, or upon expiration of the time period for obtaining  
23 a second evaluation, the court shall hold a hearing to  
24 determine the defendant's competency status. At the hearing,  
25 the court shall make one of the following findings: the  
26 defendant is competent to stand trial; the defendant is not  
27 currently competent but there is a substantial probability  
28 that the defendant will be restored to competency within a  
29 reasonable period of time; or the defendant is not competent  
30 and there is no substantial probability that the defendant will  
31 be restored to competency within a reasonable period of time.

32 The bill provides that if the court finds by a preponderance  
33 of the evidence that there is no substantial probability the  
34 defendant's competency will be restored in a reasonable amount  
35 of time, the court shall terminate the commitment and, if the

1 person is charged with a forcible felony, set the matter for  
2 commencement of civil proceedings. A charge of a forcible  
3 felony shall be deemed a recent overt act for purposes of civil  
4 commitment proceedings under Code chapter 229.

5 DIVISION VI. The bill reclassifies the payment of crime  
6 victim compensation program reimbursements as category "A"  
7 restitution rather than category "B" restitution. Category  
8 "A" restitution is ordered without regard to an offender's  
9 reasonable ability to make payments.

10 The bill defines the "crime victim compensation program"  
11 as the program established in Code sections 915.80 through  
12 915.94 that provides financial assistance to crime victims for  
13 out-of-pocket expenses resulting from criminal acts.

14 The bill defines "crime victim compensation program  
15 reimbursements" as the amounts a court has ordered a defendant  
16 to pay to the crime victim compensation program to reimburse  
17 the program for amounts the program expended to assist the  
18 defendant's victim with out-of-pocket expenses incurred as a  
19 result of the defendant's criminal actions.

20 DIVISION VII. The bill provides that a sexual assault nurse  
21 examiner, as defined in Code section 915.46 shall complete a  
22 sexual assault forensic examiner program that meets the sexual  
23 assault nurse examiner education guidelines approved by the  
24 department of justice.

25 The sexual assault forensic examiner program shall maintain  
26 a list of sexual assault examiners and sexual assault nurse  
27 examiners who have completed didactic and clinical training  
28 approved by the department of justice and consistent with the  
29 sexual assault forensic examiner education guidelines approved  
30 by the department of justice.

31 The bill provides that a foster parent or custodian of a  
32 victim may qualify as a secondary victim.