

House File 127 - Introduced

HOUSE FILE 127

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A BILL FOR

1 An Act relating to civil protective orders and dating abuse,
2 creating the criminal offense of dating abuse assault,
3 making related modifications, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9E.1, Code 2017, is amended to read as
2 follows:

3 **9E.1 Purpose.**

4 The general assembly finds that individuals attempting to
5 escape from actual or threatened domestic abuse, domestic
6 abuse assault, dating abuse, dating abuse assault, sexual
7 abuse, stalking, or human trafficking frequently establish new
8 addresses in order to prevent their assailants or probable
9 assailants from finding them. The purpose of [this chapter](#) is
10 to enable state and local agencies to respond to requests for
11 data without disclosing the location of a victim of domestic
12 abuse, domestic abuse assault, dating abuse, dating abuse
13 assault, sexual abuse, stalking, or human trafficking; to
14 enable interagency cooperation with the secretary of state
15 in providing address confidentiality for victims of domestic
16 abuse, domestic abuse assault, dating abuse, dating abuse
17 assault, sexual abuse, stalking, or human trafficking; and to
18 enable program participants to use an address designated by
19 the secretary of state as a substitute mailing address for
20 the purposes specified in [this chapter](#). In addition, the
21 purpose of [this chapter](#) is to prevent such victims from being
22 physically located through a public records search.

23 Sec. 2. Section 9E.2, Code 2017, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 2A. *"Dating abuse"* means the same as
26 defined in section 236A.2.

27 NEW SUBSECTION. 2B. *"Dating abuse assault"* means the same
28 as defined in section 236A.2.

29 Sec. 3. Section 9E.2, subsection 6, paragraph a,
30 subparagraph (3), Code 2017, is amended to read as follows:

31 (3) A victim of domestic abuse, domestic abuse assault,
32 dating abuse, dating abuse assault, sexual abuse, stalking,
33 or human trafficking as evidenced by the filing of a petition
34 pursuant to [section 236.3](#) or [236A.3](#) or a criminal complaint
35 or information pursuant to [section 708.2A](#), [708.2D](#), [708.11](#), or

1 710A.2, or any violation contained in [chapter 709](#).

2 Sec. 4. Section 9E.3, subsection 1, paragraph b,
3 subparagraph (1), subparagraph division (a), Code 2017, is
4 amended to read as follows:

5 (a) The eligible person listed on the application is a
6 victim of domestic abuse, domestic abuse assault, dating
7 abuse, dating abuse assault, sexual abuse, stalking, or human
8 trafficking.

9 Sec. 5. Section 9E.3, subsection 1, paragraph e, Code 2017,
10 is amended to read as follows:

11 e. The residential address of the eligible person,
12 disclosure of which could lead to an increased risk of domestic
13 abuse, domestic abuse assault, dating abuse, dating abuse
14 assault, sexual abuse, stalking, or human trafficking.

15 Sec. 6. Section 13.2, subsection 1, paragraph n, Code 2017,
16 is amended to read as follows:

17 n. Develop written procedures and policies to be followed
18 by prosecuting attorneys in the prosecution of domestic abuse
19 cases and dating abuse cases under [chapters 236, 236A](#), and [708](#).

20 Sec. 7. Section 13.31, subsection 3, Code 2017, is amended
21 to read as follows:

22 3. Administer the domestic abuse program provided in
23 chapter 236 and the dating abuse program provided in chapter
24 236A.

25 Sec. 8. Section 80B.11, subsection 1, paragraphs a and b,
26 Code 2017, are amended to read as follows:

27 a. Minimum entrance requirements, course of study,
28 attendance requirements, and equipment and facilities required
29 at approved law enforcement training schools. Minimum age
30 requirements for entrance to approved law enforcement training
31 schools shall be eighteen years of age. Minimum course of
32 study requirements shall include a separate domestic abuse and
33 dating abuse curriculum, which may include but is not limited
34 to outside speakers from domestic abuse and dating abuse
35 shelters and crime victim assistance organizations. Minimum

1 course of study requirements shall also include a sexual
2 assault curriculum.

3 *b.* Minimum basic training requirements law enforcement
4 officers employed after July 1, 1968, must complete in order
5 to remain eligible for continued employment and the time
6 within which such basic training must be completed. Minimum
7 requirements shall mandate training devoted to the topic of
8 domestic abuse, dating abuse, and sexual assault. The council
9 shall submit an annual report to the general assembly by
10 January 15 of each year relating to the continuing education
11 requirements devoted to the topic of domestic abuse and dating
12 abuse, including the number of hours required, the substance of
13 the classes offered, and other related matters.

14 Sec. 9. Section 80F.1, subsection 5, Code 2017, is amended
15 to read as follows:

16 5. An officer who is the subject of a complaint, shall
17 at a minimum, be provided a written summary of the complaint
18 prior to an interview. If a collective bargaining agreement
19 applies, the complaint or written summary shall be provided
20 pursuant to the procedures established under the collective
21 bargaining agreement. If the complaint alleges domestic abuse,
22 dating abuse, sexual abuse, dating abuse assault, or sexual
23 harassment, an officer shall not receive more than a written
24 summary of the complaint.

25 Sec. 10. Section 232.8, subsection 1, paragraph d,
26 subparagraph (1), Code 2017, is amended to read as follows:

27 (1) The juvenile court shall abide by the provisions of
28 sections 236.4, and 236.6, 236A.6, and 236A.8 in holding
29 hearings and making a disposition.

30 Sec. 11. Section 232.22, subsection 1, paragraph g, Code
31 2017, is amended to read as follows:

32 *g.* There is probable cause to believe that the child has
33 committed a delinquent act which would be domestic abuse under
34 chapter 236 ~~or~~, dating abuse under chapter 236A, or a domestic
35 abuse assault under section 708.2A if committed by an adult.

1 Sec. 12. Section 232.52, subsection 2, paragraph h, Code
2 2017, is amended to read as follows:

3 *h.* In the case of a child adjudicated delinquent for an act
4 which would be a violation of [chapter 236](#) or [236A](#) or section
5 [708.2A](#) or [708.2D](#) if committed by an adult, an order requiring
6 the child to attend a batterers' treatment program under
7 section 708.2B.

8 Sec. 13. Section 235D.1, Code 2017, is amended to read as
9 follows:

10 **235D.1 Criminal history check — applicants at domestic
11 abuse, dating abuse, or sexual assault centers.**

12 An applicant for employment at a domestic abuse, dating
13 abuse, or sexual assault center shall be subject to a
14 national criminal history check through the federal bureau of
15 investigation. The domestic abuse, dating abuse, or sexual
16 assault center shall request the criminal history check and
17 shall provide the applicant's fingerprints to the department
18 of public safety for submission through the state criminal
19 history repository to the federal bureau of investigation.
20 The applicant shall authorize release of the results of the
21 criminal history check to the domestic abuse, dating abuse,
22 or sexual assault center. The applicant shall pay the actual
23 cost of the fingerprinting and criminal history check, if
24 any. Unless the criminal history check was completed within
25 the ninety calendar days prior to the date the application is
26 received by the domestic abuse, dating abuse, or sexual assault
27 center, the center shall reject and return the application
28 to the applicant. The results of a criminal history check
29 conducted pursuant to this subsection shall not be considered a
30 public record under [chapter 22](#). For purposes of [this section](#),
31 "domestic abuse, dating abuse, or sexual assault center" means a
32 crime victim center as defined in [section 915.20A](#).

33 Sec. 14. NEW SECTION. **236A.1 Short title.**

34 This chapter may be cited as the "*Dating Abuse Act*".

35 Sec. 15. NEW SECTION. **236A.2 Definitions.**

1 For purposes of this chapter, unless a different meaning is
2 clearly indicated by the context:

3 1. "*Dating abuse*" means committing assault as defined in
4 section 708.1 under any of the following circumstances:

5 a. The assault is between persons who are in a dating
6 relationship or have been in a dating relationship and have had
7 contact within the past year of the assault. In determining
8 whether persons are or have been in a dating relationship, the
9 court may consider the following nonexclusive list of factors:

10 (1) The duration of the dating relationship.

11 (2) The frequency of interaction.

12 (3) Whether the dating relationship has been terminated.

13 (4) The nature of the dating relationship, characterized by
14 either party's expectation of sexual, romantic, or affectional
15 involvement.

16 b. A person may be involved in a dating relationship with
17 more than one person at a time.

18 2. "*Dating relationship*" means a significant romantic
19 or affectional relationship that need not include sexual
20 involvement. A dating relationship does not include casual
21 social relationships or associations in a business or
22 professional capacity.

23 3. "*Department*" means the department of justice.

24 4. "*Emergency shelter services*" include but are not limited
25 to secure crisis shelters or housing for victims of dating
26 abuse.

27 5. "*Plaintiff*" includes a person filing an action on behalf
28 of an unemancipated minor.

29 6. "*Pro se*" means a proceeding on one's own behalf without
30 legal representation.

31 7. "*Support services*" include but are not limited to legal
32 services, counseling services, transportation services, child
33 care services, and advocacy services.

34 Sec. 16. NEW SECTION. 236A.3 Commencement of actions —
35 waiver to juvenile court.

1 1. A person, including a parent or guardian on behalf of
2 an unemancipated minor, may seek relief from dating abuse by
3 filing a verified petition in the district court. Venue shall
4 lie where either party resides. The petition shall state the
5 following:

6 a. Name of the plaintiff and the name and address of the
7 plaintiff's attorney, if any. If the plaintiff is proceeding
8 pro se, the petition shall state a mailing address for the
9 plaintiff. A mailing address may be provided by the plaintiff
10 pursuant to section 236A.11.

11 b. Name and address of the parent or guardian filing the
12 petition, if the petition is being filed on behalf of an
13 unemancipated minor. A mailing address may be provided by the
14 plaintiff pursuant to section 236A.11.

15 c. Name and address, if known, of the defendant.

16 d. Nature of the alleged dating abuse.

17 e. Name and age of each child under eighteen whose welfare
18 may be affected by the controversy.

19 f. Desired relief, including a request for temporary or
20 emergency orders.

21 2. A temporary or emergency order shall be based on a
22 showing of a prima facie case of dating abuse. If the factual
23 basis for the alleged dating abuse is contested, the court
24 shall issue a protective order based upon a finding of dating
25 abuse by a preponderance of the evidence.

26 3. a. The filing fee and court costs for an order for
27 protection and in a contempt action under this chapter shall be
28 waived for the plaintiff.

29 b. The clerk of court, the sheriff of any county in this
30 state, and other law enforcement and corrections officers shall
31 perform their duties relating to service of process without
32 charge to the plaintiff. When an order for protection is
33 entered by the court, the court may direct the defendant to pay
34 to the clerk of court the fees for the filing of the petition
35 and reasonable costs of service of process if the court

1 determines the defendant has the ability to pay the plaintiff's
2 fees and costs. In lieu of personal service of an order for
3 protection issued pursuant to this section, the sheriff of any
4 county in this state and other law enforcement and corrections
5 officers may serve a defendant with a short-form notification
6 pursuant to section 664A.4A.

7 4. If the person against whom relief from dating abuse is
8 being sought is seventeen years of age or younger, the district
9 court shall waive its jurisdiction over the action to the
10 juvenile court.

11 Sec. 17. NEW SECTION. 236A.4 **Plaintiffs proceeding pro se**
12 **— provision of forms and assistance.**

13 1. The department shall prescribe standard forms to be
14 used by plaintiffs seeking protective orders by proceeding pro
15 se in actions under this chapter. The standard forms shall
16 include language in fourteen point boldface type. Standard
17 forms prescribed by the department shall be the exclusive forms
18 used by plaintiffs proceeding pro se, and may be used by other
19 plaintiffs. The department shall distribute the forms to the
20 clerks of the district court.

21 2. The clerk of the district court shall furnish the
22 required forms to persons seeking protective orders through pro
23 se proceedings pursuant to this chapter.

24 Sec. 18. NEW SECTION. 236A.5 **Assistance by county attorney.**

25 A county attorney's office may provide assistance to a
26 person wishing to initiate proceedings pursuant to this chapter
27 or to a plaintiff at any stage of a proceeding under this
28 chapter, if the person does not have sufficient funds to pay
29 for legal assistance and if the assistance does not create
30 a conflict of interest for the county attorney's office.
31 The assistance provided may include but is not limited to
32 assistance in obtaining or completing forms, filing a petition
33 or other necessary pleading, presenting evidence to the court,
34 and enforcing the orders of the court entered pursuant to this
35 chapter. Providing assistance pursuant to this section shall

1 not be considered the private practice of law for the purposes
2 of section 331.752.

3 Sec. 19. NEW SECTION. **236A.6 Hearings — temporary orders.**

4 1. Not less than five and not more than fifteen days after
5 commencing a proceeding and upon notice to the defendant, a
6 hearing shall be held at which the plaintiff must prove the
7 allegation of dating abuse by a preponderance of the evidence.

8 2. The court may enter any temporary order it deems
9 necessary to protect the plaintiff from dating abuse prior to
10 the hearing upon good cause shown in an ex parte proceeding.
11 Present danger of dating abuse to the plaintiff constitutes
12 good cause for purposes of this subsection.

13 3. If a hearing is continued, the court may make or extend
14 any temporary order under subsection 2 that it deems necessary.

15 4. Upon application of a party, the court shall issue
16 subpoenas requiring attendance and testimony of witnesses and
17 production of papers.

18 5. The court shall advise the defendant of a right to be
19 represented by counsel of the defendant's choosing and to have
20 a continuance to secure counsel.

21 6. Hearings shall be recorded.

22 Sec. 20. NEW SECTION. **236A.7 Disposition.**

23 1. Upon a finding that the defendant has engaged in dating
24 abuse, the court may grant a protective order or approve a
25 consent agreement which may contain but is not limited to any
26 of the following provisions:

27 a. That the defendant cease dating abuse of the plaintiff.

28 b. That the defendant stay away from the plaintiff's
29 residence, school, or place of employment.

30 2. An order for a protective order or approved consent
31 agreement shall be for a fixed period of time not to exceed one
32 year. The court may amend or extend its order or a consent
33 agreement at any time upon a petition filed by either party
34 and after notice and hearing. The court may extend the order
35 if the court, after hearing at which the defendant has the

1 opportunity to be heard, finds that the defendant continues to
2 pose a threat to the safety of the victim, persons residing
3 with the victim, or members of the victim's immediate family.
4 The number of extensions that can be granted by the court is
5 not limited.

6 3. The order shall state whether a person is to be taken
7 into custody by a peace officer for a violation of the terms
8 stated in the order.

9 4. The court may order that the defendant pay the
10 plaintiff's attorney fees and court costs.

11 5. An order or consent agreement under this section shall
12 not affect title to real property.

13 6. A copy of any order or approved consent agreement shall
14 be issued to the plaintiff, the defendant, the county sheriff
15 of the county in which the order or consent decree is initially
16 entered, and the twenty-four-hour dispatcher for the county
17 sheriff. A copy of any subsequent amendment or revocation of
18 an order or consent agreement shall be forwarded by the clerk
19 to all individuals and the county sheriff previously receiving
20 a copy of the order or consent agreement.

21 7. The clerk shall notify the county sheriff and the
22 twenty-four-hour dispatcher for the county sheriff in writing
23 so that the county sheriff and the county sheriff's dispatcher
24 receive written notice within six hours of filing the order,
25 approved consent agreement, amendment, or revocation. The
26 clerk may fulfill this requirement by sending the notice by
27 facsimile or other electronic transmission which reproduces the
28 notice in writing within six hours of filing the order.

29 8. The county sheriff's dispatcher shall notify all law
30 enforcement agencies having jurisdiction over the matter
31 and the twenty-four-hour dispatcher for the law enforcement
32 agencies upon notification by the clerk.

33 Sec. 21. NEW SECTION. 236A.8 **Emergency orders.**

34 1. When the court is unavailable from the close of business
35 at the end of the day or week to the resumption of business at

1 the beginning of the next day or week, a petition may be filed
2 before a district judge, or district associate judge designated
3 by the chief judge of the judicial district, who may grant
4 emergency relief in accordance with section 236A.7, subsection
5 1, paragraph "b", if the district judge or district associate
6 judge deems it necessary to protect the plaintiff from dating
7 abuse, upon good cause shown in an ex parte proceeding.
8 Present danger of dating abuse to the plaintiff constitutes
9 good cause for purposes of this subsection.

10 2. An emergency order issued under subsection 1 shall expire
11 seventy-two hours after issuance. When the order expires, the
12 plaintiff may seek a temporary order from the court pursuant
13 to section 236A.6.

14 3. A petition filed and emergency order issued under this
15 section and any documentation in support of the petition
16 and order shall be immediately certified to the court. The
17 certification shall commence a proceeding for purposes of
18 section 236A.3.

19 Sec. 22. NEW SECTION. 236A.9 Procedure.

20 A proceeding under this chapter shall be held in accordance
21 with the rules of civil procedure, except as otherwise set
22 forth in this chapter and in chapter 664A, and is in addition
23 to any other civil or criminal remedy.

24 Sec. 23. NEW SECTION. 236A.10 Dating abuse information.

25 1. Criminal or juvenile justice agencies, as defined
26 in section 692.1, shall collect and maintain information
27 on incidents involving dating abuse and shall provide the
28 information to the department of public safety in the manner
29 prescribed by the department of public safety.

30 2. The department of public safety may compile statistics
31 and issue reports on dating abuse in Iowa, provided individual
32 identifying details of the dating abuse are deleted. The
33 statistics and reports may include nonidentifying information
34 on the personal characteristics of perpetrators and victims.
35 The department of public safety may request the cooperation

1 of the department of justice in compiling the statistics and
2 issuing the reports. The department of public safety may
3 provide nonidentifying information on individual incidents
4 of dating abuse to persons conducting bona fide research,
5 including but not limited to personnel of the department of
6 justice.

7 **Sec. 24. NEW SECTION. 236A.11 Plaintiff's address —**
8 **confidentiality of records.**

9 1. A person seeking relief from dating abuse under this
10 chapter may use any of the following addresses as a mailing
11 address for purposes of filing a petition under this chapter,
12 as well as for the purpose of obtaining any utility or other
13 service:

14 *a.* The mailing address of a shelter or other agency.

15 *b.* A public or private post office box.

16 *c.* Any other mailing address, with the permission of the
17 resident of that address.

18 2. A person shall report any change of address, whether
19 designated according to subsection 1 or otherwise, to the clerk
20 of court no more than five days after the previous address on
21 record becomes invalid.

22 3. The entire file or a portion of the file in a dating
23 abuse case shall be sealed by the clerk of court as ordered
24 by the court to protect the privacy interest or safety of any
25 person.

26 4. Notwithstanding subsection 3, court orders and support
27 payment records shall remain public records, although the court
28 may order that address and location information be redacted
29 from the public records.

30 **Sec. 25. NEW SECTION. 236A.12 Duties of peace officer —**
31 **magistrate.**

32 1. A peace officer shall use every reasonable means to
33 enforce an order or court-approved consent agreement entered
34 under this chapter, an order that establishes conditions of
35 release or is a protective order or sentencing order in a

1 criminal prosecution arising from dating abuse, or a protective
2 order under chapter 232. If a peace officer has reason to
3 believe that dating abuse has occurred, the peace officer shall
4 ask the abused person if any prior orders exist, and shall
5 contact the twenty-four-hour dispatcher to inquire if any
6 prior orders exist. If a peace officer has probable cause to
7 believe that a person has violated an order or approved consent
8 agreement entered under this chapter, an order establishing
9 conditions of release or a protective or sentencing order
10 in a criminal prosecution arising from dating abuse, or, if
11 the person is an adult, a violation of a protective order
12 under chapter 232, the peace officer shall take the person
13 into custody and shall take the person without unnecessary
14 delay before the nearest or most accessible magistrate in the
15 judicial district in which the person was taken into custody.
16 The magistrate shall make an initial preliminary determination
17 whether there is probable cause to believe that an order or
18 consent agreement existed and that the person taken into
19 custody has violated its terms. The magistrate's decision
20 shall be entered in the record.

21 2. If a peace officer has probable cause to believe that
22 a person has violated an order or approved consent agreement
23 entered under this chapter, an order establishing conditions
24 of release or a protective or sentencing order in a criminal
25 prosecution arising from dating abuse, or a protective order
26 under chapter 232, and the peace officer is unable to take the
27 person into custody within twenty-four hours of making the
28 probable cause determination, the peace officer shall either
29 request a magistrate to make a determination as to whether a
30 rule to show cause or arrest warrant should be issued, or refer
31 the matter to the county attorney.

32 3. If the magistrate finds probable cause, the magistrate
33 shall order the person to appear either before the court which
34 issued the original order or approved the consent agreement,
35 or before the court in the jurisdiction where the alleged

1 violation took place, at a specified time not less than
2 five days and not more than fifteen days after the initial
3 appearance under this section. The magistrate shall cause
4 the original court to be notified of the contents of the
5 magistrate's order.

6 4. A peace officer shall not be held civilly or criminally
7 liable for acting pursuant to this section provided that the
8 peace officer acts reasonably and in good faith, on probable
9 cause, and the officer's acts do not constitute a willful and
10 wanton disregard for the rights or safety of another.

11 Sec. 26. NEW SECTION. 236A.13 **Prevention of further abuse**
12 **— notification of rights — arrest — liability.**

13 1. If a peace officer has reason to believe that dating
14 abuse has occurred, the officer shall use all reasonable means
15 to prevent further abuse including but not limited to the
16 following:

17 a. If requested, remaining on the scene as long as there
18 is a danger to an abused person's physical safety without the
19 presence of a peace officer, including but not limited to
20 staying in the residence, or if unable to remain on the scene,
21 assisting the person in leaving the residence.

22 b. Assisting an abused person in obtaining medical treatment
23 necessitated by an assault, including providing assistance to
24 the abused person in obtaining transportation to the emergency
25 room of the nearest hospital.

26 c. Providing an abused person with immediate and adequate
27 notice of the person's rights. The notice shall consist of
28 handing the person a document that includes the telephone
29 numbers of shelters, support groups, and crisis lines operating
30 in the area and contains a copy of the following statement
31 written in English and Spanish; asking the person to read the
32 card; and asking whether the person understands the rights:

33 You have the right to ask the court for the following help on
34 a temporary basis:

35 [1] Keeping your attacker away from you, your home, and your

1 place of work.

2 [2] The right to stay at your home without interference from
3 your attacker.

4 You have the right to seek help from the court to seek
5 a protective order with or without the assistance of legal
6 representation. You have the right to seek help from the
7 courts without the payment of court costs if you do not have
8 sufficient funds to pay the costs.

9 You have the right to file criminal complaints for threats,
10 assaults, or other related crimes.

11 You have the right to seek restitution against your attacker
12 for harm to yourself or your property.

13 If you are in need of medical treatment, you have the right
14 to request that the officer present assist you in obtaining
15 transportation to the nearest hospital or otherwise assist you.

16 If you believe that police protection is needed for your
17 physical safety, you have the right to request that the officer
18 present remain at the scene until you and other affected
19 parties can leave or until safety is otherwise ensured.

20 2. A peace officer is not civilly or criminally liable for
21 actions pursuant to this section taken reasonably and in good
22 faith.

23 Sec. 27. NEW SECTION. 236A.14 **Prohibition against referral.**

24 In a criminal action arising from dating abuse, the
25 prosecuting attorney or court shall not refer or order the
26 parties involved to mediation or other nonjudicial procedures
27 prior to judicial resolution of the action.

28 Sec. 28. NEW SECTION. 236A.15 **Application for designation
29 and funding as a provider of services for victims of dating
30 abuse.**

31 Upon receipt of state or federal funding designated for
32 victims of dating abuse by the department, a public or private
33 nonprofit organization may apply to the department for
34 designation and funding as a provider of emergency shelter
35 services and support services to victims of dating abuse. The

1 application shall be submitted on a form prescribed by the
2 department and shall include but not be limited to information
3 regarding services to be provided, budget, and security
4 measures.

5 Sec. 29. NEW SECTION. 236A.16 Department powers and duties.

6 1. The department shall do all of the following:

- 7 a. Designate and award grants for existing and pilot
8 programs pursuant to this chapter to provide emergency shelter
9 services and support services to victims of dating abuse.
- 10 b. Design and implement a uniform method of collecting data
11 from dating abuse organizations funded under this chapter.
- 12 c. Designate and award moneys for publicizing and staffing
13 a statewide, toll-free telephone hotline for use by victims of
14 dating abuse. The department may award a grant to a public
15 agency or a public or private nonprofit organization for the
16 purpose of operating the hotline. The operation of the hotline
17 shall include informing victims of their rights and of various
18 community services that are available, referring victims to
19 service providers, receiving complaints concerning misconduct
20 by peace officers and encouraging victims to refer such
21 complaints to the office of ombudsman, providing counseling
22 services to victims over the telephone, and providing dating
23 abuse victim advocacy.
- 24 d. Advertise the toll-free telephone hotline through the
25 use of public service announcements, billboards, print and
26 broadcast media services, and other appropriate means, and
27 contact media organizations to encourage the provision of free
28 or inexpensive advertising concerning the hotline and its
29 services.
- 30 e. Develop, with the assistance of the entity operating
31 the telephone hotline and other dating abuse victim services
32 providers, brochures explaining the rights of victims set
33 forth under section 236A.13 and the services of the telephone
34 hotline, and distribute the brochures to law enforcement
35 agencies, victim service providers, health practitioners,

1 charitable and religious organizations, and other entities that
2 may have contact with victims of dating abuse.

3 2. The department shall consult and cooperate with
4 all public and private agencies that may provide services
5 to victims of dating abuse, including but not limited to
6 legal services, social services, prospective employment
7 opportunities, and unemployment benefits.

8 3. The department may accept, use, and dispose of
9 contributions of money, services, and property made available
10 by an agency or department of the state or federal government,
11 or a private agency or individual.

12 Sec. 30. NEW SECTION. 236A.17 Dating abuse training
13 requirements.

14 The department, in cooperation with victim service
15 providers, shall work with various professional organizations
16 to encourage organizations to establish training programs for
17 professionals who work in the area of dating abuse prevention
18 and services. Dating abuse training may include but is not
19 limited to the following areas:

20 1. The enforcement of both civil and criminal remedies in
21 dating abuse matters.

22 2. The nature, extent, and causes of dating abuse.

23 3. The legal rights and remedies available to dating abuse
24 victims, including crime victim compensation.

25 4. Services available to dating abuse victims including the
26 dating abuse telephone hotline.

27 5. The duties of peace officers under this chapter.

28 6. Techniques for intervention in dating abuse cases.

29 Sec. 31. NEW SECTION. 236A.18 Reference to certain criminal
30 provisions.

31 In addition to the provisions contained in this chapter,
32 certain criminal penalties and provisions pertaining to dating
33 abuse are set forth in chapters 664A and 709 and sections 726.2
34 and 728.12.

35 Sec. 32. NEW SECTION. 236A.19 Foreign protective orders

1 — registration — enforcement.

2 1. As used in this section, "*foreign protective order*" means
3 a protective order entered by a court of another state, Indian
4 tribe, or United States territory that would be an order or
5 court-approved consent agreement entered under this chapter, an
6 order that establishes conditions of release, or a protective
7 order or sentencing order in a criminal prosecution arising
8 from dating abuse if it had been entered in Iowa.

9 2. A certified or authenticated copy of a permanent foreign
10 protective order may be filed with the clerk of the district
11 court in any county that would have venue if the original
12 action was being commenced in this state or in which the person
13 in whose favor the order was entered may be present.

14 a. The clerk shall file foreign protective orders that are
15 not certified or authenticated, if supported by an affidavit of
16 a person with personal knowledge, subject to the penalties for
17 perjury. The person protected by the order may provide this
18 affidavit.

19 b. The clerk shall provide copies of the order as required
20 by section 236A.7, except that notice shall not be provided to
21 the respondent without the express written direction of the
22 person in whose favor the order was entered.

23 3. a. A valid foreign protective order has the same effect
24 and shall be enforced in the same manner as a protective order
25 issued in this state whether or not filed with the clerk of the
26 district court or otherwise placed in a registry of protective
27 orders.

28 b. A foreign protective order is valid if it meets all of
29 the following:

30 (1) The order states the name of the protected individual
31 and the individual against whom enforcement is sought.

32 (2) The order has not expired.

33 (3) The order was issued by a court or tribunal that had
34 jurisdiction over the parties and subject matter under the law
35 of the foreign jurisdiction.

1 (4) The order was issued in accordance with the respondent's
2 due process rights, either after the respondent was provided
3 with reasonable notice and an opportunity to be heard before
4 the court or tribunal that issued the order, or in the case
5 of an ex parte order, the respondent was granted notice and
6 opportunity to be heard within a reasonable time after the
7 order was issued.

8 c. Proof that a foreign protective order failed to meet all
9 of the factors listed in paragraph "b" shall be an affirmative
10 defense in any action seeking enforcement of the order.

11 4. A peace officer shall treat a foreign protective order as
12 a valid legal document and shall make an arrest for a violation
13 of the foreign protective order in the same manner that a peace
14 officer would make an arrest for a violation of a protective
15 order issued within this state.

16 a. The fact that a foreign protective order has not been
17 filed with the clerk of the district court or otherwise placed
18 in a registry shall not be grounds to refuse to enforce the
19 terms of the order unless it is apparent to the officer that
20 the order is invalid on its face.

21 b. A peace officer acting reasonably and in good faith in
22 connection with the enforcement of a foreign protective order
23 shall be immune from civil and criminal liability in any action
24 arising in connection with such enforcement.

25 5. Filing and service costs in connection with foreign
26 protective orders are waived as provided in section 236A.3.

27 Sec. 33. NEW SECTION. **236A.20 Mutual protective orders**
28 **prohibited — exceptions.**

29 A court in an action under this chapter shall not issue
30 mutual protective orders against the victim and the abuser
31 unless both file a petition requesting a protective order.

32 Sec. 34. Section 331.424, subsection 1, paragraph a,
33 subparagraph (6), Code 2017, is amended to read as follows:

34 (6) The maintenance and operation of the courts, including
35 but not limited to the salary and expenses of the clerk of the

1 district court and other employees of the clerk's office, and
2 bailiffs, court costs if the prosecution fails or if the costs
3 cannot be collected from the person liable, costs and expenses
4 of prosecution under [section 189A.17](#), salaries and expenses
5 of juvenile court officers under [chapter 602](#), court-ordered
6 costs in domestic abuse cases under [section 236.5](#), dating abuse
7 cases under section 236A.7, and elder abuse cases under section
8 235F.6, the county's expense for confinement of prisoners under
9 chapter 356A, temporary assistance to the county attorney,
10 county contributions to a retirement system for bailiffs,
11 reimbursement for judicial magistrates under [section 602.6501](#),
12 claims filed under [section 622.93](#), interpreters' fees under
13 section 622B.7, uniform citation and complaint supplies under
14 section 805.6, and costs of prosecution under [section 815.13](#).

15 Sec. 35. Section 356.7, subsection 1, Code 2017, is amended
16 to read as follows:

17 1. The county sheriff, or a municipality operating a
18 temporary municipal holding facility or jail, may charge a
19 prisoner who is eighteen years of age or older and who has
20 been convicted of a criminal offense or sentenced for contempt
21 of court for violation of a domestic abuse order or a dating
22 abuse order for the actual administrative costs relating to
23 the arrest and booking of that prisoner, for room and board
24 provided to the prisoner while in the custody of the county
25 sheriff or municipality, and for any medical aid provided to
26 the prisoner under [section 356.5](#). Moneys collected by the
27 sheriff or municipality under [this section](#) shall be credited
28 respectively to the county general fund or the city general
29 fund and distributed as provided in [this section](#). If a
30 prisoner who has been convicted of a criminal offense or
31 sentenced for contempt of court for violation of a domestic
32 abuse order or a dating abuse order fails to pay for the
33 administrative costs, the room and board, or medical aid, the
34 sheriff or municipality may file a reimbursement claim with
35 the district court as provided in [subsection 2](#). The county

1 attorney may file the reimbursement claim on behalf of the
2 sheriff and the county or the municipality. The attorney for
3 the municipality may also file a reimbursement claim on behalf
4 of the municipality. [This section](#) does not apply to prisoners
5 who are paying for their room and board by court order pursuant
6 to [sections 356.26 through 356.35](#).

7 Sec. 36. Section 356.50, subsection 1, paragraph c, Code
8 2017, is amended to read as follows:

9 c. Domestic abuse assault or dating abuse assault in which
10 bodily injury was inflicted or attempted to be inflicted.

11 Sec. 37. Section 507B.4, subsection 3, paragraph g,
12 subparagraph (3), Code 2017, is amended to read as follows:

13 (3) Making or permitting any discrimination in the sale of
14 insurance solely on the basis of domestic abuse as defined in
15 section 236.2 or dating abuse as defined in section 236A.2.

16 Sec. 38. Section 598.16, subsection 7, unnumbered paragraph
17 1, Code 2017, is amended to read as follows:

18 Upon application, the court shall grant a waiver from the
19 requirements of [this section](#) if a party demonstrates that
20 a history of elder abuse, as defined in [section 235F.1](#), ~~or~~
21 domestic abuse, as defined in [section 236.2](#), or dating abuse,
22 as defined in section 236A.2, exists.

23 Sec. 39. Section 598.16, subsection 7, paragraph b, Code
24 2017, is amended to read as follows:

25 b. In determining whether a history of domestic abuse or
26 dating abuse exists, the court's consideration shall include
27 but is not limited to commencement of an action pursuant to
28 section 236.3 or 236A.3, the issuance of a protective order
29 against a party or the issuance of a court order or consent
30 agreement pursuant to [section 236.5](#) or 236A.7, the issuance of
31 an emergency order pursuant to [section 236.6](#) or 236A.8, the
32 holding of a party in contempt pursuant to [section 664A.7](#), the
33 response of a peace officer to the scene of alleged domestic
34 abuse or the arrest of a party following response to a report
35 of alleged domestic abuse, ~~or~~ a conviction for domestic abuse

1 assault pursuant to section 708.2A, or a conviction for dating
2 abuse assault pursuant to section 708.2D.

3 Sec. 40. Section 598.41, subsection 3, paragraph j, Code
4 2017, is amended to read as follows:

5 *j.* Whether a history of domestic abuse, as defined in
6 section 236.2, or a history of dating abuse, as defined in
7 section 236A.2, exists. In determining whether a history
8 of domestic abuse or dating abuse exists, the court's
9 consideration shall include but is not limited to commencement
10 of an action pursuant to [section 236.3](#) or 236A.3, the issuance
11 of a protective order against the parent or the issuance of a
12 court order or consent agreement pursuant to [section 236.5](#) or
13 236A.7, the issuance of an emergency order pursuant to section
14 236.6 or 236A.8, the holding of a parent in contempt pursuant
15 to [section 664A.7,](#) the response of a peace officer to the scene
16 of alleged domestic abuse or dating abuse or the arrest of a
17 parent following response to a report of alleged domestic abuse
18 or dating abuse, or a conviction for domestic abuse assault
19 pursuant to [section 708.2A](#) or a conviction for dating abuse
20 assault pursuant to section 708.2D.

21 Sec. 41. Section 598C.305, subsection 4, paragraph b, Code
22 2017, is amended to read as follows:

23 *b.* That the specified adult family member or adult with
24 whom the child has a close and substantial relationship does
25 not have a history of domestic abuse, as defined in section
26 236.2, or a history of dating abuse, as defined in section
27 236A.2. In determining whether a history of domestic abuse or
28 dating abuse exists, the court's consideration shall include
29 but is not limited to commencement of an action pursuant to
30 section 236.3 or 236A.3, the issuance of a protective order
31 against the individual or the issuance of a court order or
32 consent agreement pursuant to [section 236.5](#) or 236A.7, the
33 issuance of an emergency order pursuant to [section 236.6](#) or
34 236A.8, the holding of an individual in contempt pursuant to
35 section 664A.7, the response of a peace officer to the scene

1 of alleged domestic abuse or dating abuse or the arrest of an
2 individual following response to a report of alleged domestic
3 abuse or dating abuse, or a conviction for domestic abuse
4 assault pursuant to [section 708.2A](#) or a conviction for dating
5 abuse assault pursuant to section 708.2D.

6 Sec. 42. Section 600A.8, subsection 8, paragraph a, Code
7 2017, is amended to read as follows:

8 a. The parent has been determined to be a person with a
9 substance-related disorder as defined in [section 125.2](#) and the
10 parent has committed a second or subsequent domestic abuse
11 assault pursuant to [section 708.2A](#) or a second or subsequent
12 dating abuse assault pursuant to section 708.2D.

13 Sec. 43. Section 664A.1, subsection 2, Code 2017, is amended
14 to read as follows:

15 2. "*Protective order*" means a protective order issued
16 pursuant to [chapter 232](#), a court order or court-approved
17 consent agreement entered pursuant to [this chapter](#) or chapter
18 235F, a court order or court-approved consent agreement entered
19 pursuant to [chapter 236](#) or 236A, including a valid foreign
20 protective order under [section 236.19, subsection 3](#), or section
21 236A.19, subsection 3, a temporary or permanent protective
22 order or order to vacate the homestead under [chapter 598](#), or an
23 order that establishes conditions of release or is a protective
24 order or sentencing order in a criminal prosecution arising
25 from a domestic abuse assault under [section 708.2A](#), a dating
26 abuse assault under section 708.2D, or a civil injunction
27 issued pursuant to [section 915.22](#).

28 Sec. 44. Section 664A.2, Code 2017, is amended to read as
29 follows:

30 **664A.2 Applicability.**

31 1. [This chapter](#) applies to no-contact orders issued for
32 violations or alleged violations of [sections 708.2A](#), [708.2D](#),
33 [708.7](#), [708.11](#), [709.2](#), [709.3](#), and [709.4](#), and any other public
34 offense for which there is a victim.

35 2. A protective order issued in a civil proceeding shall

1 be issued pursuant to [chapter 232](#), [235F](#), [236](#), [236A](#), [598](#), or
2 915. Punishment for a violation of a protective order shall be
3 imposed pursuant to [section 664A.7](#).

4 Sec. 45. Section 664A.3, subsection 1, unnumbered paragraph
5 1, Code 2017, is amended to read as follows:

6 When a person is taken into custody for contempt proceedings
7 pursuant to [section 236.11](#), taken into custody pursuant to
8 section 236A.12, or arrested for any public offense referred
9 to in [section 664A.2, subsection 1](#), and the person is brought
10 before a magistrate for initial appearance, the magistrate
11 shall enter a no-contact order if the magistrate finds both of
12 the following:

13 Sec. 46. Section 664A.3, subsection 2, Code 2017, is amended
14 to read as follows:

15 2. Notwithstanding [chapters 804](#) and [805](#), a person taken
16 into custody pursuant to [section 236.11](#) or 236A.12 or arrested
17 pursuant to [section 236.12](#) may be released on bail or otherwise
18 only after initial appearance before a magistrate as provided
19 in [chapter 804](#) and the rules of criminal procedure or section
20 [236.11](#) or 236A.12, whichever is applicable.

21 Sec. 47. Section 664A.4, subsection 2, Code 2017, is amended
22 to read as follows:

23 2. The clerk of the district court shall provide a notice
24 and copy of the no-contact order to the appropriate law
25 enforcement agencies and the twenty-four-hour dispatcher for
26 the law enforcement agencies in the same manner as provided
27 in [section 235F.6](#), ~~or 236.5~~, or 236A.7, as applicable. The
28 clerk of the district court shall provide a notice and copy of
29 a modification or vacation of a no-contact order in the same
30 manner.

31 Sec. 48. Section 664A.5, Code 2017, is amended to read as
32 follows:

33 **664A.5 Modification — entry of permanent no-contact order.**

34 If a defendant is convicted of, receives a deferred judgment
35 for, or pleads guilty to a public offense referred to in

1 section 664A.2, subsection 1, or is held in contempt for a
2 violation of a no-contact order issued under [section 664A.3](#)
3 or for a violation of a protective order issued pursuant to
4 chapter 232, [235F](#), [236](#), [236A](#), [598](#), or [915](#), the court shall
5 either terminate or modify the temporary no-contact order
6 issued by the magistrate. The court may enter a no-contact
7 order or continue the no-contact order already in effect for
8 a period of five years from the date the judgment is entered
9 or the deferred judgment is granted, regardless of whether the
10 defendant is placed on probation.

11 Sec. 49. Section 664A.6, subsection 2, Code 2017, is amended
12 to read as follows:

13 2. If the peace officer is investigating a domestic abuse
14 assault pursuant to [section 708.2A](#) or a dating abuse assault
15 pursuant to section 708.2D, the officer shall also comply with
16 sections 236.11 and [236.12](#) or [236A.12](#) and [236A.13](#).

17 Sec. 50. Section 664A.7, subsections 1, 3, and 5, Code 2017,
18 are amended to read as follows:

19 1. Violation of a no-contact order issued under [this chapter](#)
20 or a protective order issued pursuant to [chapter 232](#), [235F](#),
21 [236](#), [236A](#), or [598](#), including a modified no-contact order, is
22 punishable by summary contempt proceedings.

23 3. If convicted of or held in contempt for a violation
24 of a no-contact order or a modified no-contact order for a
25 public offense referred to in [section 664A.2, subsection 1](#),
26 or held in contempt of a no-contact order issued during a
27 contempt proceeding brought pursuant to [section 236.11](#) or
28 [236A.12](#), the person shall be confined in the county jail for
29 a minimum of seven days. A jail sentence imposed pursuant
30 to [this subsection](#) shall be served on consecutive days. No
31 portion of the mandatory minimum term of confinement imposed
32 by [this subsection](#) shall be deferred or suspended. A deferred
33 judgment, deferred sentence, or suspended sentence shall not
34 be entered for a violation of a no-contact order, modified
35 no-contact order, or protective order and the court shall not

1 impose a fine in lieu of the minimum sentence, although a fine
2 may be imposed in addition to the minimum sentence.

3 5. Violation of a no-contact order entered for the offense
4 or alleged offense of domestic abuse assault in violation
5 of [section 708.2A](#) or a violation of a protective order
6 issued pursuant to [chapter 232](#), [235F](#), [236](#), [236A](#), [598](#), or [915](#)
7 constitutes a public offense and is punishable as a simple
8 misdemeanor. Alternatively, the court may hold a person
9 in contempt of court for such a violation, as provided in
10 subsection 3.

11 Sec. 51. Section 708.2B, unnumbered paragraph 1, Code 2017,
12 is amended to read as follows:

13 As used in [this section](#), "*district department*" means
14 a judicial district department of correctional services,
15 established pursuant to [section 905.2](#). A person convicted of,
16 or receiving a deferred judgment for, domestic abuse assault as
17 defined in [section 708.2A](#) or dating abuse assault as defined
18 in section 708.2D, shall report to the district department
19 in order to participate in a batterers' treatment program
20 for domestic abuse or dating abuse offenders. In addition,
21 a person convicted of, or receiving a deferred judgment for,
22 an assault, as defined in [section 708.1](#), which is domestic
23 abuse, as defined in [section 236.2, subsection 2](#), paragraph
24 "e", or dating abuse, as defined in section 236A.2, may be
25 ordered by the court to participate in a batterers' treatment
26 program. Participation in the batterers' treatment program
27 shall not require a person to be placed on probation, but
28 a person on probation may participate in the program. The
29 district departments may contract for services in completing
30 the duties relating to the batterers' treatment programs. The
31 district departments shall assess the fees for participation
32 in the program, and shall either collect or contract for the
33 collection of the fees to recoup the costs of treatment,
34 but may waive the fee or collect a lesser amount upon a
35 showing of cause. The fees shall be used by each of the

1 district departments or contract service providers for the
2 establishment, administration, coordination, and provision of
3 direct services of the batterers' treatment programs.

4 Sec. 52. NEW SECTION. 708.2D Dating abuse assault —
5 mandatory minimums, penalties enhanced — extension of no-contact
6 order.

7 1. For the purposes of this chapter, "*dating abuse assault*"
8 means an assault, as defined in section 708.1, which is dating
9 abuse, as defined in section 236A.2.

10 2. On a first offense of dating abuse assault, the person
11 commits:

12 a. A simple misdemeanor for a dating abuse assault, except
13 as otherwise provided.

14 b. A serious misdemeanor, if the dating abuse assault causes
15 bodily injury or mental illness.

16 c. An aggravated misdemeanor, if the dating abuse assault
17 is committed with the intent to inflict a serious injury upon
18 another, or if the person uses or displays a dangerous weapon
19 in connection with the assault. This paragraph does not apply
20 if section 708.6 or 708.8 applies.

21 d. An aggravated misdemeanor, if the dating abuse assault
22 is committed by knowingly impeding the normal breathing or
23 circulation of the blood of another by applying pressure to the
24 throat or neck of the other person or by obstructing the nose
25 or mouth of the other person.

26 3. Except as otherwise provided in subsection 2, on a second
27 dating abuse assault, a person commits:

28 a. A serious misdemeanor, if the first offense was
29 classified as a simple misdemeanor, and the second offense
30 would otherwise be classified as a simple misdemeanor.

31 b. An aggravated misdemeanor, if the first offense was
32 classified as a simple or aggravated misdemeanor, and the
33 second offense would otherwise be classified as a serious
34 misdemeanor, or the first offense was classified as a serious
35 or aggravated misdemeanor, and the second offense would

1 otherwise be classified as a simple or serious misdemeanor.

2 4. On a third or subsequent offense of dating abuse assault,
3 a person commits a class "D" felony.

4 5. For a dating abuse assault committed by knowingly
5 impeding the normal breathing or circulation of the blood of
6 another by applying pressure to the throat or neck of the other
7 person or by obstructing the nose or mouth of the other person,
8 and causing bodily injury, the person commits a class "D"
9 felony.

10 6. *a.* A conviction for, deferred judgment for, or plea of
11 guilty to, a violation of this section which occurred more than
12 twelve years prior to the date of the violation charged shall
13 not be considered in determining that the violation charged is
14 a second or subsequent offense.

15 *b.* For the purpose of determining if a violation charged
16 is a second or subsequent offense, deferred judgments issued
17 pursuant to section 907.3 for violations of section 708.2 or
18 this section, which were issued on dating abuse assaults,
19 and convictions or the equivalent of deferred judgments for
20 violations in any other states under statutes substantially
21 corresponding to this section shall be counted as previous
22 offenses. The courts shall judicially notice the statutes of
23 other states which define offenses substantially equivalent
24 to the offenses defined in this section and can therefore be
25 considered corresponding statutes. Each previous violation on
26 which conviction or deferral of judgment was entered prior to
27 the date of the offense charged shall be considered and counted
28 as a separate previous offense.

29 *c.* An offense shall be considered a prior offense regardless
30 of whether it was committed upon the same victim.

31 7. *a.* A person convicted of violating subsection 2 or 3
32 shall serve a minimum term of two days of the sentence imposed
33 by law, and shall not be eligible for suspension of the minimum
34 sentence. The minimum term shall be served on consecutive
35 days. The court shall not impose a fine in lieu of the minimum

1 sentence, although a fine may be imposed in addition to the
2 minimum sentence. This section does not prohibit the court
3 from sentencing and the person from serving the maximum term of
4 confinement or from paying the maximum fine permitted pursuant
5 to chapter 902 or 903, and does not prohibit the court from
6 entering a deferred judgment or sentence pursuant to section
7 907.3, if the person has not previously received a deferred
8 sentence or judgment for a violation of section 708.2 or this
9 section which was issued on a dating abuse assault.

10 *b.* A person convicted of violating subsection 4 shall
11 be sentenced as provided under section 902.9, subsection 1,
12 paragraph "e", and shall be denied parole or work release until
13 the person has served a minimum of one year of the person's
14 sentence. Notwithstanding section 901.5, subsections 1, 3, and
15 5, and section 907.3, the person cannot receive a suspended or
16 deferred sentence or a deferred judgment; however, the person
17 sentenced shall receive credit for any time the person was
18 confined in a jail or detention facility following arrest.

19 8. If a person is convicted for, receives a deferred
20 judgment for, or pleads guilty to a violation of this section,
21 the court shall modify the no-contact order issued upon initial
22 appearance in the manner provided in section 664A.5, regardless
23 of whether the person is placed on probation.

24 9. The clerk of the district court shall provide notice
25 and copies of a judgment entered under this section to the
26 applicable law enforcement agencies and the twenty-four-hour
27 dispatcher for the law enforcement agencies, in the manner
28 provided for protective orders under section 236A.7. The
29 clerk shall provide notice and copies of modifications of the
30 judgment in the same manner.

31 10. In addition to the mandatory minimum term of confinement
32 imposed by subsection 7, paragraph "a", the court shall order
33 a person convicted under subsection 2 or 3 to participate
34 in a batterers' treatment program as required under section
35 708.2B. In addition, as a condition of deferring judgment or

1 sentence pursuant to section 907.3, the court shall order the
2 person to participate in a batterers' treatment program. The
3 clerk of the district court shall send a copy of the judgment
4 or deferred judgment to the judicial district department of
5 correctional services.

6 Sec. 53. Section 804.7, subsection 5, Code 2017, is amended
7 to read as follows:

8 5. If the peace officer has reasonable grounds for believing
9 that domestic abuse, as defined in section 236.2, or dating
10 abuse, as defined in section 236A.2, has occurred and has
11 reasonable grounds for believing that the person to be arrested
12 has committed it.

13 Sec. 54. Section 905.6, subsection 8, Code 2017, is amended
14 to read as follows:

15 8. Administer the batterers' treatment program for domestic
16 abuse offenders and dating abuse offenders required in section
17 708.2B.

18 Sec. 55. Section 907.3, subsection 1, paragraph a,
19 subparagraph (12), Code 2017, is amended to read as follows:

20 (12) Prior to the commission of the offense the defendant
21 had been granted a deferred judgment or deferred sentence for
22 a violation of section 708.2 or, section 708.2A which was
23 issued on a domestic abuse assault, or section 708.2D which was
24 issued on a dating abuse assault, or was granted similar relief
25 anywhere in the United States concerning that jurisdiction's
26 statutes which substantially correspond to domestic abuse
27 assault as provided in section 708.2A or to dating abuse
28 assault as provided in section 708.2D, and the current offense
29 is a violation of section 708.2A or 708.2D.

30 Sec. 56. Section 907.3, subsection 2, paragraph a,
31 subparagraph (7), Code 2017, is amended to read as follows:

32 (7) Section 708.2A, if the defendant has previously
33 received a deferred judgment or sentence for a violation of
34 section 708.2 or, section 708.2A which was issued on a domestic
35 abuse assault, or section 708.2D which was issued on a dating

1 abuse assault, or if similar relief was granted anywhere in the
2 United States concerning that jurisdiction's statutes which
3 substantially correspond to domestic abuse assault as provided
4 in section 708.2A or to dating abuse assault as provided in
5 section 708.2D.

6 Sec. 57. Section 907.3, subsection 3, paragraph a, Code
7 2017, is amended to read as follows:

8 a. The minimum term of two days imposed pursuant to section
9 708.2A, subsection 7, paragraph "a", or section 708.2D,
10 subsection 7, paragraph "a", or a sentence imposed under section
11 708.2A, subsection 7, paragraph "b".

12 Sec. 58. Section 915.22, subsection 5, Code 2017, is amended
13 to read as follows:

14 5. The clerk of the district court shall provide notice and
15 copies of restraining orders issued pursuant to this section
16 in a criminal case involving an alleged violation of section
17 708.2A or 708.2D to the applicable law enforcement agencies and
18 the ~~twenty-four hour~~ twenty-four-hour dispatcher for the law
19 enforcement agencies, in the manner provided for protective
20 orders under section 236.5 or 236A.7. The clerk shall provide
21 notice and copies of modifications or vacations of these orders
22 in the same manner.

23 Sec. 59. Section 915.50, Code 2017, is amended to read as
24 follows:

25 **915.50 General rights of domestic abuse and dating abuse**
26 **victims.**

27 In addition to other victim rights provided in this chapter,
28 victims of domestic abuse and dating abuse shall have the
29 following rights:

30 1. The right to file a pro se petition for relief from
31 domestic abuse and dating abuse in the district court, pursuant
32 to sections 236.3 through 236.10 and sections 236A.3 through
33 236A.11.

34 2. The right, pursuant to section 236.12 or 236A.13, for
35 law enforcement to remain on the scene, to assist the victim

1 in leaving the scene, to assist the victim in obtaining
2 transportation to medical care, and to provide the person with
3 a written statement of victim rights and information about
4 domestic abuse and dating abuse shelters, support services, and
5 crisis lines.

6 3. The right to receive a no-contact order upon a finding of
7 probable cause, pursuant to [section 664A.3](#).

8 Sec. 60. Section 915.94, Code 2017, is amended to read as
9 follows:

10 **915.94 Victim compensation fund.**

11 A victim compensation fund is established as a separate fund
12 in the state treasury. Moneys deposited in the fund shall
13 be administered by the department and dedicated to and used
14 for the purposes of [section 915.41](#) and [this subchapter](#). In
15 addition, the department may use moneys from the fund for the
16 purpose of the department's prosecutor-based victim service
17 coordination, including the duties defined in [sections 910.3](#)
18 and [910.6](#) and [this chapter](#), for the award of funds to programs
19 that provide services and support to victims of domestic abuse
20 or sexual assault as provided in [chapter 236](#), to victims of
21 dating abuse as provided in chapter 236A, to victims under
22 [section 710A.2](#), for reimbursement to the Iowa law enforcement
23 academy for domestic abuse and human trafficking training, and
24 for the support of an automated victim notification system
25 established in [section 915.10A](#). For each fiscal year, the
26 department may also use up to three hundred thousand dollars
27 from the fund to provide training for victim service providers,
28 to provide training for related professionals concerning
29 victim service programming, and to provide training concerning
30 homicide, domestic assault, dating assault, sexual assault,
31 stalking, harassment, and human trafficking as required by
32 [section 710A.6](#). Notwithstanding [section 8.33](#), any balance in
33 the fund on June 30 of any fiscal year shall not revert to the
34 general fund of the state.

35

EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill relates to civil protective orders and dating
4 abuse, creates the criminal offense of dating abuse assault,
5 and provides penalties.

6 The bill creates new Code chapter 236A, the dating abuse
7 Act, allowing a victim of dating abuse to seek relief from
8 dating abuse by filing a petition in district court for a
9 dating abuse civil protective order (emergency, temporary,
10 and permanent) prior to the arrest of the defendant in such a
11 situation affording the victim and the victim's family members,
12 whose welfare may be affected by the dating abuse situation,
13 the same civil protections as victims of domestic abuse under
14 Code chapter 236. The bill defines dating abuse as an assault
15 between persons who are in a dating relationship or who have
16 been in a dating relationship and who have had contact within
17 the past year. The bill provides certain factors a court may
18 consider in determining whether persons are or have been in a
19 dating relationship.

20 Under the bill, upon a finding by the court, by a
21 preponderance of the evidence, that a defendant has engaged
22 in dating abuse against the plaintiff, the court may order
23 the defendant to cease the abuse, and order the defendant to
24 stay away from the plaintiff's residence, school, or place
25 of employment. In seeking a protective order, a victim has
26 the right to seek help from the court with or without the
27 assistance of an attorney and without the payment of court
28 costs.

29 The bill requires criminal or juvenile justice agencies to
30 collect and maintain information on incidents involving dating
31 abuse and to provide the information to the department of
32 public safety. The bill provides certain provisions relating
33 to the confidentiality of dating abuse victim records, the
34 duties of a peace officer in dating abuse cases, and the duties
35 of the department of justice relating to dating abuse training,

1 services, and funding.

2 The bill makes conforming changes to Code provisions,
3 including those relating to the address confidentiality
4 program, the issuance of and violations of civil protective
5 orders, the duties of the departments of justice, public
6 health, and corrections, Iowa law enforcement academy
7 curriculum requirements, peace officer rights, delinquency
8 detentions, dissolution proceedings, insurance practices,
9 termination of parental rights proceedings, court and jail
10 operating costs, peace officer arrests, and certain sentencing
11 and victim rights and services provisions.

12 The bill creates the criminal offense of dating abuse
13 assault and provides penalties, including mandatory
14 minimum fines and penalties, and fines, ranging from a
15 simple misdemeanor to a class "D" felony, depending on the
16 circumstances of the offense. The bill requires the court
17 to order a defendant convicted of dating abuse assault to
18 participate in a batterers' treatment program. A person
19 arrested for a dating abuse assault is subject to a no-contact
20 order.