

3/3/97 Human Res

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SENATE FILE 266
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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a domestic abuse death review team and
2 providing for membership, duties, immunity for members acting
3 in their official capacity, and confidentiality.

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

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S.F. 266

1 Section 1. NEW SECTION. 236B.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Department" means the Iowa department of public
5 health.

6 2. "Director" means the director of public health.

7 3. "Domestic abuse" means domestic abuse as defined in
8 section 236.2.

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

13 a. The alleged or convicted perpetrator is related to the
14 decedent as spouse, separated spouse, or former spouse.

15 b. The alleged or convicted perpetrator resided with the
16 decedent at the time of the assault which resulted in the
17 homicide or suicide.

18 c. The alleged or convicted perpetrator and the decedent
19 resided together within the past year but did not reside
20 together at the time of the assault which resulted in the
21 homicide or suicide.

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

25 e. The alleged or convicted perpetrator was in an ongoing
26 relationship with the decedent.

27 f. The alleged or convicted perpetrator has been arrested
28 for or convicted of stalking the decedent.

29 g. The decedent was related by blood or affinity and lived
30 in the same household with or was in the workplace or
31 proximity of an individual who was threatened with domestic
32 abuse by the alleged or convicted perpetrator.

33 5. "Team" means the domestic abuse death review team.

34 Sec. 2. NEW SECTION. 236B.2 DOMESTIC ABUSE DEATH REVIEW
35 TEAM ESTABLISHED -- MEMBERS.

- 1 1. A domestic abuse death review team is established as an
2 independent unit in the department. The department shall
3 provide staffing and administrative support to the team and
4 shall establish a database of all known domestic abuse deaths.
- 5 2. The membership of the team is subject to the provisions
6 of sections 69.16 and 69.16A relating to political affiliation
7 and gender balance. The team shall include members residing
8 or working in both rural and urban areas of Iowa.
- 9 3. Team members who are not designated by another
10 appointing authority shall be appointed by the director.
- 11 4. Membership terms shall be three-year staggered terms.
12 A membership vacancy shall be filled in the same manner as the
13 original appointment.
- 14 5. The team shall elect a chairperson, a vice chairperson,
15 and other officers as deemed necessary by the team.
- 16 6. The team shall meet upon the call of the chairperson,
17 upon the request of a state agency, or as determined by a
18 majority of members of the team.
- 19 7. The members of the team and any consultants to the team
20 are eligible for reimbursement of actual and necessary
21 expenses incurred in the performance of their official duties.
- 22 8. The team shall include all of the following members:
23 a. The state medical examiner or the state medical
24 examiner's designee.
- 25 b. A licensed physician who is knowledgeable concerning
26 domestic abuse deaths, suicide, and child deaths by homicide.
- 27 c. A licensed mental health professional who is
28 knowledgeable concerning domestic abuse.
- 29 d. A representative or designee of the Iowa coalition
30 against domestic violence.
- 31 e. One member of the Iowa child death review team who is
32 knowledgeable concerning domestic abuse.
- 33 f. A certified or licensed professional who is
34 knowledgeable concerning substance abuse.
- 35 g. A law enforcement official who is knowledgeable

1 concerning domestic abuse.

2 h. A law enforcement investigator experienced in domestic
3 abuse investigation.

4 i. A county attorney.

5 j. A judicial officer appointed by the chief justice of
6 the supreme court.

7 k. A clerk of the district court appointed by the chief
8 justice of the supreme court.

9 l. A judicial district department of correctional
10 services' employee assigned batterers' treatment program
11 responsibilities.

12 m. An attorney licensed in this state who provides
13 criminal defense assistance or child custody representation,
14 and who is experienced in dissolution of marriage proceedings.

15 n. A former victim of domestic abuse.

16 o. A family member of a decedent whose death resulted from
17 domestic abuse.

18 p. The director of the Iowa law enforcement academy or the
19 director's designee.

20 Sec. 3. NEW SECTION. 236B.3 LIAISONS.

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

23 1. The attorney general.

24 2. The director of the Iowa department of corrections.

25 3. The director of public health.

26 4. The director of human services.

27 5. The commissioner of public safety.

28 6. The administrator of the division for records and
29 statistics of the Iowa department of public health.

30 7. The director of the department of education.

31 8. The state court administrator.

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

33 Sec. 4. NEW SECTION. 236B.4 DUTIES OF THE TEAM.

34 The team shall perform all of the following duties:

35 1. Collect, review, and analyze death certificates and

1 death data, including investigative reports, medical and
2 counseling records, victim service records, employment
3 records, child abuse reports, or other confidential
4 information concerning domestic abuse deaths, survivor
5 interviews and surveys, and other information deemed by the
6 team as necessary and appropriate concerning the causes and
7 manner of domestic abuse deaths.

8 2. Prepare an annual report to the governor, supreme
9 court, attorney general, and the general assembly concerning
10 the contributing factors of domestic abuse deaths.

11 3. Recommend community interventions to prevent domestic
12 abuse deaths based on an analysis of the contributing factors
13 to such deaths.

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

16 5. Maintain the confidentiality of any record or other
17 confidential information reviewed.

18 6. Establish committees or panels to which the team may
19 assign some or all of the team's responsibilities.

20 Sec. 5. NEW SECTION. 236B.5 DUTIES OF THE DEPARTMENT AND
21 OTHER ENTITIES.

22 1. The department shall adopt rules pursuant to chapter
23 17A relating to the administration of the domestic abuse death
24 review team.

25 2. The department may inspect and reproduce information
26 and records which are confidential under section 22.7 or
27 chapter 236A for the purposes of administration of and
28 performance of official duties by the team.

29 3. Upon request of the department, the departments of
30 human services, public safety, workforce development, and
31 justice, county attorneys, county sheriffs, municipal police
32 departments, victim service providers, medical and counseling
33 providers, and other public authorities or private or
34 nonprofit agencies shall provide reasonable assistance to
35 administer the team.

1 Sec. 6. NEW SECTION. 236B.6 IMMUNITY.

2 1. A person in possession or control of investigative or
3 other information pertaining to a domestic abuse death shall
4 allow the inspection and reproduction of the information by
5 the department upon the request of the department, to be used
6 only in the administration of and duties performed by the
7 domestic abuse death review team. Information which is
8 confidential under section 22.7 or chapter 236A and
9 information received from such confidential information shall
10 be maintained as confidential information under this section.
11 A person is immune from liability for releasing information to
12 the department as required under this chapter.

13 2. A team member and their agent or employee are not
14 subject to and are immune from claims, suits, liability,
15 damages, or any civil or criminal recourse arising from any
16 act, proceeding, decision, or determination undertaken or
17 performed, or recommendation made, provided the individual has
18 acted in good faith and without malice in carrying out the
19 individual's official responsibilities, authority, duties,
20 powers, and privileges. Complainants shall bear the burden of
21 proving malice or lack of good faith on the part of the
22 individual to overcome the immunity provided to the individual
23 under this section.

24 Sec. 7. INITIAL TERMS. One-third of the initial members
25 shall serve for three years, one-third of the initial members
26 shall serve for two years, and one-third of the initial
27 members shall serve for one year, as designated by the
28 appointing authority.

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EXPLANATION

30 This bill establishes a domestic abuse death review team as
31 a unit within the Iowa department of public health which is to
32 provide administrative support to the team. The bill provides
33 for the membership of the team, the appointment of liaisons
34 from state agencies to assist the team, and the duties of the
35 team. The duties of the team include the review and analysis

1 of a variety of information relating to domestic abuse deaths,
2 the preparation of an annual report to be submitted to the
3 governor, the supreme court, the attorney general, and the
4 general assembly concerning the factors contributing to
5 domestic abuse deaths, the provision of recommendations
6 regarding community interventions to prevent domestic abuse
7 deaths, the provision of recommendations regarding changes
8 that agencies and others might make in preventing domestic
9 abuse deaths, and the maintaining of the confidentiality of
10 information reviewed. The Iowa department of public health is
11 directed to adopt rules relating to the administration of the
12 team. The bill establishes immunity for team members from
13 certain acts or omissions made in the good faith performance
14 of their official duties. The department is also instructed
15 to request assistance from other agencies and entities in
16 administering the team. The bill provides that any
17 information regarding a domestic abuse death which is
18 confidential is to be used solely for the purposes of
19 administration and the performance of duties of the team,
20 provides that confidential information is to remain
21 confidential under existing law, and provides that liability
22 is not incurred by a person for release of confidential
23 information to the department under the bill. The bill
24 provides that the department may use confidential information
25 for the purposes of administration and performance of duties
26 of the team.

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