

REPRINTED

FILED FEB 16 1998

SENATE FILE 2224
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2030)

Passed Senate, ^(p.627) Date 3/11/98 Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring a court to order a person convicted of domestic
2 abuse assault to complete a batterers' treatment program, and
3 to hold such person in contempt for failure to report for or
4 complete treatment, and requiring related reporting of the
5 status of treatment by the judicial district department of
6 correctional services.

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

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S.F. 2224

1 Section 1. Section 708.2A, subsection 9, Code Supplement
2 1997, is amended to read as follows:

3 9. In addition to the mandatory minimum term of
4 confinement imposed by subsection 6, paragraph "a", the court
5 shall order a person convicted under subsection 2 or 3 to
6 participate in and complete a batterers' treatment program as
7 required under section 708.2B. In addition, as a condition of
8 deferring judgment or sentence pursuant to section 907.3, the
9 court shall order the person to participate in and complete a
10 batterers' treatment program. The clerk of the district court
11 shall send a copy of the judgment or deferred judgment to the
12 judicial district department of correctional services. The
13 judicial district department of correctional services shall
14 notify the court when a person has completed a batterers'
15 treatment program, or when a person has failed to report for
16 treatment, or has failed to complete the treatment program.
17 Persons who fail to report for treatment or who fail to
18 complete the treatment program shall be held in contempt of
19 court and punished accordingly.

20 EXPLANATION

21 This bill requires a court to order a person convicted of
22 domestic abuse assault to complete a batterers' treatment
23 program, and requires the court to hold such person in
24 contempt if that person fails to report for treatment or fails
25 to complete the treatment program. The judicial district
26 department of correctional services is required to report to
27 the court when the person has completed the treatment program,
28 or when the person has failed to report for or complete the
29 treatment program.

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SENATE FILE 2224
FISCAL NOTE

The estimate for Senate File 2224 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2224 requires the Court to hold a person in contempt of court when an offender fails to report to or complete a domestic abuse batterers treatment program and to punish the person accordingly.

ASSUMPTIONS

1. Approximately 4,700 offenders are referred to a domestic abuse batterers treatment program annually. At current completion rates, it is estimated that 2,100 offenders annually will not complete the course and will be found in contempt of court.
2. The Department of Corrections (DOC) will be required to notify the Court of an offender's failure to complete the program. Notification to DOC will not significantly increase current administrative costs.
3. The contempt hearings will take a maximum of one-half hour of court time.
4. The Office of the Public Defender does not anticipate a significant impact from this change.
5. Persons in contempt of court will be sentenced to at least one day in jail.
6. The average cost to keep an offender in jail is \$55 per day.

CORRECTIONAL IMPACT

Senate File 2224 will not significantly affect the Department of Corrections or the Community-Based Corrections District Departments.

The Bill is expected to require 2,100 offenders annually to spend at least one day in jail.

FISCAL IMPACT

The estimated cost of SF 2224 to the counties is estimated to be \$116,000. It is not known how much of this cost will be offset by room and board charges.

The increased cost for the Judicial Branch is estimated to be \$89,000 annually (0.5 FTE position each for a judge, court reporter, and court attendant).

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SOURCES

Department of Corrections
Judicial Branch
Office of the Public Defender
Iowa State Association of Counties

(LSB 3013SV, MDF)

FILED MARCH 5, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

MARCH 4, 1998

SENATE FILE 2224

S-5129

1 Amend Senate File 2224 as follows:

2 1. Page 1, by inserting after line 19 the
3 following:

4 "Sec. _____. 1996 Iowa Acts, chapter 1131, section
5 5, is amended to read as follows:

6 DOMESTIC ABUSE TREATMENT PILOT PROGRAM.

7 Notwithstanding section 708.2A, a court, located in a
8 county which has been designated by the supreme court
9 as a county establishing an alternative batterers'
10 treatment pilot program, shall sentence a person who
11 pleads guilty to or is convicted of domestic abuse
12 assault under section 708.2A to either a batterers'
13 treatment program under section 708.2B or the
14 alternative batterers' pilot program established in
15 the county.

16 The judicial district in which the county is
17 located shall report to the general assembly not later
18 than January 15 of each year regarding the alternative
19 batterers' pilot program. The judicial district shall
20 submit ~~a final~~ an intermediate report not later than
21 August 1, 1998, regarding the progress of the pilot
22 program.

23 This section is repealed effective June 30, 1998,
24 ~~except that the date for submission of the 2000. The~~
25 judicial district shall submit a final report shall
26 remain regarding the alternative batterers' pilot
27 program to the general assembly not later than August
28 1, 1998 2000."

29 2. Title page, line 4, by striking the word
30 "and".

31 3. Title page, line 6, by inserting after the
32 word "services" the following: ", and extending the
33 pilot project for an alternative batterers' treatment
34 program"

By NANCY BOETTGER

S-5129 FILED MARCH 3, 1998

*Adopted
3/11/98
(p. 627)*

H. 3/12/98 Judiciary
H. 3/19/98 Do Pass
H. 3/26/98 unfinished Bus. Calendar

SENATE FILE **2224**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2030)

(AS AMENDED AND PASSED BY THE SENATE MARCH 11, 1998)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring a court to order a person convicted of domestic
2 abuse assault to complete a batterers' treatment program, and
3 to hold such person in contempt for failure to report for or
4 complete treatment, requiring related reporting of the status
5 of treatment by the judicial district department of
6 correctional services, and extending the pilot project for an
7 alternative batterers' treatment program.

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

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S.F. 2224

1 Section 1. Section 708.2A, subsection 9, Code Supplement
2 1997, is amended to read as follows:

3 9. In addition to the mandatory minimum term of
4 confinement imposed by subsection 6, paragraph "a", the court
5 shall order a person convicted under subsection 2 or 3 to
6 participate in and complete a batterers' treatment program as
7 required under section 708.2B. In addition, as a condition of
8 deferring judgment or sentence pursuant to section 907.3, the
9 court shall order the person to participate in and complete a
10 batterers' treatment program. The clerk of the district court
11 shall send a copy of the judgment or deferred judgment to the
12 judicial district department of correctional services. The
13 judicial district department of correctional services shall
14 notify the court when a person has completed a batterers'
15 treatment program, or when a person has failed to report for
16 treatment, or has failed to complete the treatment program.
17 Persons who fail to report for treatment or who fail to
18 complete the treatment program shall be held in contempt of
19 court and punished accordingly.

20 Sec. 2. 1996 Iowa Acts, chapter 1131, section 5, is
21 amended to read as follows:

22 DOMESTIC ABUSE TREATMENT PILOT PROGRAM. Notwithstanding
23 section 708.2A, a court, located in a county which has been
24 designated by the supreme court as a county establishing an
25 alternative batterers' treatment pilot program, shall sentence
26 a person who pleads guilty to or is convicted of domestic
27 abuse assault under section 708.2A to either a batterers'
28 treatment program under section 708.2B or the alternative
29 batterers' pilot program established in the county.

30 The judicial district in which the county is located shall
31 report to the general assembly not later than January 15 of
32 each year regarding the alternative batterers' pilot program.
33 The judicial district shall submit ~~a final~~ an intermediate
34 report not later than August 1, 1998, regarding the progress
35 of the pilot program.

1 This section is repealed effective June 30, 1998, except
2 that the date for submission of the 2000. The judicial
3 district shall submit a final report shall remain regarding
4 the alternative batterers' pilot program to the general
5 assembly not later than August 1, 1998 2000.

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SENATE FILE 2224

H-8583

1 Amend Senate File 2224, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 101. NEW SECTION. 236B.1 DEFINITIONS.

6 As used in this chapter, unless the context
7 otherwise requires:

8 1. "Department" means the Iowa department of
9 public health.
10 2. "Director" means the director of public health.

11 3. "Domestic abuse" means domestic abuse as
12 defined in section 236.2.

13 4. "Domestic abuse death" means a homicide or
14 suicide which involves or is the result of an assault
15 as defined in section 708.1 and to which any of the
16 following circumstances apply to the parties involved:

17 a. The alleged or convicted perpetrator is related
18 to the decedent as spouse, separated spouse, or former
19 spouse.

20 b. The alleged or convicted perpetrator resided
21 with the decedent at the time of the assault which
22 resulted in the homicide or suicide.

23 c. The alleged or convicted perpetrator and the
24 decedent resided together within the past year but did
25 not reside together at the time of the assault which
26 resulted in the homicide or suicide.

27 d. The alleged or convicted perpetrator and
28 decedent are parents of the same minor child, whether
29 they were married or lived together at any time.

30 e. The alleged or convicted perpetrator was in an
31 ongoing relationship with the decedent.

32 f. The alleged or convicted perpetrator has been
33 arrested for or convicted of stalking the decedent.

34 g. The decedent was related by blood or affinity
35 and lived in the same household with or was in the
36 workplace or proximity of an individual who was
37 threatened with domestic abuse by the alleged or
38 convicted perpetrator.

39 5. "Team" means the domestic abuse death review
40 team.

41 Sec. 102. NEW SECTION. 236B.2 DOMESTIC ABUSE
42 DEATH REVIEW TEAM ESTABLISHED -- MEMBERS.

43 1. A domestic abuse death review team is
44 established as an independent unit in the department.
45 The department shall provide staffing and
46 administrative support to the team and shall establish
47 a database of all known domestic abuse deaths.

48 2. The membership of the team is subject to the
49 provisions of sections 69.16 and 69.16A relating to
50 political affiliation and gender balance. The team

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1 shall include members residing or working in both
2 rural and urban areas of Iowa.

3 3. Team members who are not designated by another
4 appointing authority shall be appointed by the
5 director.

6 4. Membership terms shall be three-year staggered
7 terms. A membership vacancy shall be filled in the
8 same manner as the original appointment.

9 5. The team shall elect a chairperson, a vice
10 chairperson, and other officers as deemed necessary by
11 the team.

12 6. The team shall meet upon the call of the
13 chairperson, upon the request of a state agency, or as
14 determined by a majority of members of the team.

15 7. The members of the team and any consultants to
16 the team are eligible for reimbursement of actual and
17 necessary expenses incurred in the performance of
18 their official duties.

19 8. The team shall include all of the following
20 members:

21 a. The state medical examiner or the state medical
22 examiner's designee.

23 b. A licensed physician who is knowledgeable
24 concerning domestic abuse deaths, suicide, and child
25 deaths by homicide.

26 c. A licensed mental health professional who is
27 knowledgeable concerning domestic abuse.

28 d. A representative or designee of the Iowa
29 coalition against domestic violence.

30 e. One member of the Iowa child death review team
31 who is knowledgeable concerning domestic abuse.

32 f. A certified or licensed professional who is
33 knowledgeable concerning substance abuse.

34 g. A law enforcement official who is knowledgeable
35 concerning domestic abuse.

36 h. A law enforcement investigator experienced in
37 domestic abuse investigation.

38 i. A county attorney.

39 j. A judicial officer appointed by the chief
40 justice of the supreme court.

41 k. A clerk of the district court appointed by the
42 chief justice of the supreme court.

43 l. A judicial district department of correctional
44 services' employee assigned batterers' treatment
45 program responsibilities.

46 m. An attorney licensed in this state who provides
47 criminal defense assistance or child custody
48 representation, and who is experienced in dissolution
49 of marriage proceedings.

50 n. A former victim of domestic abuse.

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1 o. A family member of a decedent whose death
2 resulted from domestic abuse.

3 p. The director of the Iowa law enforcement
4 academy or the director's designee.

5 Sec. 103. NEW SECTION. 236B.3 LIAISONS.

6 The following individuals shall designate a liaison
7 to assist the team in fulfilling the team's duties:

8 1. The attorney general.
9 2. The director of the Iowa department of
10 corrections.

11 3. The director of public health.

12 4. The director of human services.

13 5. The commissioner of public safety.

14 6. The administrator of the division for records
15 and statistics of the Iowa department of public
16 health.

17 7. The director of the department of education.

18 8. The state court administrator.

19 9. The director of the department of human rights.

20 Sec. 104. NEW SECTION. 236B.4 DUTIES OF THE
21 TEAM.

22 The team shall perform all of the following duties:

23 1. Collect, review, and analyze death certificates
24 and death data, including investigative reports,
25 medical and counseling records, victim service
26 records, employment records, child abuse reports, or
27 other confidential information concerning domestic
28 abuse deaths, survivor interviews and surveys, and
29 other information deemed by the team as necessary and
30 appropriate concerning the causes and manner of
31 domestic abuse deaths.

32 2. Prepare an annual report to the governor,
33 supreme court, attorney general, and the general
34 assembly concerning the contributing factors of
35 domestic abuse deaths.

36 3. Recommend community interventions to prevent
37 domestic abuse deaths based on an analysis of the
38 contributing factors to such deaths.

39 4. Recommend to agencies represented on the team
40 changes which may prevent domestic abuse deaths.

41 5. Maintain the confidentiality of any record or
42 other confidential information reviewed.

43 6. Establish committees or panels to which the
44 team may assign some or all of the team's
45 responsibilities.

46 Sec. 105. NEW SECTION. 236B.5 DUTIES OF THE
47 DEPARTMENT AND OTHER ENTITIES.

48 1. The department shall adopt rules pursuant to
49 chapter 17A relating to the administration of the
50 domestic abuse death review team.

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1 2. The department may inspect and reproduce
2 information and records which are confidential under
3 section 22.7 or chapter 236A for the purposes of
4 administration of and performance of official duties
5 by the team.

6 3. Upon request of the department, the departments
7 of human services, public safety, workforce
8 development, and justice, county attorneys, county
9 sheriffs, municipal police departments, victim service
10 providers, medical and counseling providers, and other
11 public authorities or private or nonprofit agencies
12 shall provide reasonable assistance to administer the
13 team.

14 Sec. 106. NEW SECTION. 236B.6 IMMUNITY.

15 1. A person in possession or control of
16 investigative or other information pertaining to a
17 domestic abuse death shall allow the inspection and
18 reproduction of the information by the department upon
19 the request of the department, to be used only in the
20 administration of and duties performed by the domestic
21 abuse death review team. Information which is
22 confidential under section 22.7 or chapter 236A and
23 information received from such confidential
24 information shall be maintained as confidential
25 information under this section. A person is immune
26 from liability for releasing information to the
27 department as required under this chapter.

28 2. A team member and their agent or employee are
29 not subject to and are immune from claims, suits,
30 liability, damages, or any civil or criminal recourse
31 arising from any act, proceeding, decision, or
32 determination undertaken or performed, or
33 recommendation made, provided the individual has acted
34 in good faith and without malice in carrying out the
35 individual's official responsibilities, authority,
36 duties, powers, and privileges. Complainants shall
37 bear the burden of proving malice or lack of good
38 faith on the part of the individual to overcome the
39 immunity provided to the individual under this
40 section."

41 2. Page 2, by inserting after line 5 the
42 following:

43 "Sec. 201. INITIAL TERMS OF DOMESTIC ABUSE DEATH
44 REVIEW TEAM MEMBERS. For the memberships established
45 in section 102 of this Act, one-third of the initial
46 members shall serve for three years, one-third of the
47 initial members shall serve for two years, and one-
48 third of the initial members shall serve for one year,
49 as designated by the appointing authority."

50 3. Title page, line 6, by inserting after the

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Page 5

1 word "services," the following: "establishing a
2 domestic abuse death review team and providing for
3 membership, duties, confidentiality, and immunity in
4 relationship to members acting in their official
5 capacities,".

6 4. By renumbering as necessary.

By MARTIN of Scott

H-8583 FILED MARCH 23, 1998

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 9, 1992.

SENATE FILE 2225

AN ACT

TO LEGALIZE THE PROCEEDINGS OF THE BOARD OF DIRECTORS OF THE SIGOURNEY COMMUNITY SCHOOL DISTRICT TO SELL CERTAIN SCHOOL DISTRICT PROPERTY AND PROVIDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

WHEREAS, the board of directors of the Sigourney Community School District, pursuant to section 297.22, authorized the sale of certain property of the school district consisting of the North elementary school site described as out lot twenty and the middle school site described as out lot nine of the City of Sigourney, Keokuk County, Iowa; and

WHEREAS, due to an error, the board failed to have the property appraised as required by section 297.22; and

WHEREAS, the board accepted bids for the property and proceeded with the sale of the property in the belief that the requirements of section 297.22 had been satisfied; NOW THEREFORE,

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

Section 1. All proceeding taken by the board of directors of the Sigourney Community School District regarding the sale of the North elementary school property and the middle school property are hereby legalized and constitute a valid and binding sale of this property.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2225, Seventy-seventh General Assembly.

Approved May 14, 1998

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor