

# Senate File 2335 - Enrolled

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SENATE FILE 2335

## AN ACT

RELATING TO THE RIGHTS OF A VICTIM OF AN ALLEGED SEXUAL ASSAULT  
AND NOTIFICATION OF THESE RIGHTS BY A PEACE OFFICER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 709.22, Code 2007, is amended to read  
as follows:

709.22 PREVENTION OF FURTHER SEXUAL ASSAULT ==  
NOTIFICATION OF RIGHTS.

1. If a peace officer has reason to believe that a sexual  
assault as defined in section 915.40 has occurred, the officer  
shall use all reasonable means to prevent further violence  
including but not limited to the following:

~~1-~~ a. If requested, remaining on the scene of the alleged  
sexual assault as long as there is a danger to the victim's  
physical safety without the presence of a peace officer,  
including but not limited to staying in the dwelling unit or  
residence when it is the scene of the alleged sexual assault,  
or if unable to remain on the scene, assisting the victim in  
leaving the ~~residence~~ scene.

~~2-~~ b. Assisting a victim in obtaining medical treatment  
necessitated by the sexual assault, including providing  
assistance to the victim in obtaining transportation to the  
emergency room of the nearest hospital.

~~3-~~ c. Providing a victim with immediate and adequate  
notice of the victim's rights. The notice shall consist of  
handing the victim a copy of the following statement written  
in English and Spanish, asking the victim to read the  
statement, and asking whether the victim understands the  
rights:

(1) "You have the right to ask the court for help with any  
of the following on a temporary basis:

~~a-~~ (a) Keeping your attacker away from you, your home,  
and your place of work.

~~b-~~ (b) The right to stay at your home without  
interference from your attacker.

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

(2) You have the right to register as a victim with the  
county attorney under section 915.12.

(3) You have the right to file a complaint for threats,  
assaults, or other related crimes.

(4) You have the right to seek restitution against your  
attacker for harm to you or your property.

(5) You have the right to apply for victim compensation.

(6) You have the right to contact the county attorney or  
local law enforcement to determine the status of your case.

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

(8) You have the right to a sexual assault examination  
performed at state expense.

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

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

d. The notice shall also contain the telephone numbers of  
shelters, support groups, and crisis lines operating in the  
area.

~~4-~~ 2. A peace officer is not civilly or criminally liable  
for actions taken in good faith pursuant to this section.

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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2335, Eighty-second General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2008

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CHESTER J. CULVER  
Governor