

**Senate File 22 - Introduced**

SENATE FILE 22

BY PETERSEN

**A BILL FOR**

1 An Act relating to civil protective orders in sexual abuse  
2 cases, and making penalties and remedies applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13.31, subsection 3, Code 2017, is  
2 amended to read as follows:

3 3. Administer the domestic abuse program provided in  
4 chapter 236 and the sexual abuse program provided in chapter  
5 236A.

6 Sec. 2. Section 232.8, subsection 1, paragraph d,  
7 subparagraph (1), Code 2017, is amended to read as follows:

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

11 Sec. 3. Section 232.22, subsection 1, paragraph g, Code  
12 2017, is amended to read as follows:

13 g. There is probable cause to believe that the child has  
14 committed a delinquent act which would be domestic abuse under  
15 chapter 236 ~~or~~, sexual abuse under chapter 236A, or a domestic  
16 abuse assault under section 708.2A if committed by an adult.

17 Sec. 4. NEW SECTION. 236A.1 Short title.

18 This chapter may be cited as the "*Sexual Abuse Act*".

19 Sec. 5. NEW SECTION. 236A.2 Definitions.

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

22 1. "*Department*" means the department of justice.

23 2. "*Emergency shelter services*" include but are not limited  
24 to secure crisis shelters or housing for victims of sexual  
25 abuse.

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

28 4. "*Pro se*" means proceeding on one's own behalf without  
29 legal representation.

30 5. "*Sexual abuse*" means any commission of a crime defined  
31 in chapter 709 or section 726.2 or 728.12. "*Sexual abuse*" also  
32 means any commission of a crime in another jurisdiction under a  
33 statute that is substantially similar to any crime defined in  
34 chapter 709 or section 726.2 or 728.12.

35 6. "*Support services*" include but are not limited to legal

1 services, counseling services, transportation services, child  
2 care services, and advocacy services.

3 Sec. 6. NEW SECTION. 236A.3 Commencement of actions —  
4 waiver to juvenile court.

5 1. A person, including a parent or guardian on behalf of  
6 an unemancipated minor, may seek relief from sexual abuse by  
7 filing a verified petition in the district court. Venue shall  
8 lie where either the plaintiff or defendant resides. The  
9 petition shall state the following:

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

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

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

20 d. Nature of the alleged sexual abuse.

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

23 f. Desired relief, including a request for temporary or  
24 emergency orders.

25 2. A temporary or emergency order shall be based on a  
26 showing of a prima facie case of sexual abuse. If the factual  
27 basis for the alleged sexual abuse is contested, the court  
28 shall issue a protective order based upon a finding of sexual  
29 abuse by a preponderance of the evidence.

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

33 b. The clerk of court, the sheriff of any county in this  
34 state, and other law enforcement and corrections officers shall  
35 perform their duties relating to service of process without

1 charge to the plaintiff. When an order for protection is  
2 entered by the court, the court may direct the defendant to pay  
3 to the clerk of court the fees for the filing of the petition  
4 and reasonable costs of service of process if the court  
5 determines the defendant has the ability to pay the plaintiff's  
6 fees and costs. In lieu of personal service of an order for  
7 protection issued pursuant to this section, the sheriff of any  
8 county in this state and other law enforcement and corrections  
9 officers may serve a defendant with a short-form notification  
10 pursuant to section 664A.4A.

11 4. If the person against whom relief from sexual abuse is  
12 being sought is seventeen years of age or younger, the district  
13 court shall waive its jurisdiction over the action to the  
14 juvenile court.

15 **Sec. 7. NEW SECTION. 236A.4 Plaintiffs proceeding pro se —**  
16 **provision of forms and assistance.**

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

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

28 **Sec. 8. NEW SECTION. 236A.5 Assistance by county attorney.**

29 A county attorney's office may provide assistance to a  
30 person wishing to initiate proceedings pursuant to this chapter  
31 or to a plaintiff at any stage of a proceeding under this  
32 chapter, if the person or plaintiff does not have sufficient  
33 funds to pay for legal assistance and if the assistance does  
34 not create a conflict of interest for the county attorney's  
35 office. The assistance provided may include but is not limited

1 to assistance in obtaining or completing forms, filing a  
2 petition or other necessary pleading, presenting evidence  
3 to the court, and enforcing the orders of the court entered  
4 pursuant to this chapter. Providing assistance pursuant to  
5 this section shall not be considered the private practice of  
6 law for the purposes of section 331.752.

7 Sec. 9. NEW SECTION. 236A.6 **Hearings — temporary orders.**

8 1. Not less than five and not more than fifteen days after  
9 commencing a proceeding and upon notice to the defendant, a  
10 hearing shall be held at which the plaintiff must prove the  
11 allegation of sexual abuse by a preponderance of the evidence.

12 2. The court may enter any temporary order it deems  
13 necessary to protect the plaintiff from sexual abuse prior to  
14 the hearing upon good cause shown in an ex parte proceeding.  
15 Present danger of sexual abuse to the plaintiff constitutes  
16 good cause for purposes of this subsection.

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

19 4. Upon application of the plaintiff or defendant, the court  
20 shall issue subpoenas requiring attendance and testimony of  
21 witnesses and production of papers.

22 5. The court shall advise the defendant of a right to be  
23 represented by counsel of the defendant's choosing and to have  
24 a continuance to secure counsel.

25 6. Hearings shall be recorded.

26 Sec. 10. NEW SECTION. 236A.7 **Disposition.**

27 1. Upon a finding that the defendant has engaged in sexual  
28 abuse, the court may grant a protective order or approve a  
29 consent agreement which may contain but is not limited to any  
30 of the following provisions:

31 a. That the defendant cease sexual abuse of the plaintiff.

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

34 2. An order for a protective order or approved consent  
35 agreement shall be for a fixed period of time not to exceed one

1 year. The court may amend or extend its order or a consent  
2 agreement at any time upon a petition filed by the plaintiff  
3 or defendant and after notice and hearing. The court may  
4 extend the order if the court, after hearing at which the  
5 defendant has the opportunity to be heard, finds that the  
6 defendant continues to pose a threat to the safety of the  
7 plaintiff, persons residing with the plaintiff, or members of  
8 the plaintiff's immediate family. The number of extensions  
9 that can be granted by the court is not limited.

10 3. The order shall state whether the defendant is to be  
11 taken into custody by a peace officer for a violation of the  
12 terms stated in the order.

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

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

17 6. A copy of any order or approved consent agreement shall  
18 be issued to the plaintiff, the defendant, the county sheriff  
19 of the county in which the order or consent decree is initially  
20 entered, and the twenty-four-hour dispatcher for the county  
21 sheriff. Any subsequent amendment or revocation of an order  
22 or consent agreement shall be forwarded by the clerk to all  
23 persons and the county sheriff previously notified.

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

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

1     Sec. 11. NEW SECTION.   **236A.8 Emergency orders.**

2     1. When the court is unavailable from the close of business  
3 at the end of the day or week to the resumption of business  
4 at the beginning of the day or week, a petition may be filed  
5 before a district judge, or district associate judge designated  
6 by the chief judge of the judicial district, who may grant  
7 emergency relief in accordance with section 236A.7, subsection  
8 1, paragraph "b", if the district judge or district associate  
9 judge deems it necessary to protect the plaintiff from sexual  
10 abuse, upon good cause shown in an ex parte proceeding.

11 Present danger of sexual abuse to the plaintiff constitutes  
12 good cause for purposes of this subsection.

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

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

22     Sec. 12. NEW SECTION.   **236A.9 Procedure.**

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

27     Sec. 13. NEW SECTION.   **236A.10 Sexual abuse information.**

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

33     2. The department of public safety may compile statistics  
34 and issue reports on sexual abuse in Iowa, provided individual  
35 identifying details of the sexual abuse are deleted. The

1 statistics and reports may include nonidentifying information  
2 on the personal characteristics of perpetrators and victims.  
3 The department of public safety may request the cooperation  
4 of the department of justice in compiling the statistics and  
5 issuing the reports. The department of public safety may  
6 provide nonidentifying information on individual incidents  
7 of sexual abuse to persons conducting bona fide research,  
8 including but not limited to personnel of the department of  
9 justice.

10 Sec. 14. NEW SECTION. 236A.11 Plaintiff's address —  
11 confidentiality of records.

12 1. A plaintiff seeking relief from sexual abuse under this  
13 chapter may use any of the following addresses as a mailing  
14 address for purposes of filing a petition under this chapter,  
15 as well as for the purpose of obtaining any utility or other  
16 service:

17 a. The mailing address of a shelter or other agency.

18 b. A public or private post office box.

19 c. Any other mailing address, with the permission of the  
20 resident of that address.

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

25 3. The entire file or a portion of the file in a sexual  
26 abuse case shall be sealed by the clerk of court as ordered  
27 by the court to protect the privacy interest or safety of any  
28 person.

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

33 Sec. 15. NEW SECTION. 236A.12 Duties of peace officer —  
34 magistrate.

35 1. A peace officer shall use every reasonable means to



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

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

35 3. If the magistrate finds probable cause, the magistrate

1 shall order the person to appear either before the court which  
2 issued the original order or approved the consent agreement,  
3 or before the court in the jurisdiction where the alleged  
4 violation took place, at a specified time not less than five  
5 days nor more than fifteen days after the initial appearance  
6 under this section. The magistrate shall cause the original  
7 court to be notified of the contents of the magistrate's order.

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

13 Sec. 16. NEW SECTION. 236A.13 **Prevention of further abuse**  
14 **— notification of rights — arrest — liability.**

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

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

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

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

35 You have the right to ask the court for the following help on

1 a temporary basis:

2 [1] Keeping your attacker away from you, your home, and your  
3 place of work.

4 [2] The right to stay at your home without interference from  
5 your attacker.

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

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

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

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

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

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

25 Sec. 17. NEW SECTION. 236A.14 **Prohibition against referral.**

26 In a criminal action arising from sexual abuse, the  
27 prosecuting attorney or court shall not refer or order  
28 the parties involved to participate in mediation or other  
29 nonjudicial procedures prior to judicial resolution of the  
30 action.

31 Sec. 18. NEW SECTION. 236A.15 **Application for designation**  
32 **and funding as a provider of services for victims of sexual**  
33 **abuse.**

34 Upon receipt of state or federal funding designated for  
35 victims of sexual abuse by the department, a public or private

1 nonprofit organization may apply to the department for  
2 designation and funding as a provider of emergency shelter  
3 services and support services to victims of sexual abuse. The  
4 application shall be submitted on a form prescribed by the  
5 department and shall include but not be limited to information  
6 regarding services to be provided, budget, and security  
7 measures.

8 Sec. 19. NEW SECTION. 236A.16 Department powers and duties.

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

10 a. Designate and award grants for existing and pilot  
11 programs pursuant to this chapter to provide emergency shelter  
12 services and support services to victims of sexual abuse.

13 b. Design and implement a uniform method of collecting data  
14 from sexual abuse organizations funded under this chapter.

15 c. Designate and award moneys for publicizing and staffing  
16 a statewide, toll-free telephone hotline for use by victims of  
17 sexual abuse. The department may award a grant to a public  
18 agency or a private, nonprofit organization for the purpose  
19 of operating the hotline. The operation of the hotline shall  
20 include informing victims of their rights and of various  
21 community services that are available, referring victims to  
22 service providers, receiving complaints concerning misconduct  
23 by peace officers and encouraging victims to refer such  
24 complaints to the office of ombudsman, providing counseling  
25 services to victims over the telephone, and providing sexual  
26 abuse victim advocacy.

27 d. Advertise the toll-free telephone hotline through the  
28 use of public service announcements, billboards, print and  
29 broadcast media services, and other appropriate means, and  
30 contact media organizations to encourage the provision of free  
31 or inexpensive advertising concerning the hotline and its  
32 services.

33 e. Develop, with the assistance of the entity operating  
34 the telephone hotline and other sexual abuse victim services  
35 providers, brochures explaining the rights of victims set

1 forth under section 236A.13 and the services of the telephone  
2 hotline, and distribute the brochures to law enforcement  
3 agencies, victim service providers, health practitioners,  
4 charitable and religious organizations, and other entities that  
5 may have contact with victims of sexual abuse.

6 2. The department shall consult and cooperate with all  
7 public and private agencies which may provide services  
8 to victims of sexual abuse, including but not limited to  
9 legal services, social services, prospective employment  
10 opportunities, and unemployment benefits.

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

15 Sec. 20. NEW SECTION. 236A.17 **Sexual abuse training**  
16 **requirements.**

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

23 1. The enforcement of both civil and criminal remedies in  
24 sexual abuse matters.

25 2. The nature, extent, and causes of sexual abuse.

26 3. The legal rights and remedies available to sexual abuse  
27 victims, including crime victim compensation.

28 4. Services available to sexual abuse victims including the  
29 sexual abuse telephone hotline.

30 5. The duties of peace officers pursuant to this chapter.

31 6. Techniques for intervention in sexual abuse cases.

32 Sec. 21. NEW SECTION. 236A.18 **Reference to certain criminal**  
33 **provisions.**

34 In addition to the provisions contained in this chapter,  
35 certain criminal penalties and provisions pertaining to sexual

1 abuse are set forth in chapters 664A and 709 and sections 726.2  
2 and 728.12.

3     Sec. 22. NEW SECTION. 236A.19 Foreign protective orders —  
4 registration — enforcement — immunity.

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

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

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

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

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

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

32         (1) The order states the name of the protected person and  
33 the person against whom enforcement is sought.

34         (2) The order has not expired.

35         (3) The order was issued by a court or tribunal that had

1 jurisdiction over the parties and subject matter under the law  
2 of the foreign jurisdiction.

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

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

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

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

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

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

29 **Sec. 23. NEW SECTION. 236A.20 Mutual protective orders**  
30 **prohibited — exceptions.**

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

34 **Sec. 24. Section 331.424, subsection 1, paragraph a,**  
35 **subparagraph (6), Code 2017, is amended to read as follows:**

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

17 Sec. 25. Section 507B.4, subsection 3, paragraph g,  
18 subparagraph (3), Code 2017, is amended to read as follows:

19 (3) Making or permitting any discrimination in the sale of  
20 insurance solely on the basis of domestic abuse as defined in  
21 section 236.2 or sexual abuse as defined in section 236A.2.

22 Sec. 26. Section 664A.1, subsection 2, Code 2017, is amended  
23 to read as follows:

24 2. "*Protective order*" means a protective order issued  
25 pursuant to [chapter 232](#), a court order or court-approved  
26 consent agreement entered pursuant to [this chapter](#) or chapter  
27 235F, a court order or court-approved consent agreement entered  
28 pursuant to [chapter 236](#) or 236A, including a valid foreign  
29 protective order under [section 236.19](#), [subsection 3](#), or section  
30 236A.19, [subsection 3](#), a temporary or permanent protective  
31 order or order to vacate the homestead under [chapter 598](#), or an  
32 order that establishes conditions of release or is a protective  
33 order or sentencing order in a criminal prosecution arising  
34 from a domestic abuse assault under [section 708.2A](#), or a civil  
35 injunction issued pursuant to [section 915.22](#).



1     Sec. 27. Section 664A.2, subsection 2, Code 2017, is amended  
2 to read as follows:

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

7     Sec. 28. Section 664A.3, subsection 1, unnumbered paragraph  
8 1, Code 2017, is amended to read as follows:

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

16     Sec. 29. Section 664A.3, subsection 2, Code 2017, is amended  
17 to read as follows:

18     2. Notwithstanding [chapters 804](#) and [805](#), a person taken  
19 into custody pursuant to [section 236.11](#) or 236A.12 or arrested  
20 pursuant to [section 236.12](#) may be released on bail or otherwise  
21 only after initial appearance before a magistrate as provided  
22 in [chapter 804](#) and the rules of criminal procedure or section  
23 [236.11](#) or 236A.12, whichever is applicable.

24     Sec. 30. Section 664A.4, subsection 2, Code 2017, is amended  
25 to read as follows:

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

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

1       **664A.5 Modification — entry of permanent no-contact order.**

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

14       Sec. 32. Section 664A.7, subsections 1, 3, and 5, Code 2017,  
15 are amended to read as follows:

16       1. Violation of a no-contact order issued under [this chapter](#)  
17 or a protective order issued pursuant to [chapter 232](#), [235F](#),  
18 [236](#), [236A](#), or [598](#), including a modified no-contact order, is  
19 punishable by summary contempt proceedings.

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

35       5. Violation of a no-contact order entered for the offense

1 or alleged offense of domestic abuse assault in violation  
2 of [section 708.2A](#) or a violation of a protective order  
3 issued pursuant to [chapter 232](#), [235F](#), [236](#), [236A](#), [598](#), or [915](#)  
4 constitutes a public offense and is punishable as a simple  
5 misdemeanor. Alternatively, the court may hold a person  
6 in contempt of court for such a violation, as provided in  
7 subsection 3.

8 Sec. 33. Section 915.22, subsection 5, Code 2017, is amended  
9 to read as follows:

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

19 Sec. 34. Section 915.50, unnumbered paragraph 1, Code 2017,  
20 is amended to read as follows:

21 In addition to other victim rights provided in [this chapter](#),  
22 victims of domestic abuse and sexual abuse shall have the  
23 following rights:

24 Sec. 35. Section 915.50, subsections 1 and 2, Code 2017, are  
25 amended to read as follows:

26 1. The right to file a pro se petition for relief from  
27 domestic abuse and sexual abuse in the district court, pursuant  
28 to [sections 236.3 through 236.10](#) and sections 236A.3 through  
29 236A.11.

30 2. The right, pursuant to ~~section~~ [sections 236.12](#), and  
31 236A.13, for law enforcement to remain on the scene, to  
32 assist the victim in leaving the scene, to assist the victim  
33 in obtaining transportation to medical care, and to provide  
34 the person with a written statement of victim rights and  
35 information about domestic abuse and sexual abuse shelters,

1 support services, and crisis lines.

2 Sec. 36. Section 915.94, Code 2017, is amended to read as  
3 follows:

4 **915.94 Victim compensation fund.**

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

29

EXPLANATION

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

32 This bill relates to civil protective orders in sexual abuse  
33 cases, and makes penalties applicable.

34 Under current law, a defendant accused of sexual abuse must  
35 be arrested for sexual abuse before a victim can apply for a

1 criminal no-contact order against the defendant (Code section  
2 664A.3) or the victim can apply for a criminal no-contact order  
3 against a defendant upon the defendant's release from jail or  
4 prison (Code section 709.19).

5 The bill creates new Code chapter 236A, the sexual abuse  
6 Act, allowing a victim of sexual abuse to seek relief from  
7 sexual abuse by filing a petition in district court for a  
8 sexual abuse civil protective order (emergency, temporary,  
9 or permanent) prior to the arrest of the defendant in such  
10 a situation affording the victim and the victim's family  
11 members, whose welfare may be affected by the sexual abuse  
12 situation, the same civil protections as victims of domestic  
13 abuse under Code chapter 236. The bill defines sexual abuse as  
14 the commission of a crime defined in Code chapter 709 (sexual  
15 abuse) and Code sections 726.2 (incest) and 728.12 (sexual  
16 exploitation of a minor), and includes sexual abuse crimes  
17 in other jurisdictions under statutes that are substantially  
18 similar to the aforementioned statutes.

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

28 The bill requires criminal and juvenile justice agencies  
29 to collect and maintain information on incidents involving  
30 sexual abuse and to provide the information to the department  
31 of public safety.

32 The bill makes conforming changes to Code provisions  
33 relating to the issuance of and violations of civil protective  
34 orders, the duties of the departments of justice and  
35 delinquency detention, insurance practices, court operating

1 costs, and peace officer arrests.