

FILED MAR 13 1997

SENATE FILE 443
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 113)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to creation of a task force on domestic violence.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 443

1 Section 1. TASK FORCE ON DOMESTIC VIOLENCE.

2 1. The supreme court shall assemble a task force on
3 domestic violence to identify and discuss domestic violence
4 issues related to the criminal justice system, including, but
5 not limited to, training and promotion of methods to address
6 needs identified by the task force.

7 2. The task force shall be composed of, but not limited
8 to, representatives of the following: law enforcement
9 organizations, the department of public safety, the Iowa law
10 enforcement academy, and organizations that assist victims of
11 domestic violence.

12 3. The task force members shall be selected by the supreme
13 court. A supreme court justice or a designee of the supreme
14 court shall chair the task force.

15 4. The task force may hold meetings, take testimony, and
16 receive evidence as it considers appropriate. Meetings of the
17 task force shall be subject to chapters 21 and 22 of the Iowa
18 Code. The task force may secure directly from any agency or
19 department such information as the task force considers
20 necessary, and the department or agency shall furnish such
21 information to the task force.

22 5. The task force shall submit a report to the general
23 assembly no later than January 15, 1998.

24 6. The task force shall terminate two months after
25 submission of its report to the general assembly.

26 EXPLANATION

27 This bill requires the supreme court to establish a task
28 force on domestic violence, to address issues relating to the
29 criminal justice system. The task force is directed to submit
30 a report to the legislature no later than January 15, 1998.

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Neuhauser, Chair
King
Redfern

SSB 113

Judiciary
Succeeded By

SENATE/HOUSE FILE SE HE 443
BY (PROPOSED JUDICIAL DEPARTMENT
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to domestic violence, including educational
2 requirements for law enforcement officers, and seizure of
3 weapons related to domestic abuse assault.

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

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1 Section 1. Section 80B.11, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. a. Minimum entrance requirements, course of study,
4 attendance requirements, and equipment and facilities required
5 at approved law enforcement training schools. Minimum age
6 requirements for entrance to approved law enforcement training
7 schools shall be eighteen years of age.

8 b. Minimum course of study requirements shall include a
9 separate domestic abuse curriculum, which ~~may include, but is~~
10 ~~not limited to,~~ shall include a minimum of twelve hours of
11 instruction on domestic abuse dynamics and domestic abuse law,
12 including outside speakers from domestic abuse shelters and
13 crime victim assistance organizations.

14 Sec. 2. Section 80B.11, subsection 3, Code 1997, is
15 amended by adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. In-service training under this
17 subsection shall also include at least four hours of mandatory
18 instruction per year on domestic abuse dynamics and domestic
19 abuse law.

20 Sec. 3. Section 236.12, Code 1997, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 3A. Incident to an arrest for domestic
23 abuse assault pursuant to this section or section 708.2A, a
24 peace officer:

25 a. Shall seize all weapons alleged to have been involved
26 in, or threatened to have been used in, the commission of the
27 assault.

28 b. May seize a weapon that is within the plain view of the
29 peace officer, or that was discovered pursuant to a consensual
30 search, as necessary for the protection of the peace officer
31 or other persons.

32 All weapons seized pursuant to this subsection are subject
33 to forfeiture, pursuant to section 809A.4.

34 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
35 3, shall not apply to this Act.

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EXPLANATION

This bill amends Code section 80B.11 to require 12 hours of domestic abuse training within the regular curriculum of the law enforcement academy, and four hours per year of mandatory domestic abuse training for continuing education for law enforcement officers.

The bill amends Code section 236.12 to provide for the seizure and forfeiture of weapons used in domestic abuse assaults.

The bill may include a state mandate as defined in chapter 25B. This bill makes inapplicable section 25B.2, subsection 3, which would relieve a political subdivision from complying with a state mandate if funding for the cost of the state mandate is not provided or specified. Therefore, political subdivisions are required to comply with any state mandate included in this bill.



STATE COURT ADMINISTRATOR

WILLIAM J. O'BRIEN
State Court Administrator

STATE CAPITOL
DES MOINES, IOWA 50319

MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: JANUARY 31, 1997

RE: LSB NO. 1333DP

In August, 1993, the Supreme Court of Iowa established a Task Force on Courts' and Communities' Response to Domestic Abuse. The court noted that domestic violence is a widespread social problem with vase consequences and that the Iowa courts need to consider new policies and practices to respond to the rapidly increasing number of domestic abuse cases. The court also recognized the need for communities and the courts to work collectively to address violence in families. The final report of the task force was presented to the court in August, 1994.

Many recommendations found in the task force's final report have already been implemented. However, much remains to be done. This bill would implement three more recommendations of the task force.

Sections 1 and 2 of the bill deal with training of law enforcement officers. The task force believed that more training for law enforcement was necessary to help ensure that officers were prepared to handle the special changes presented in domestic abuse situations. Specifically, the bill would require a minimum of 12 hours of instruction on domestic abuse dynamics and domestic abuse law at law enforcement training schools, as well a 4 hours per year of continuing education on the subject of domestic abuse for all law enforcement officers.

Another important issue with the task force was the confiscation of weapons used or threatened to be used during the commission of a domestic abuse crime. In its report, the task force state that "weapons seizure is both evidence collection and crime prevention. The prevention element may be higher in crimes of domestic violence because the recidivism rate is greater for these perpetrators and the risk of lethal recidivism is highest for victims in the context of domestic abuse violence." Therefore, section 3 of the bill would require a law enforcement officer, incident to arrest for a crime involving domestic violence, to seize all weapons that are alleged to have been involved or threatened to be use in the commission of the crime. The officer would also be allowed to seize a weapon that is in plain view of the officer or was discovered

pursuant to a consensual search.

For further information, contact David Boyd, 281-5241.