

Judiciary and Law Enforcement: Clark, Chair: Doderer and Paulin.

Amended for 5/7/84 by D. Pass 2/14 (P 411)

JAN 26 1984

Judiciary & Law Enforcement

HOUSE FILE 2164

BY SHOULTZ, ROSENBERG, CHAPMAN
and BAXTER

Passed House, Date 2-22-84 (P 515) Passed Senate, Date 3-26-84 (P 1057)

Vote: Ayes 92 Nays 0 Vote: Ayes 42 Nays 2

Approved May 11, 1984

A BILL FOR

1 An Act relating to the duties and responsibilities of a peace
2 officer to a victim of domestic abuse and providing a
3 penalty.

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

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HF 2164

1 Section 1. Chapter 236, Code 1983, is amended by adding
2 the following new section:

3 NEW SECTION. 236.12 PREVENTION OF FURTHER ABUSE--
4 NOTIFICATION OF RIGHTS--PENALTY FOR VIOLATION OF POLICE ORDER.

5 1. If a peace officer has reason to believe that domestic
6 abuse has occurred, the officer shall use all reasonable means
7 to prevent further abuse including but not limited to the
8 following:

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

14 b. Assisting an abused person in obtaining medical
15 treatment necessitated by an assault, including providing
16 assistance to the abused person in obtaining transportation
17 to the emergency room of the nearest hospital.

18 c. Providing an abused person with immediate and adequate
19 notice of the person's rights. The notice shall consist of
20 handing the person a copy of the following statement written
21 in English and Spanish, asking the person to read the card
22 and whether the person understands the rights:

23 "You have the right to go to the district court and file
24 a complaint requesting any of the following applicable orders
25 for temporary relief:

26 (1) An order restraining your attacker from abusing you.

27 (2) An order directing your attacker to leave the household
28 or to provide you with suitable alternative housing.

29 (3) An order directing your attacker to stay away from
30 your residence, school, and place of business.

31 (4) An order awarding you custody of a minor child.

32 (5) An order directing your attacker to pay support to
33 you or any minor child in your custody if the attacker has
34 a legal obligation for that support.

35 (6) An order directing that you and your attacker receive

1 professional counseling.

2 You have the right to pursue criminal charges and file
3 a criminal complaint for threats, assaults, or other related
4 crimes.

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

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

11 If you believe that police protection is needed for your
12 physical safety, you have the right to request that the officer
13 present remain at the scene until you and your children can
14 leave or until your safety is otherwise ensured."

15 The notice shall also contain the telephone number of a
16 safe shelter, support group, or crisis line operating in the
17 area.

18 2. A peace officer may, with or without a warrant, take
19 any or all of the following courses of action if the officer
20 has reasonable grounds to believe that there was recent
21 physical domestic abuse inflicted on a person:

22 a. The officer may make reasonable inquiry of the person
23 upon whom the officer believes the harm has been inflicted
24 and of any witnesses, to ascertain whether there is probable
25 danger of further physical domestic abuse being inflicted
26 on the injured person.

27 b. If the officer has reasonable grounds to believe that
28 there is a probable danger, the officer may lawfully order
29 the abusing party to leave the premises for a cooling-off
30 period of up to twelve hours.

31 c. If the abusing party refuses to comply with the order
32 to leave or returns to the premises before the expiration
33 of time ordered by the peace officer, the officer may place
34 the abuser under arrest.

35 The person refusing to comply with the lawful order of

1 a peace officer under this subsection commits a violation
2 of, and is subject to, the provisions of section 719.1.

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

5 EXPLANATION

6 This bill provides for the protection of a victim of
7 domestic abuse by setting out the duties and responsibilities
8 of peace officers, providing for the immediate and adequate
9 notification of the victim's rights, allowing a peace officer
10 to order an abuser to leave the premises, and providing that
11 the refusal to follow such lawful order is a violation of
12 section 719.1.

13 This Act takes effect July 1 following its enactment.

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HOUSE FILE 2164

H-5171

- 1 Amend House File 2164 as follows:
2 1. By striking page 1, line 23, through page 2,
3 line 4, and inserting in lieu thereof the following:
4 "You have the right to ask the court for the
5 following help on a temporary basis:
6 (1) Keeping your attacker away from you, your
7 home and your place of work.
8 (2) The right to stay at your home without
9 interference from your attacker.
10 (3) Getting custody of children and obtaining
11 support for yourself and your minor children if your
12 attacker is legally required to provide such support.
13 (4) Professional counseling.
14 You have the right to file criminal charges for
15 threats, assaults, or other related crimes."
16 2. Page 2, by striking lines 13 through 14 and
17 inserting in lieu thereof the following: "present
18 remain at the scene until you and other affected
19 parties can leave or until safety is otherwise
20 ensured."
21 3. Page 2, by striking lines 15 through 16 and
22 inserting in lieu thereof the following: "The notice
23 shall also contain the telephone numbers of any safe
24 shelters, support groups, or crisis lines operating
25 in the".

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

H-5171 FILED FEB. 15, 1984

Adopted 2/22 (p. 514)

HOUSE FILE 2164

H-5230

- 1 Amend House File 2164 as follows:
2 1. Page 3, by inserting after line 4 the following:
3 "Sec. 2. The department of public safety shall
4 study and recommend to the general assembly by January
5 15, 1985 a proposal to provide for the collection
6 of domestic violence data and statistics, through
7 the use of the uniform crime report or a similar
8 reporting system, and for the dissemination of the
9 data and statistics to the department of human
10 services. The report of the study and recommendations
11 shall include a summary of the data and statistical
12 collection systems instituted by other states or
13 private agencies within the state, specific proposals
14 for funding, the requirements sufficient to insure
15 the confidentiality of data and statistics and other
16 priorities and requirements of any proposed system."

H-5230 FILED FEBRUARY 21, 1984 BY SHOULTZ of Black Hawk

Adopted 2/22 (p. 515)

HOUSE FILE 2164

H-5239

1 Amend House File 2164 as follows:

2 1. Title page, line 2, by striking the words
3 "and providing" and inserting in lieu thereof the
4 following: ", providing".

5 2. Title page, line 3, by inserting after the word
6 "penalty" the following: "and requiring the department
7 of public safety to submit a proposal to the general
8 assembly by January 15, 1985 for the collection of domestic
9 violence data and statistics to be disseminated to the
10 department of human services".

H-5239 FILED FEB. 22, 1984 BY CLARK of Cerro Gordo

ADOPTED BY UNANIMOUS CONSENT

(j.515)

See Judiciary 2/27 Do Pass 3/21 (p. 955)

HOUSE FILE 2164

Judiciary
Mann, Chair
Ritsema
Welsh

HOUSE FILE 2164

BY SHOULTZ, ROSENBERG, CHAPMAN
and BAXTER

(Amended and Passed by the House)

Passed House, Date 4-4-84 (p. 1639) Passed Senate, Date 3-26-84 (p. 1057)

Vote: Ayes 94 Nays _____ Vote: Ayes 42 Nays 2

Approved May 11, 1984

A BILL FOR

1 An Act relating to the duties and responsibilities of a peace
 2 officer to a victim of domestic abuse, providing a
 3 penalty and requiring the department of public safety
 4 to submit a proposal to the general assembly by
 5 January 15, 1985 for the collection of domestic violence
 6 data and statistics to be disseminated to the department
 7 of human services.

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

HOUSE FILE 2164

S-5533

1 Amend House File 2164 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, line 11, by striking the word "any".

S-5533 FILED & ADOPTED BY THOMAS MANN JR.
 MARCH 26, 1984 (p. 1057)

H-5908 SENATE AMENDMENT TO HOUSE FILE 2164

1 Amend House File 2164 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, line 11, by striking the word "any".

H-5908 FILED MARCH 28, 1984

RECEIVED FROM THE SENATE

Have concurred 4/4 (p. 1639)

1 Section 1. Chapter 236, Code 1983, is amended by adding
2 the following new section:

3 NEW SECTION. 236.12 PREVENTION OF FURTHER ABUSE--
4 NOTIFICATION OF RIGHTS--PENALTY FOR VIOLATION OF POLICE ORDER.

5 1. If a peace officer has reason to believe that domestic
6 abuse has occurred, the officer shall use all reasonable means
7 to prevent further abuse including but not limited to the
8 following:

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

14 b. Assisting an abused person in obtaining medical
15 treatment necessitated by an assault, including providing
16 assistance to the abused person in obtaining transportation
17 to the emergency room of the nearest hospital.

18 c. Providing an abused person with immediate and adequate
19 notice of the person's rights. The notice shall consist of
20 handing the person a copy of the following statement written
21 in English and Spanish, asking the person to read the card
22 and whether the person understands the rights:

23 "You have the right to ask the court for the following
24 help on a temporary basis:

25 (1) Keeping your attacker away from you, your home and
26 your place of work.

27 (2) The right to stay at your home without interference
28 from your attacker.

29 (3) Getting custody of children and obtaining support
30 for yourself and your minor children if your attacker is
31 legally required to provide such support.

32 (4) Professional counseling.

33 You have the right to file criminal charges for threats,
34 assaults, or other related crimes.

35 You have the right to seek restitution against your attacker

1 for harm to yourself or your property.

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

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

10 The notice shall also contain the telephone numbers of
5533 11 any safe shelters, support groups, or crisis lines operating
12 in the area.

13 2. A peace officer may, with or without a warrant, take
14 any or all of the following courses of action if the officer
15 has reasonable grounds to believe that there was recent
16 physical domestic abuse inflicted on a person:

17 a. The officer may make reasonable inquiry of the person
18 upon whom the officer believes the harm has been inflicted
19 and of any witnesses, to ascertain whether there is probable
20 danger of further physical domestic abuse being inflicted
21 on the injured person.

22 b. If the officer has reasonable grounds to believe that
23 there is a probable danger, the officer may lawfully order
24 the abusing party to leave the premises for a cooling-off
25 period of up to twelve hours.

26 c. If the abusing party refuses to comply with the order
27 to leave or returns to the premises before the expiration
28 of time ordered by the peace officer, the officer may place
29 the abuser under arrest.

30 The person refusing to comply with the lawful order of
31 a peace officer under this subsection commits a violation
32 of, and is subject to, the provisions of section 719.1.

33 3. A peace officer is not civilly or criminally liable
34 for actions pursuant to this section taken in good faith.

35 Sec. 2. The department of public safety shall study and

1 recommend to the general assembly by January 15, 1985 a
2 proposal to provide for the collection of domestic violence
3 data and statistics, through the use of the uniform crime
4 report or a similiary reporting system, and for the
5 dissemination of the data and statistics to the department
6 of human services. The report of the study and recommendations
7 shall include a summary of the data and statistical collection
8 systems instituted by other states or private agencies within
9 the state, specific proposals for funding, the requirements
10 sufficient to insure the confidentiality of data and statistics
11 and other priorities and requirements of any proposed system.

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HOUSE FILE 2164

AN ACT

RELATING TO THE DUTIES AND RESPONSIBILITIES OF A PEACE OFFICER TO A VICTIM OF DOMESTIC ABUSE, PROVIDING A PENALTY AND REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO SUBMIT A PROPOSAL TO THE GENERAL ASSEMBLY BY JANUARY 15, 1985 FOR THE COLLECTION OF DOMESTIC VIOLENCE DATA AND STATISTICS TO BE DISSEMINATED TO THE DEPARTMENT OF HUMAN SERVICES.

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

Section 1. Chapter 236, Code 1983, is amended by adding the following new section:

NEW SECTION. 236.12 PREVENTION OF FURTHER ABUSE--NOTIFICATION OF RIGHTS--PENALTY FOR VIOLATION OF POLICE ORDER.

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

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

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

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

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

- (1) Keeping your attacker away from you, your home and your place of work.
- (2) The right to stay at your home without interference from your attacker.
- (3) Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.
- (4) Professional counseling.

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

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

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.

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."

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

2. A peace officer may, with or without a warrant, take any or all of the following courses of action if the officer has reasonable grounds to believe that there was recent physical domestic abuse inflicted on a person:

a. The officer may make reasonable inquiry of the person upon whom the officer believes the harm has been inflicted and of any witnesses, to ascertain whether there is probable danger of further physical domestic abuse being inflicted on the injured person.

b. If the officer has reasonable grounds to believe that there is a probable danger, the officer may lawfully order the abusing party to leave the premises for a cooling-off period of up to twelve hours.

c. If the abusing party refuses to comply with the order to leave or returns to the premises before the expiration of time ordered by the peace officer, the officer may place the abuser under arrest.

The person refusing to comply with the lawful order of a peace officer under this subsection commits a violation of, and is subject to, the provisions of section 19.1.

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

Sec. 2. The department of public safety shall study and recommend to the general assembly by January 15, 1985 a proposal to provide for the collection of domestic violence data and statistics, through the use of the uniform crime report or a similar reporting system, and for the dissemination of the data and statistics to the department of human services. The report of the study and recommendations shall include a summary of the data and statistical collection systems instituted by other states or private agencies within the state, specific proposals for funding, the requirements

sufficient to insure the confidentiality of data and statistics and other priorities and requirements of any proposed system.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2164, Seventieth General Assembly

JOSEPH O'BERN
Chief Clerk of the House

Approved May 11, 1984

TERRY E. BRANSTAD
Governor