

Davis, Chair
Baudler
Doderer

HSB 601

JUDICIARY

Succeeded By

SENATE/HOUSE FILE SF/HF
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

A BILL FOR

1 An Act relating to the establishment of a domestic abuse death
2 review team and providing a penalty.

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

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1 Section 1. NEW SECTION. 135.108 DEFINITIONS.

2 As used in this division, 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 death" means a homicide or suicide that
8 involves or is a result of an assault as defined in section
9 708.1 and to which any of the following circumstances apply to
10 the parties involved:

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

13 b. The alleged or convicted perpetrator resided with the
14 decedent at the time of the assault that resulted in the
15 homicide or suicide.

16 c. The alleged or convicted perpetrator and the decedent
17 resided together in the past but did not reside together at
18 the time of the assault that resulted in the homicide or
19 suicide.

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

23 e. The alleged or convicted perpetrator was in an ongoing
24 personal relationship with the decedent.

25 f. The alleged or convicted perpetrator was arrested for
26 or convicted of stalking or harassing the decedent, or an
27 order or court-approved agreement was entered against the
28 perpetrator under chapter 232, 236, 598, or 915 to restrict
29 contact by the perpetrator with the decedent.

30 g. The decedent was related by blood or affinity to an
31 individual who lived in the same household with or was in the
32 workplace or proximity of the decedent, and that individual
33 was threatened with assault by the perpetrator.

34 4. "Team" means the domestic abuse death review team
35 established in section 135.109.

1 Sec. 2. NEW SECTION. 135.109 IOWA DOMESTIC ABUSE DEATH
2 REVIEW TEAM MEMBERSHIP.

3 1. An Iowa domestic abuse death review team is established
4 as an independent agency of state government.

5 2. The department shall provide staffing and
6 administrative support to the team.

7 3. The team shall include the following members:

8 a. The state medical examiner or the state medical
9 examiner's designee.

10 b. A licensed physician who is knowledgeable concerning
11 domestic abuse injuries and deaths, including suicides.

12 c. A licensed mental health professional who is
13 knowledgeable concerning domestic abuse.

14 d. A representative or designee of the Iowa coalition
15 against domestic violence.

16 e. A certified or licensed professional who is
17 knowledgeable concerning substance abuse.

18 f. A law enforcement official who is knowledgeable
19 concerning domestic abuse.

20 g. A law enforcement investigator experienced in domestic
21 abuse investigation.

22 h. An attorney experienced in prosecuting domestic abuse
23 cases.

24 i. A judicial officer appointed by the chief justice of
25 the supreme court.

26 j. A clerk of the district court appointed by the chief
27 justice of the supreme court.

28 k. An employee or subcontractor of the department of
29 corrections who is a trained batterers' education program
30 facilitator.

31 l. An attorney licensed in this state who provides
32 criminal defense assistance or child custody representation,
33 and who has experience in dissolution of marriage proceedings.

34 m. A victim of domestic abuse.

35 n. A family member of a decedent whose death resulted from

1 domestic abuse.

2 4. The following individuals shall each designate a
3 liaison to assist the team in fulfilling the team's duties:

4 a. The attorney general.

5 b. The director of the Iowa department of corrections.

6 c. The director of public health.

7 d. The director of human services.

8 e. The commissioner of public safety.

9 f. The administrator of the bureau of vital records of the
10 Iowa department of public health.

11 g. The director of the department of education.

12 h. The state court administrator.

13 i. The director of the department of human rights.

14 5. a. The director of public health, in consultation with
15 the attorney general, shall appoint review team members who
16 are not designated by another appointing authority.

17 b. A membership vacancy shall be filled in the same manner
18 as the original appointment.

19 c. The membership of the review team is subject to the
20 provisions of sections 69.16 and 69.16A, relating to political
21 affiliation and gender balance.

22 d. A member of the team may be reappointed to serve
23 additional terms on the team, subject to the provisions of
24 chapter 69.

25 6. Membership terms shall be three-year staggered terms.

26 7. Members of the team are eligible for reimbursement of
27 actual and necessary expenses incurred in the performance of
28 their official duties.

29 8. Team members and their agents are immune from any
30 liability, civil or criminal, which might otherwise be
31 incurred or imposed as a result of any act, omission,
32 proceeding, decision, or determination undertaken or
33 performed, or recommendation made as a team member or agent
34 provided that the team members or agents acted in good faith
35 and without malice in carrying out their official duties in

1 their official capacity. A complainant bears the burden of
2 proof in establishing malice or lack of good faith in an
3 action brought against team members involving the performance
4 of their duties and powers.

5 Sec. 3. NEW SECTION. 135.110 IOWA DOMESTIC ABUSE DEATH
6 REVIEW TEAM POWERS AND DUTIES.

7 1. The review team shall perform the following duties:

8 a. Prepare an annual report for the governor, supreme
9 court, attorney general, and the general assembly concerning
10 the following subjects:

11 (1) The causes and manner of domestic abuse deaths,
12 including an analysis of factual information obtained through
13 review of domestic death certificates and domestic abuse death
14 data, including patient records and other pertinent
15 confidential and public information concerning domestic abuse
16 deaths.

17 (2) The contributing factors of domestic abuse deaths.

18 (3) Recommendations regarding the prevention of future
19 domestic abuse deaths, including actions to be taken by
20 communities, based on an analysis of these contributing
21 factors.

22 b. Advise and consult the agencies represented on the team
23 and other state agencies regarding program and regulatory
24 changes that may prevent domestic abuse deaths.

25 c. Develop protocols for domestic abuse death
26 investigations and team review.

27 2. The team shall meet upon the call of the chairperson,
28 upon the request of a state agency, or as determined by a
29 majority of the team.

30 3. The team shall annually elect a chairperson and other
31 officers as deemed necessary by the team.

32 4. The team may establish committees or panels to whom the
33 team may assign some or all of the team's responsibilities.

34 5. Members of the team who are currently practicing
35 attorneys or current employees of the judicial branch of state

1 government shall not participate in the following:

2 a. An investigation by the team that involves a case in
3 which the team member is presently involved in the member's
4 professional capacity.

5 b. Development of protocols by the team for domestic abuse
6 death investigations and team review.

7 c. Development of regulatory changes related to domestic
8 abuse deaths.

9 Sec. 4. NEW SECTION. 135.111 CONFIDENTIALITY OF DOMESTIC
10 ABUSE DEATH RECORDS.

11 1. A person in possession or control of medical,
12 investigative, or other information pertaining to a domestic
13 abuse death and related incidents and events preceding the
14 domestic abuse death, shall allow for the inspection and
15 reproduction of all information, related to the death, whether
16 the information is confidential or public in nature, by the
17 department upon the request of the department and the team, to
18 be used only in the administration and for the official duties
19 of the team. Information and records produced under this
20 section that are confidential under the law of this state or
21 under federal law, or because of any legally recognized
22 privilege, and information or records received from the
23 confidential records, remain confidential under this section.

24 2. A person does not incur legal liability by reason of
25 releasing information to the department as required under and
26 in compliance with this section.

27 3. A person who releases or discloses confidential data,
28 records, or any other type of information in violation of this
29 section is guilty of a serious misdemeanor.

30 Sec. 5. NEW SECTION. 135.112 RULEMAKING.

31 The department shall adopt rules pursuant to chapter 17A
32 relating to the administration of the domestic abuse death
33 review team and sections 135.108 through 135.111.

34 Sec. 6. INITIAL TERMS. Notwithstanding any contrary
35 provision of section 135.109, as enacted by this Act, the

1 director of public health shall designate initial terms of
 2 team members as follows: approximately one-third of the total
 3 number of members of the Iowa domestic abuse review team, of
 4 those members first listed in section 135.109, subsection 3,
 5 as enacted by this Act, shall initially serve terms of three
 6 years; approximately one-third of the total number of members
 7 of those members next listed shall initially serve terms of
 8 two years; and approximately one-third of the total number of
 9 members of those members finally listed shall serve terms of
 10 one year.

11 EXPLANATION

12 This bill establishes the Iowa domestic abuse death review
 13 team in statute as directed by 1998 Iowa Acts, chapter 1221,
 14 section 5, subsection 4, paragraph "a", subparagraph (10).

15 The bill provides for establishment of the team as an
 16 independent agency of state government, and details the
 17 membership of the team, the appointment of liaisons from
 18 certain state agencies, and the powers and duties of the team.
 19 The bill also establishes immunity for team members from
 20 certain acts or omissions made in the good faith performance
 21 of their official duties.

22 The duties of the team include the preparation of an annual
 23 report to be submitted to the governor, the supreme court, the
 24 attorney general, and the general assembly concerning domestic
 25 abuse deaths, including the factors contributing to domestic
 26 abuse deaths and recommendations regarding prevention of
 27 domestic abuse deaths. The team is also to provide advice and
 28 counsel to state agencies regarding program and regulatory
 29 changes that may prevent domestic abuse deaths.

30 The bill enables the team to obtain confidential
 31 information from persons regarding a domestic abuse death to
 32 be used for the purposes of administration and the performance
 33 of official duties of the team, and establishes that the
 34 person releasing confidential information to the team does not
 35 incur liability. The information obtained by the team remains

1 confidential, and improper disclosure of confidential
2 information is punishable as a serious misdemeanor.

3 The Iowa department of public health is directed to adopt
4 rules relating to the administration of the team.

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REPRINTED

FEB 21 2000

Place On Calendar

HOUSE FILE 2362
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 601)

Passed House	(p. 489)	Date	<u>2/29/00</u>	Passed Senate	(p. 960)	Date	<u>4-3-00</u>
Vote: Ayes	<u>99</u>	Nays	<u>0</u>	Vote: Ayes	<u>46</u>	Nays	<u>0</u>
		Approved	<u>4-21-00</u>				

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HF 2362

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12 decedent as spouse, separated spouse, or former spouse.

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15 homicide or suicide.

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17 resided together in the past but did not reside together at
18 the time of the assault that resulted in the homicide or
19 suicide.

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

23 e. The alleged or convicted perpetrator was in an ongoing
24 personal relationship with the decedent.

25 f. The alleged or convicted perpetrator was arrested for
26 or convicted of stalking or harassing the decedent, or an
27 order or court-approved agreement was entered against the
28 perpetrator under chapter 232, 236, 598, or 915 to restrict
29 contact by the perpetrator with the decedent.

30 g. The decedent was related by blood or affinity to an
31 individual who lived in the same household with or was in the
32 workplace or proximity of the decedent, and that individual
33 was threatened with assault by the perpetrator.

34 4. "Team" means the domestic abuse death review team
35 established in section 135.109.

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2 REVIEW TEAM MEMBERSHIP.

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7 3. The team shall include the following members:

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9 examiner's designee.

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21 abuse investigation.

22 h. An attorney experienced in prosecuting domestic abuse
23 cases.

24 i. A judicial officer appointed by the chief justice of
25 the supreme court.

26 j. A clerk of the district court appointed by the chief
27 justice of the supreme court.

28 k. An employee or subcontractor of the department of
29 corrections who is a trained batterers' education program
30 facilitator.

31 l. An attorney licensed in this state who provides
32 criminal defense assistance or child custody representation,
33 and who has experience in dissolution of marriage proceedings.

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3 liaison to assist the team in fulfilling the team's duties:

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10 Iowa department of public health.

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15 the attorney general, shall appoint review team members who
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27 actual and necessary expenses incurred in the performance of
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30 liability, civil or criminal, which might otherwise be
31 incurred or imposed as a result of any act, omission,
32 proceeding, decision, or determination undertaken or
33 performed, or recommendation made as a team member or agent
34 provided that the team members or agents acted in good faith
35 and without malice in carrying out their official duties in

1 their official capacity. A complainant bears the burden of
2 proof in establishing malice or lack of good faith in an
3 action brought against team members involving the performance
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18 (3) Recommendations regarding the prevention of future
19 domestic abuse deaths, including actions to be taken by
20 communities, based on an analysis of these contributing
21 factors.

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23 and other state agencies regarding program and regulatory
24 changes that may prevent domestic abuse deaths.

25 c. Develop protocols for domestic abuse death
26 investigations and team review.

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28 upon the request of a state agency, or as determined by a
29 majority of the team.

30 3. The team shall annually elect a chairperson and other
31 officers as deemed necessary by the team.

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33 team may assign some or all of the team's responsibilities.

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6 death investigations and team review.

7 c. Development of regulatory changes related to domestic
8 abuse deaths.

9 Sec. 4. NEW SECTION. 135.111 CONFIDENTIALITY OF DOMESTIC
10 ABUSE DEATH RECORDS.

11 1. A person in possession or control of medical,
12 investigative, or other information pertaining to a domestic
13 abuse death and related incidents and events preceding the
14 domestic abuse death, shall allow for the inspection and
15 reproduction of all information, related to the death, whether
16 the information is confidential or public in nature, by the
17 department upon the request of the department and the team, to
18 be used only in the administration and for the official duties
19 of the team. Information and records produced under this
20 section that are confidential under the law of this state or
21 under federal law, or because of any legally recognized
22 privilege, and information or records received from the
23 confidential records, remain confidential under this section.

24 2. A person does not incur legal liability by reason of
25 releasing information to the department as required under and
26 in compliance with this section.

27 3. A person who releases or discloses confidential data,
28 records, or any other type of information in violation of this
29 section is guilty of a serious misdemeanor.

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31 The department shall adopt rules pursuant to chapter 17A
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33 review team and sections 135.108 through 135.111.

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35 provision of section 135.109, as enacted by this Act, the

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2 team members as follows: approximately one-third of the total
3 number of members of the Iowa domestic abuse review team, of
4 those members first listed in section 135.109, subsection 3,
5 as enacted by this Act, shall initially serve terms of three
6 years; approximately one-third of the total number of members
7 of those members next listed shall initially serve terms of
8 two years; and approximately one-third of the total number of
9 members of those members finally listed shall serve terms of
10 one year.

11

EXPLANATION

12 This bill establishes the Iowa domestic abuse death review
13 team in statute as directed by 1998 Iowa Acts, chapter 1221,
14 section 5, subsection 4, paragraph "a", subparagraph (10).

15 The bill provides for establishment of the team as an
16 independent agency of state government, and details the
17 membership of the team, the appointment of liaisons from
18 certain state agencies, and the powers and duties of the team.
19 The bill also establishes immunity for team members from
20 certain acts or omissions made in the good faith performance
21 of their official duties.

22 The duties of the team include the preparation of an annual
23 report to be submitted to the governor, the supreme court, the
24 attorney general, and the general assembly concerning domestic
25 abuse deaths, including the factors contributing to domestic
26 abuse deaths and recommendations regarding prevention of
27 domestic abuse deaths. The team is also to provide advice and
28 counsel to state agencies regarding program and regulatory
29 changes that may prevent domestic abuse deaths.

30 The bill enables the team to obtain confidential
31 information from persons regarding a domestic abuse death to
32 be used for the purposes of administration and the performance
33 of official duties of the team, and establishes that the
34 person releasing confidential information to the team does not
35 incur liability. The information obtained by the team remains

1 confidential, and improper disclosure of confidential
2 information is punishable as a serious misdemeanor.

3 The Iowa department of public health is directed to adopt
4 rules relating to the administration of the team.

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HOUSE FILE 2362

H-8049

- 1 Amend House File 2362 as follows:
- 2 1. Page 4, by inserting after line 26 the
- 3 following:
- 4 "1A. In performing duties pursuant to subsection
- 5 1, the review team shall review the relationship
- 6 between the decedent victim and the alleged
- 7 perpetrator from the point where the abuse allegedly
- 8 began, until the domestic abuse death occurred, and
- 9 shall review all relevant documents pertaining to the
- 10 relationship between the parties, including but not
- 11 limited to protective orders and dissolution, custody,
- 12 and support agreements and related court records, in
- 13 order to ascertain whether a correlation exists
- 14 between certain events in the relationship and any
- 15 escalation of abuse, and whether patterns can be
- 16 established regarding such events in relation to
- 17 domestic abuse deaths in general. The review team
- 18 shall consider such conclusions in making
- 19 recommendations pursuant to subsection 1."
- 20 2. By renumbering as necessary.

By BODDICKER of Cedar

H-8049 FILED FEBRUARY 22, 2000

Adopted 2-29-00 (P.488)

HOUSE FILE 2362

H-8050

- 1 Amend House File 2362 as follows:
- 2 1. Page 3, by inserting after line 1 the
- 3 following:
- 4 "o. A representative or designee of a father's
- 5 rights or noncustodial parents organization."
- 6 2. By renumbering as necessary.

By BODDICKER of Cedar

H-8050 FILED FEBRUARY 22, 2000

Withdrawn 2-29-00 (P.488)

HOUSE FILE 2362

H-8061

- 1 Amend House File 2362 as follows:
- 2 1. Page 2, by striking line 34 and inserting the
- 3 following:
- 4 "m. Both a female and a male victim of domestic
- 5 abuse."

By DAVIS of Wapello

H-8061 FILED FEBRUARY 25, 2000

*Adopted
2-29-99
(P.488)*

HOUSE FILE 2362

H-8062

- 1 Amend House File 2362 as follows:
- 2 1. Page 5, line 15, by striking the words
- 3 "reproduction of all information," and inserting the
- 4 following: "review of written or photographic
- 5 information".

By DAVIS of Wapello

H-8062 FILED FEBRUARY 25, 2000

Adopted 2/29/00 (p. 488)

HOUSE FILE 2362
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 601)

(As Amended and Passed by the House, February 29, 2000)

Passed House, ^(p.1208) Date 4-4-00 Passed Senate, ^(p.960) Date 4-3-00
Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0
Approved _____

A BILL FOR

1 An Act relating to the establishment of a domestic abuse death
2 review team and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE AMENDMENT TO HOUSE FILE 2362

8

H-8694

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1 Amend House File 2362, as amended, passed, and
2 reprinted by the House, as follows:

10

3 1. Page 3, line 34, by inserting after the word
4 "acted" the following: "reasonably and".

11

5 2. Page 4, line 2, by inserting before the word
6 "lack" the following: "unreasonableness or".

12

RECEIVED FROM THE SENATE

13

H-8694 FILED APRIL 3, 2000

14

House Concurred
4-4-00 (p 1208)

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8 involves or is a result of an assault as defined in section
9 708.1 and to which any of the following circumstances apply to
10 the parties involved:

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12 decedent as spouse, separated spouse, or former spouse.

13 b. The alleged or convicted perpetrator resided with the
14 decedent at the time of the assault that resulted in the
15 homicide or suicide.

16 c. The alleged or convicted perpetrator and the decedent
17 resided together in the past but did not reside together at
18 the time of the assault that resulted in the homicide or
19 suicide.

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

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24 personal relationship with the decedent.

25 f. The alleged or convicted perpetrator was arrested for
26 or convicted of stalking or harassing the decedent, or an
27 order or court-approved agreement was entered against the
28 perpetrator under chapter 232, 236, 598, or 915 to restrict
29 contact by the perpetrator with the decedent.

30 g. The decedent was related by blood or affinity to an
31 individual who lived in the same household with or was in the
32 workplace or proximity of the decedent, and that individual
33 was threatened with assault by the perpetrator.

34 4. "Team" means the domestic abuse death review team
35 established in section 135.109.

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21 abuse investigation.

22 h. An attorney experienced in prosecuting domestic abuse
23 cases.

24 i. A judicial officer appointed by the chief justice of
25 the supreme court.

26 j. A clerk of the district court appointed by the chief
27 justice of the supreme court.

28 k. An employee or subcontractor of the department of
29 corrections who is a trained batterers' education program
30 facilitator.

31 l. An attorney licensed in this state who provides
32 criminal defense assistance or child custody representation,
33 and who has experience in dissolution of marriage proceedings.

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3 liaison to assist the team in fulfilling the team's duties:

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10 Iowa department of public health.

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15 the attorney general, shall appoint review team members who
16 are not designated by another appointing authority.

17 b. A membership vacancy shall be filled in the same manner
18 as the original appointment.

19 c. The membership of the review team is subject to the
20 provisions of sections 69.16 and 69.16A, relating to political
21 affiliation and gender balance.

22 d. A member of the team may be reappointed to serve
23 additional terms on the team, subject to the provisions of
24 chapter 69.

25 6. Membership terms shall be three-year staggered terms.

26 7. Members of the team are eligible for reimbursement of
27 actual and necessary expenses incurred in the performance of
28 their official duties.

29 8. Team members and their agents are immune from any
30 liability, civil or criminal, which might otherwise be
31 incurred or imposed as a result of any act, omission,
32 proceeding, decision, or determination undertaken or
33 performed, or recommendation made as a team member or agent
34 provided that the team members or agents acted in good faith
35 and without malice in carrying out their official duties in

1 their official capacity. A complainant bears the burden of
2 proof in establishing malice or lack of good faith in an
3 action brought against team members involving the performance
4 of their duties and powers.

5 Sec. 3. NEW SECTION. 135.110 IOWA DOMESTIC ABUSE DEATH
6 REVIEW TEAM POWERS AND DUTIES.

7 1. The review team shall perform the following duties:

8 a. Prepare an annual report for the governor, supreme
9 court, attorney general, and the general assembly concerning
10 the following subjects:

11 (1) The causes and manner of domestic abuse deaths,
12 including an analysis of factual information obtained through
13 review of domestic death certificates and domestic abuse death
14 data, including patient records and other pertinent
15 confidential and public information concerning domestic abuse
16 deaths.

17 (2) The contributing factors of domestic abuse deaths.

18 (3) Recommendations regarding the prevention of future
19 domestic abuse deaths, including actions to be taken by
20 communities, based on an analysis of these contributing
21 factors.

22 b. Advise and consult the agencies represented on the team
23 and other state agencies regarding program and regulatory
24 changes that may prevent domestic abuse deaths.

25 c. Develop protocols for domestic abuse death
26 investigations and team review.

27 2. In performing duties pursuant to subsection 1, the
28 review team shall review the relationship between the decedent
29 victim and the alleged perpetrator from the point where the
30 abuse allegedly began, until the domestic abuse death
31 occurred, and shall review all relevant documents pertaining
32 to the relationship between the parties, including but not
33 limited to protective orders and dissolution, custody, and
34 support agreements and related court records, in order to
35 ascertain whether a correlation exists between certain events

1 in the relationship and any escalation of abuse, and whether
2 patterns can be established regarding such events in relation
3 to domestic abuse deaths in general. The review team shall
4 consider such conclusions in making recommendations pursuant
5 to subsection 1.

6 3. The team shall meet upon the call of the chairperson,
7 upon the request of a state agency, or as determined by a
8 majority of the team.

9 4. The team shall annually elect a chairperson and other
10 officers as deemed necessary by the team.

11 5. The team may establish committees or panels to whom the
12 team may assign some or all of the team's responsibilities.

13 6. Members of the team who are currently practicing
14 attorneys or current employees of the judicial branch of state
15 government shall not participate in the following:

16 a. An investigation by the team that involves a case in
17 which the team member is presently involved in the member's
18 professional capacity.

19 b. Development of protocols by the team for domestic abuse
20 death investigations and team review.

21 c. Development of regulatory changes related to domestic
22 abuse deaths.

23 Sec. 4. NEW SECTION. 135.111 CONFIDENTIALITY OF DOMESTIC
24 ABUSE DEATH RECORDS.

25 1. A person in possession or control of medical,
26 investigative, or other information pertaining to a domestic
27 abuse death and related incidents and events preceding the
28 domestic abuse death, shall allow for the inspection and
29 review of written or photographic information related to the
30 death, whether the information is confidential or public in
31 nature, by the department upon the request of the department
32 and the team, to be used only in the administration and for
33 the official duties of the team. Information and records
34 produced under this section that are confidential under the
35 law of this state or under federal law, or because of any

1 legally recognized privilege, and information or records
2 received from the confidential records, remain confidential
3 under this section.

4 2. A person does not incur legal liability by reason of
5 releasing information to the department as required under and
6 in compliance with this section.

7 3. A person who releases or discloses confidential data,
8 records, or any other type of information in violation of this
9 section is guilty of a serious misdemeanor.

10 Sec. 5. NEW SECTION. 135.112 RULEMAKING.

11 The department shall adopt rules pursuant to chapter 17A
12 relating to the administration of the domestic abuse death
13 review team and sections 135.108 through 135.111.

14 Sec. 6. INITIAL TERMS. Notwithstanding any contrary
15 provision of section 135.109, as enacted by this Act, the
16 director of public health shall designate initial terms of
17 team members as follows: approximately one-third of the total
18 number of members of the Iowa domestic abuse review team, of
19 those members first listed in section 135.109, subsection 3,
20 as enacted by this Act, shall initially serve terms of three
21 years; approximately one-third of the total number of members
22 of those members next listed shall initially serve terms of
23 two years; and approximately one-third of the total number of
24 members of those members finally listed shall serve terms of
25 one year.

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HOUSE FILE 2362

S-5190

1 Amend House File 2362, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 34, by inserting after the word
4 "acted" the following: "reasonably and".
5 2. Page 4, line 2, by inserting before the word
6 "lack" the following: "unreasonableness or".
By DAVID MILLER

S-5190 FILED MARCH 21, 2000

Adopted
4-3-00 (p. 959)

HOUSE FILE 2362

AN ACT

RELATING TO THE ESTABLISHMENT OF A DOMESTIC ABUSE DEATH REVIEW TEAM AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 135.108 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Department" means the Iowa department of public health.
2. "Director" means the director of public health.
3. "Domestic abuse death" means a homicide or suicide that involves or is a result of an assault as defined in section 708.1 and to which any of the following circumstances apply to the parties involved:
 - a. The alleged or convicted perpetrator is related to the decedent as spouse, separated spouse, or former spouse.
 - b. The alleged or convicted perpetrator resided with the decedent at the time of the assault that resulted in the homicide or suicide.
 - c. The alleged or convicted perpetrator and the decedent resided together in the past but did not reside together at the time of the assault that resulted in the homicide or suicide.
 - d. The alleged or convicted perpetrator and decedent are parents of the same minor child, whether they were married or lived together at any time.

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

f. The alleged or convicted perpetrator was arrested for or convicted of stalking or harassing the decedent, or an order or court-approved agreement was entered against the perpetrator under chapter 232, 236, 598, or 915 to restrict contact by the perpetrator with the decedent.

g. The decedent was related by blood or affinity to an individual who lived in the same household with or was in the workplace or proximity of the decedent, and that individual was threatened with assault by the perpetrator.

4. "Team" means the domestic abuse death review team established in section 135.109.

Sec. 2. NEW SECTION. 135.109 IOWA DOMESTIC ABUSE DEATH REVIEW TEAM MEMBERSHIP.

1. An Iowa domestic abuse death review team is established as an independent agency of state government.
2. The department shall provide staffing and administrative support to the team.
3. The team shall include the following members:
 - a. The state medical examiner or the state medical examiner's designee.
 - b. A licensed physician who is knowledgeable concerning domestic abuse injuries and deaths, including suicides.
 - c. A licensed mental health professional who is knowledgeable concerning domestic abuse.
 - d. A representative or designee of the Iowa coalition against domestic violence.
 - e. A certified or licensed professional who is knowledgeable concerning substance abuse.
 - f. A law enforcement official who is knowledgeable concerning domestic abuse.
 - g. A law enforcement investigator experienced in domestic abuse investigation.

h. An attorney experienced in prosecuting domestic abuse cases.

i. A judicial officer appointed by the chief justice of the supreme court.

j. A clerk of the district court appointed by the chief justice of the supreme court.

k. An employee or subcontractor of the department of corrections who is a trained batterers' education program facilitator.

l. An attorney licensed in this state who provides criminal defense assistance or child custody representation, and who has experience in dissolution of marriage proceedings.

m. Both a female and a male victim of domestic abuse.

n. A family member of a decedent whose death resulted from domestic abuse.

4. The following individuals shall each designate a liaison to assist the team in fulfilling the team's duties:

a. The attorney general.

b. The director of the Iowa department of corrections.

c. The director of public health.

d. The director of human services.

e. The commissioner of public safety.

f. The administrator of the bureau of vital records of the Iowa department of public health.

g. The director of the department of education.

h. The state court administrator.

i. The director of the department of human rights.

5. a. The director of public health, in consultation with the attorney general, shall appoint review team members who are not designated by another appointing authority.

b. A membership vacancy shall be filled in the same manner as the original appointment.

c. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance.

d. A member of the team may be reappointed to serve additional terms on the team, subject to the provisions of chapter 69.

6. Membership terms shall be three-year staggered terms.

7. Members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.

8. Team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a team member or agent provided that the team members or agents acted reasonably and in good faith and without malice in carrying out their official duties in their official capacity. A complainant bears the burden of proof in establishing malice or unreasonableness or lack of good faith in an action brought against team members involving the performance of their duties and powers.

Sec. 3. NEW SECTION. 135.110 IOWA DOMESTIC ABUSE DEATH REVIEW TEAM POWERS AND DUTIES.

1. The review team shall perform the following duties:

a. Prepare an annual report for the governor, supreme court, attorney general, and the general assembly concerning the following subjects:

(1) The causes and manner of domestic abuse deaths, including an analysis of factual information obtained through review of domestic death certificates and domestic abuse death data, including patient records and other pertinent confidential and public information concerning domestic abuse deaths.

(2) The contributing factors of domestic abuse deaths.

(3) Recommendations regarding the prevention of future domestic abuse deaths, including actions to be taken by communities, based on an analysis of these contributing factors.

b. Advise and consult the agencies represented on the team and other state agencies regarding program and regulatory changes that may prevent domestic abuse deaths.

c. Develop protocols for domestic abuse death investigations and team review.

2. In performing duties pursuant to subsection 1, the review team shall review the relationship between the decedent victim and the alleged perpetrator from the point where the abuse allegedly began, until the domestic abuse death occurred, and shall review all relevant documents pertaining to the relationship between the parties, including but not limited to protective orders and dissolution, custody, and support agreements and related court records, in order to ascertain whether a correlation exists between certain events in the relationship and any escalation of abuse, and whether patterns can be established regarding such events in relation to domestic abuse deaths in general. The review team shall consider such conclusions in making recommendations pursuant to subsection 1.

3. The team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by a majority of the team.

4. The team shall annually elect a chairperson and other officers as deemed necessary by the team.

5. The team may establish committees or panels to whom the team may assign some or all of the team's responsibilities.

6. Members of the team who are currently practicing attorneys or current employees of the judicial branch of state government shall not participate in the following:

a. An investigation by the team that involves a case in which the team member is presently involved in the member's professional capacity.

b. Development of protocols by the team for domestic abuse death investigations and team review.

c. Development of regulatory changes related to domestic abuse deaths.

Sec. 4. NEW SECTION. 135.111 CONFIDENTIALITY OF DOMESTIC ABUSE DEATH RECORDS.

1. A person in possession or control of medical, investigative, or other information pertaining to a domestic abuse death and related incidents and events preceding the domestic abuse death, shall allow for the inspection and review of written or photographic information related to the death, whether the information is confidential or public in nature, by the department upon the request of the department and the team, to be used only in the administration and for the official duties of the team. Information and records produced under this section that are confidential under the law of this state or under federal law, or because of any legally recognized privilege, and information or records received from the confidential records, remain confidential under this section.

2. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this section.

3. A person who releases or discloses confidential data, records, or any other type of information in violation of this section is guilty of a serious misdemeanor.

Sec. 5. NEW SECTION. 135.112 RULEMAKING.

The department shall adopt rules pursuant to chapter 17A relating to the administration of the domestic abuse death review team and sections 135.108 through 135.111.

Sec. 6. INITIAL TERMS. Notwithstanding any contrary provision of section 135.109, as enacted by this Act, the director of public health shall designate initial terms of team members as follows: approximately one-third of the total number of members of the Iowa domestic abuse review team, of those members first listed in section 135.109, subsection 3, as enacted by this Act, shall initially serve terms of three

years; approximately one-third of the total number of members of those members next listed shall initially serve terms of two years; and approximately one-third of the total number of members of those members finally listed shall serve terms of one year.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2362, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/21, 2000

THOMAS J. VILSACK
Governor