

H-3-25-97 Hum  
H. 4-3-97 (Amend) Do Pass  
10/11/97  
H. 4/10/97 Unfinished Business  
Cobden  
H-4/29 Referred Hum. Res.  
**FILED** MAR 13 1997  
**459**

SENATE FILE  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 266)

Passed Senate, Date 3/24/97 (p. 443) Passed House, Date \_\_\_\_\_  
Vote: Ayes 47 Nays 0 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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SF. 459

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.

29 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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**SENATE FILE 459  
FISCAL NOTE**

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A fiscal note for Senate File 459 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 459 establishes a domestic death review team within the Department of Public Health. The Bill provides for the membership of the team, the appointment of liaisons from State agencies to assist the team, and the duties of the team.

**ASSUMPTIONS**

1. The Department of Public Health will be required to collect, review, and analyze death certificates and death data, including investigative reports, medical and counseling records and child abuse reports.
2. The Department of Public Health will be required to prepare an annual report to the Governor, Supreme Court, Attorney General, and General Assembly regarding contributing factors to domestic abuse deaths.
3. The Department will be required to maintain confidentiality of information.

**FISCAL IMPACT**

Senate File 459 would have an estimated General Fund impact of \$52,000 in FY 1999 and \$56,000 in FY 2000. This would provide for 1.0 FTE position and support costs within the Department of Public Health.

**SOURCE**

Department of Public Health

(LSB 1494sv, VMT)

FILED MARCH 12, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR