

Senate Study Bill 3017

Bill Text

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1 1 Section 1. Section [236.2](#), subsection 2, Code 2001, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. The assault is between persons who are
1 4 in an intimate relationship or have been in an intimate
1 5 relationship and have had contact within the past year of the
1 6 assault. In determining whether persons are or have been in
1 7 an intimate relationship, the court may consider the following
1 8 nonexclusive list of factors:
1 9 (1) The duration of the relationship.
1 10 (2) The frequency of interaction.
1 11 (3) Whether the relationship has been terminated.
1 12 (4) The nature of the relationship, characterized by
1 13 either party's expectation of sexual or romantic involvement.
1 14 A person may be involved in an intimate relationship with
1 15 more than one person at a time.
1 16 Sec. 2. Section [236.2](#), Code 2001, is amended by adding the
1 17 following new subsection:
1 18 NEW SUBSECTION. 4A. "Intimate relationship" means a
1 19 significant romantic involvement that need not include sexual
1 20 involvement. An intimate relationship does not include casual
1 21 social relationships or associations in a business or
1 22 professional capacity.
1 23 Sec. 3. Section [236.3](#), Code Supplement 2001, is amended by
1 24 adding the following new unnumbered paragraph after subsection
1 25 7:
1 26 NEW UNNUMBERED PARAGRAPH. A temporary or emergency order
1 27 shall be based on a showing of a prima facie case of domestic
1 28 abuse. If the factual basis for the alleged domestic abuse is
1 29 contested, the court shall issue a protective order based upon
1 30 a finding of domestic abuse by a preponderance of the
1 31 evidence.
1 32 Sec. 4. Section [708.2A](#), subsection 1, Code 2001, is
1 33 amended to read as follows:
1 34 1. For the purposes of this chapter, "domestic abuse
1 35 assault" means an assault, as defined in section 708.1, which
2 1 is domestic abuse as defined in section [236.2, subsection 2,](#)
2 2 paragraph "a", "b", "c", or "d".
2 3 Sec. 5. Section [708.2B](#), Code 2001, is amended to read as
2 4 follows:
2 5 708.2B TREATMENT OF DOMESTIC ABUSE OFFENDERS.
2 6 As used in this section, "district department" means a
2 7 judicial district department of correctional services,
2 8 established pursuant to section 905.2. A person convicted of,
2 9 or receiving a deferred judgment for, domestic abuse assault
2 10 as defined in section 708.2A, shall report to the district
2 11 department in order to participate in a batterers' treatment
2 12 program for domestic abuse offenders. In addition, a person
2 13 convicted of, or receiving a deferred judgment for, an
2 14 assault, as defined in section 708.1, which is domestic abuse,
2 15 as defined in section 236.2, subsection 2, paragraph "e", may
2 16 be ordered by the court to participate in a batterers'
2 17 treatment program. Participation in the batterers' treatment
2 18 program shall not require a person to be placed on probation,
2 19 but a person on probation may participate in the program. The
2 20 district departments may contract for services in completing
2 21 the duties relating to the batterers' treatment programs. The

2 22 district departments shall assess the fees for participation
2 23 in the program, and shall either collect or contract for the
2 24 collection of the fees to recoup the costs of treatment, but
2 25 may waive the fee or collect a lesser amount upon a showing of
2 26 cause. The fees shall be used by each of the district
2 27 departments or contract service providers for the
2 28 establishment, administration, coordination, and provision of
2 29 direct services of the batterers' treatment programs.

2 30 District departments or contract service providers shall
2 31 receive upon request peace officers' investigative reports
2 32 regarding persons participating in programs under this
2 33 section. The receipt of reports under this section shall not
2 34 waive the confidentiality of the reports under section 22.7.

2 35 EXPLANATION

3 1 This bill amends Code section 236.2 to provide protection
3 2 from domestic abuse for persons who are in an intimate
3 3 relationship or have been in an intimate relationship and have
3 4 had contact within the past year of the assault. Current law
3 5 provides protection from domestic abuse for persons who are
3 6 married or have been married and who are not currently living
3 7 together, for persons who are the parents of the same minor
3 8 child, regardless of whether they have been married or have
3 9 ever lived together, and for family or household members 18 or
3 10 older who are currently living together or who are not
3 11 currently living together but who have lived together within
3 12 the past year.

3 13 The bill defines intimate relationship for the purposes of
3 14 Code section 236.2 as a significant romantic involvement which
3 15 need not include sexual involvement. The bill exempts
3 16 intimate relationship domestic abuse from domestic abuse
3 17 assault law in Iowa. The bill further provides that the court
3 18 may order a person convicted of intimate relationship domestic
3 19 abuse to participate in a batterers' treatment program.

3 20 The bill also provides that a temporary or emergency order
3 21 shall be based on a showing of a prima facie case of domestic
3 22 abuse. If the factual basis for the domestic abuse is
3 23 contested, the court shall issue the protective order based
3 24 upon a finding of domestic abuse by a preponderance of the
3 25 evidence.

3 26 LSB 5846SC 79

3 27 rh/pj/5