

Senate File 2108 - Introduced

SENATE FILE 2108

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A BILL FOR

1 An Act relating to older individuals and dependent adults,
2 creating certain criminal offenses and civil actions, and
3 providing penalties.

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

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DIVISION I

CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS

Section 1. NEW SECTION. 708.2D Older individual assault — mandatory minimums, penalties enhanced — extension of no-contact order.

1. For the purposes of this section:

a. "Older individual" means an individual who is sixty years of age or older.

b. "Older individual assault" means an assault, as defined in section 708.1, of an older individual.

2. On a first offense of older individual assault, the person commits:

a. A simple misdemeanor, except as otherwise provided.

b. A serious misdemeanor, if the older individual assault causes bodily injury or mental illness.

c. An aggravated misdemeanor, if the older individual assault is committed with the intent to inflict a serious injury upon an older individual, or if the person uses or displays a dangerous weapon in connection with the assault.

This paragraph does not apply if section 708.6 or 708.8 applies.

d. An aggravated misdemeanor, if the older individual assault is committed by knowingly impeding the normal breathing or circulation of the blood of an older individual by applying pressure to the throat or neck of the older individual or by obstructing the nose or mouth of the older individual.

3. Except as otherwise provided in subsection 2, on a second offense of older individual assault, a person commits:

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

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

1 misdemeanor, and the second offense would otherwise be
2 classified as a simple or serious misdemeanor.

3 4. On a third or subsequent offense of older individual
4 assault, a person commits a class "D" felony.

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

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

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

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

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

1 days. The court shall not impose a fine in lieu of the minimum
2 sentence, although a fine may be imposed in addition to the
3 minimum sentence. This section does not prohibit the court
4 from sentencing and the person from serving the maximum term
5 of confinement or from paying the maximum fine permitted
6 pursuant to chapters 902 and 903, and does not prohibit the
7 court from entering a deferred judgment or sentence pursuant
8 to section 907.3, if the person has not previously received
9 a deferred sentence or judgment for a violation of section
10 708.2 or 708.2A, or this section, which was issued on an older
11 individual assault.

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

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

26 9. The clerk of the district court shall provide notice
27 and copies of a judgment entered under this section to the
28 applicable law enforcement agencies and the twenty-four-hour
29 dispatcher for the law enforcement agencies, in the manner
30 provided for protective orders under chapter 235F. The
31 clerk shall provide notice and copies of modifications of the
32 judgment in the same manner.

33 **Sec. 2. NEW SECTION. 714.2A Theft against an older**
34 **individual.**

35 1. If a person commits theft against an individual who was

1 an older individual at the time the theft was committed and the
2 person knew or should have known the conduct was directed at an
3 older individual, notwithstanding the penalties specified in
4 section 714.2, all of the following shall apply:

5 a. If a person commits theft in the first degree pursuant to
6 section 714.2, subsection 1, the person is guilty of a class
7 "B" felony.

8 b. If a person commits theft in the second degree pursuant
9 to section 714.2, subsection 2, the person is guilty of a class
10 "C" felony.

11 c. If a person commits theft in the third degree pursuant to
12 section 714.2, subsection 3, the person is guilty of a class
13 "D" felony.

14 d. If a person commits theft in the fourth degree pursuant
15 to section 714.2, subsection 4, the person is guilty of an
16 aggravated misdemeanor.

17 e. If a person commits theft in the fifth degree pursuant to
18 section 714.2, subsection 5, the person is guilty of a serious
19 misdemeanor.

20 2. For the purposes of this section, "*older individual*"
21 means an individual who is sixty years of age or older.

22 Sec. 3. Section 714.16A, Code 2020, is amended to read as
23 follows:

24 **714.16A Additional civil penalty for consumer frauds**
25 **committed against elderly older individuals — fund established.**

26 1. a. If a person violates [section 714.16](#), and the
27 violation is committed against an older ~~person~~ individual,
28 in an action brought by the attorney general, in addition to
29 any other civil penalty, the court may impose an additional
30 civil penalty not to exceed five thousand dollars for each
31 such violation. Additionally, the attorney general may
32 accept a civil penalty as determined by the attorney general
33 in settlement of an investigation of a violation of section
34 714.16, regardless of whether an action has been filed pursuant
35 to [section 714.16](#).

1 *b.* A civil penalty imposed by a court or determined and
2 accepted by the attorney general pursuant to [this section](#) shall
3 be paid to the treasurer of state, who shall deposit the money
4 in the ~~elderly~~ older individual victim fund, a separate fund
5 created in the state treasury and administered by the attorney
6 general for the investigation and prosecution of frauds against
7 ~~the elderly~~ older individuals. Notwithstanding [section 8.33](#),
8 any balance in the fund on June 30 of any fiscal year shall
9 not revert to the general fund of the state. An award of
10 reimbursement pursuant to [section 714.16](#) has priority over a
11 civil penalty imposed by the court pursuant to [this subsection](#).

12 2. In determining whether to impose a civil penalty under
13 subsection 1, and the amount of any such penalty, the court
14 shall consider the following:

15 *a.* Whether the defendant's conduct was in willful disregard
16 of the rights of the older ~~person~~ individual.

17 *b.* Whether the defendant knew or should have known that the
18 defendant's conduct was directed to an older ~~person~~ individual.

19 *c.* Whether the older ~~person~~ individual was substantially
20 more vulnerable to the defendant's conduct because of age, poor
21 health, infirmity, impaired understanding, restricted mobility,
22 or disability, than other persons.

23 *d.* Any other factors the court deems appropriate.

24 3. As used in [this section](#), "~~older person~~" individual" means
25 ~~a person who is sixty-five years of age or~~ an individual who is
26 sixty years of age or older.

27 Sec. 4. NEW SECTION. **726.24 Elder abuse — initiation of**
28 **charges — penalty.**

29 1. As used in this section unless the context otherwise
30 requires:

31 *a.* "*Abuse*" means the infliction of physical harm or the
32 deprivation of goods or services that are necessary to meet
33 essential needs or to avoid physical harm or psychological
34 harm.

35 *b.* "*Caregiver*" means an individual who has the

1 responsibility for the care or custody of an older individual,
2 whether voluntarily, by contract, by receipt of payment for
3 care, or as a result of the operation of law, and includes
4 but is not limited to a family member or other individual who
5 provides, whether on the individual's own behalf or on behalf
6 of a public or private entity, compensated or uncompensated
7 care to an older individual.

8 *c. "Elder abuse"* means the abuse, emotional abuse, neglect,
9 isolation, or sexual exploitation of an older individual.

10 *"Elder abuse"* does not include any of the following:

11 (1) Circumstances in which the older individual declines
12 medical treatment if the older individual holds a belief or is
13 an adherent of a religion whose tenets and practices call for
14 reliance on spiritual means in place of reliance on medical
15 treatment.

16 (2) Circumstances in which the older individual's caregiver
17 or fiduciary, acting in accordance with the older individual's
18 stated or implied consent, declines medical treatment if the
19 older individual holds a belief or is an adherent of a religion
20 whose tenets and practices call for reliance on spiritual means
21 in place of reliance on medical treatment.

22 (3) The withholding or withdrawing of health care from
23 an older individual who is terminally ill in the opinion of
24 a licensed physician, when the withholding or withdrawing of
25 health care is done at the request of the older individual or
26 at the request of the older individual's next of kin, attorney
27 in fact, or guardian pursuant to the applicable procedures
28 under chapter 125, 144A, 144B, 222, 229, or 633.

29 *d. "Emotional abuse"* means the willful or reckless
30 infliction of psychological harm, emotional or mental anguish,
31 or the use of physical or chemical restraint, medication, or
32 isolation as punishment or as a substitute for treatment or
33 care.

34 *e. "Fiduciary"* means a guardian, trustee, executor,
35 administrator, receiver, conservator, attorney in fact, or

1 any person, whether individual or corporate, acting in any
2 fiduciary capacity for or on behalf of any older individual.

3 *f.* (1) "*Isolate*" or "*isolation*" means preventing an older
4 individual from having contact with another person by any of
5 the following means:

6 (a) Intentionally preventing the older individual from
7 receiving visitors, mail, or telephone calls, including,
8 without limitation, communicating to a person who comes to
9 visit the older individual or a person who telephones the older
10 individual that the older individual is not present or does
11 not want to meet with or talk to the visitor or caller while
12 knowing that the statement is false, contrary to the express
13 wishes of the older individual, and intended to prevent the
14 older individual from having contact with the visitor.

15 (b) Physically restraining the older individual to prevent
16 the older individual from meeting with a person who comes to
17 visit the older individual.

18 (c) Permitting any of the acts described in subparagraph
19 division (a) or (b) to be committed against an older
20 individual.

21 (2) "*Isolate*" or "*Isolation*" does not mean an act intended
22 to protect the property or physical or mental welfare of
23 the older individual or an act performed pursuant to the
24 instructions of a physician of the older individual.

25 *g.* "*Neglect*" means the failure of a caregiver or fiduciary
26 to provide adequate food, shelter, clothing, supervision,
27 physical or mental health care, and goods or services necessary
28 to maintain the life, health, or safety of an older individual,
29 which if not provided would constitute denial of critical care.

30 *h.* "*Older individual*" means a person sixty years of age or
31 older.

32 *i.* "*Older individual assault*" means the same as defined in
33 section 708.2D.

34 *j.* "*Physical harm*" means bodily injury, bodily pain,
35 impairment, or disease.

1 *k.* "*Psychological harm*" means an injury to the intellectual
2 functioning or emotional state of an older individual as
3 evidenced by an observable or measurable reduction in the older
4 adult's ability to function within that individual's customary
5 range of performance and that individual's behavior.

6 *l.* "*Serious injury*" means the same as defined in section
7 702.18.

8 *m.* "*Sexual exploitation*" means any sexual contact against
9 an older individual's will. This includes acts in which the
10 older individual is unable to understand the act or is unable
11 to communicate or is under undue influence and includes coerced
12 nudity; fondling, touching, or kissing; making the person
13 fondle someone else's genitals; forcing the person to observe
14 sexual acts; photographing the person in sexually explicit
15 ways whether for purposes of gratification or degradation; and
16 sexual assault.

17 *n.* "*Undue influence*" means when a person uses or knowingly
18 assists or causes another person to use that person's role,
19 relationship, or power to exploit the trust, dependency, or
20 fear of an older individual, or uses or knowingly assists or
21 causes another person to use that person's role, relationship,
22 or power to deceptively gain control over an older individual's
23 decision-making process.

24 2. It shall be unlawful for any person to abuse, emotionally
25 abuse, neglect, isolate, or sexually exploit any older
26 individual.

27 3. A charge of elder abuse may be initiated as a result of
28 an investigation by a social services agency, or on the direct
29 initiative of the attorney general, a county attorney, or a law
30 enforcement agency.

31 4. A person who commits a first offense of elder abuse is
32 guilty of the following, as applicable:

33 *a.* A person who intentionally commits elder abuse is guilty
34 of a class "C" felony if the intentional elder abuse results
35 in serious injury.

1 *b.* A person who recklessly commits elder abuse is guilty
2 of a class "D" felony if the reckless elder abuse results in
3 serious injury.

4 *c.* A person who intentionally commits elder abuse is guilty
5 of a class "D" felony if the intentional elder abuse results in
6 physical injury or psychological harm.

7 *d.* A person who recklessly commits elder abuse is guilty of
8 an aggravated misdemeanor if the reckless elder abuse results
9 in physical injury or psychological harm.

10 *e.* A person who otherwise intentionally commits elder abuse
11 is guilty of a serious misdemeanor.

12 5. On a second or subsequent offense of elder abuse under
13 subsection 4, paragraph "a", a person commits a class "B"
14 felony.

15 6. On a second or subsequent offense of elder abuse under
16 subsection 4, paragraph "b" or "c", a person commits a class "C"
17 felony.

18 7. On a second or subsequent offense of elder abuse under
19 subsection 4, paragraph "d" or "e", a person commits a class "D"
20 felony.

21 8. It does not constitute a defense to a prosecution for any
22 violation of this section that the alleged perpetrator did not
23 know the age of the victim.

24 9. In a criminal action in which an older individual is
25 a victim, the state may move the court to advance the trial
26 on the docket. The presiding judge, after consideration of
27 the age and health of the victim, may advance the trial on
28 the docket. The motion may be filed and served with the
29 information or charges at any time.

30 10. *a.* A conviction or deferred judgment for or plea of
31 guilty to a violation of this section which occurred more than
32 twelve years prior to the date of the violation charged shall
33 not be considered in determining that the violation charged is
34 a second or subsequent offense.

35 *b.* For the purpose of determining if a violation charged

1 is a second or subsequent offense, deferred judgments issued
2 pursuant to section 907.3 for violations of this section, or
3 judgments or deferred judgments issued pursuant to section
4 708.2D or 714.2A, and convictions or the equivalent of deferred
5 judgments for violations in any other state under statutes
6 substantially corresponding to this section shall be counted
7 as previous offenses. The courts shall judicially notice the
8 statutes of other states which define offenses substantially
9 equivalent to the offenses defined in this section and can
10 therefore be considered corresponding statutes. Each previous
11 violation on which conviction or deferral of judgment was
12 entered prior to the date of the offense charged shall be
13 considered and counted as a separate previous offense.

14 c. An offense shall be considered a prior offense regardless
15 of whether it was committed upon the same victim.

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

21 12. The clerk of the district court shall provide notice
22 and copies of a judgment entered under this section to the
23 applicable law enforcement agencies and the twenty-four-hour
24 dispatcher for the law enforcement agencies, in the manner
25 provided for protective orders under section 235F. The
26 clerk shall provide notice and copies of modifications of the
27 judgment in the same manner.

28 Sec. 5. NEW SECTION. **726.25 Financial exploitation of an**
29 **older individual.**

30 1. For the purposes of this section:

31 a. "Caregiver" means an individual who has the
32 responsibility for the care or custody of an older individual,
33 whether voluntarily, by contract, through employment, or as a
34 result of the operation of law, and includes but is not limited
35 to a family member or other individual who provides compensated

1 or uncompensated care to an older individual.

2 *b. "Coercion"* means communication or conduct which compels
3 an older individual to act or refrain from acting against the
4 older individual's will.

5 *c. "Older individual"* means an individual who is sixty years
6 of age or older.

7 *d. "Stands in a position of trust or confidence"* means the
8 person has any of the following relationships relative to the
9 older individual:

10 (1) Is a parent, spouse, adult child, or other relative by
11 consanguinity or affinity of the older individual.

12 (2) Is a joint tenant or tenant in common with the older
13 individual.

14 (3) Has a legal or fiduciary relationship with the older
15 individual. For the purposes of this paragraph, a legal or
16 fiduciary relationship with the older individual does not
17 include a legal or fiduciary relationship an older individual
18 may have with a bank incorporated under the provisions of any
19 state or federal law, any savings and loan association or
20 savings bank incorporated under the provisions of any state or
21 federal law, or any credit union organized under the provisions
22 of any state or federal law.

23 (4) Is a financial planning or investment professional
24 providing or offering to provide financial planning or
25 investment advice to the older individual.

26 (5) Is a beneficiary of the older individual in a governing
27 instrument.

28 (6) Is a caregiver for the older individual.

29 (7) Is a person who has otherwise formed a relationship
30 of trust or reliance with the older individual such that the
31 person should reasonably expect that the older individual would
32 likely rely upon the person to act in good faith for the older
33 individual's interest.

34 *e. "Undue influence"* means excessive persuasion by a person
35 that causes an older individual to act or refrain from acting

1 by overcoming an older individual's free will and results in
2 inequity. In determining whether a result was produced by
3 undue influence, all of the following shall be considered:

4 (1) *The vulnerability of the older individual.* Evidence of
5 vulnerability may include but is not limited to incapacity,
6 illness, disability, injury, age, education, impaired cognitive
7 function, emotional distress, isolation, or dependency, and
8 whether the person knew or should have known of the alleged
9 older individual's vulnerability.

10 (2) *The person's apparent authority.* Evidence of
11 apparent authority may include but is not limited to status
12 as a fiduciary, family member, care provider, health care
13 professional, legal professional, spiritual advisor, expert,
14 or other qualifications.

15 (3) *The person's actions or tactics.* Evidence of actions
16 or tactics used may include but is not limited to all of the
17 following:

18 (a) Controlling necessities of life, medication, the older
19 individual's interactions with others, access to information,
20 or sleep.

21 (b) Use of affection, intimidation, or coercion.

22 (c) Initiation of changes in personal or property rights,
23 use of haste or secrecy in effecting those changes, effecting
24 changes at inappropriate times and places, and claims of
25 expertise in effecting changes.

26 (4) *The equity of the result.* Evidence of the equity of
27 the result may include but is not limited to the economic
28 consequences to the older individual; any divergence from the
29 older individual's prior intent, course of conduct, or dealing;
30 the relationship of the value conveyed to the value of any
31 services or consideration received; or the appropriateness
32 of the change in light of the length and nature of the
33 relationship. Evidence of an inequitable result, without more,
34 is not sufficient to prove undue influence.

35 2. A person commits financial exploitation of an older

1 individual when the person stands in a position of trust or
2 confidence with the older individual and knowingly and by undue
3 influence, deception, coercion, fraud, breach of fiduciary
4 duty, or extortion, obtains control over or otherwise uses the
5 benefits, property, resources, belongings, or assets of the
6 older individual.

7 3. A person who commits a first offense of financial
8 exploitation of an older individual is guilty of the following,
9 as applicable:

10 a. A serious misdemeanor if the value of the benefits,
11 property, resources, belongings, or assets is one hundred
12 dollars or less.

13 b. An aggravated misdemeanor if the value of the benefits,
14 property, resources, belongings, or assets exceeds one hundred
15 dollars but does not exceed one thousand dollars.

16 c. A class "D" felony if the value of the benefits,
17 property, resources, belongings, or assets exceeds one thousand
18 dollars but does not exceed ten thousand dollars.

19 d. A class "C" felony if the value of the benefits,
20 property, resources, belongings, or assets exceeds ten thousand
21 dollars but does not exceed fifty thousand dollars.

22 e. A class "B" felony if the value of the benefits,
23 property, resources, belongings, or assets exceeds fifty
24 thousand dollars, or if the older individual is seventy years
25 of age to eighty years of age and the value of the benefits,
26 property, resources, belongings, or assets is fifteen thousand
27 dollars or more, or if the older individual is eighty years
28 of age or older and the value of the benefits, property,
29 resources, belongings, or assets is five thousand dollars or
30 more.

31 4. On a second or subsequent offense of financial
32 exploitation of an older individual, a person commits a class
33 "C" felony if the value of the benefits, property, resources,
34 belongings, or assets does not exceed fifty thousand dollars
35 unless subsection 3, paragraph "e" applies.

1 5. Nothing in this section shall be construed to limit other
2 remedies available to the older individual including those
3 provided under chapters 235F and 236.

4 6. Nothing in this section shall be construed to impose
5 criminal liability on a person who has made a good-faith effort
6 to assist an older individual in the management of the older
7 individual's benefits, property, resources, belongings, or
8 assets, but through no fault of the person, the person has been
9 unable to provide such assistance.

10 7. It shall not be a defense to financial exploitation of
11 an older individual that the alleged perpetrator did not know
12 the age of the older individual or reasonably believed that the
13 alleged victim was not an older individual.

14 8. In a criminal action in which an older individual is a
15 victim, the state may make a motion to the court to advance the
16 trial on the docket. The presiding judge, after consideration
17 of the age and health of the victim, may grant a motion to
18 advance the trial on the docket. The motion may be filed and
19 served with the information or charges at any time.

20 9. *a.* A conviction or deferred judgment for or plea of
21 guilty to a violation of this section which occurred more than
22 twelve years prior to the date of the violation charged shall
23 not be considered in determining whether the violation charged
24 is a second or subsequent offense.

25 *b.* For the purpose of determining if a violation charged
26 is a second or subsequent offense, deferred judgments issued
27 pursuant to section 907.3 for violations of this section or
28 judgments or deferred judgments issued pursuant to section
29 708.2D or 714.2A, and convictions or the equivalent of deferred
30 judgments for violations in any other state under statutes
31 substantially corresponding to this section shall be counted
32 as previous offenses. The courts shall judicially notice the
33 statutes of other states which define offenses substantially
34 equivalent to the offenses defined in this section and can
35 therefore be considered corresponding statutes. Each previous

1 violation on which conviction or deferral of judgment was
2 entered prior to the date of the offense charged shall be
3 considered and counted as a separate previous offense.

4 c. An offense shall be considered a prior offense regardless
5 of whether it was committed upon the same victim.

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

11 11. The clerk of the district court shall provide notice
12 and copies of a judgment entered under this section to the
13 applicable law enforcement agencies and the twenty-four-hour
14 dispatcher for the law enforcement agencies, in the manner
15 provided for protective orders under section 235F. The
16 clerk shall provide notice and copies of modifications of the
17 judgment in the same manner.

18 Sec. 6. NEW SECTION. **726.26 Dependent adult abuse —**
19 **initiation of charges — penalty.**

20 1. For the purposes of this section, "*caretaker*", "*dependent*
21 *adult*", and "*dependent adult abuse*" mean the same as defined in
22 section 235B.2.

23 2. A charge of dependent adult abuse may be initiated
24 upon the complaint of a private individual, as a result of an
25 investigation by a social service agency, or on the direct
26 initiative of the office of the attorney general, a county
27 attorney, or a law enforcement agency.

28 3. A caretaker who intentionally commits dependent adult
29 abuse is guilty of a class "C" felony if the intentional
30 dependent adult abuse results in serious injury.

31 4. A caretaker who recklessly commits dependent adult abuse
32 is guilty of a class "D" felony if the reckless dependent adult
33 abuse results in serious injury.

34 5. A caretaker who intentionally commits dependent adult
35 abuse is guilty of a class "C" felony if the intentional

1 dependent adult abuse results in physical injury.

2 6. A caretaker who commits dependent adult abuse by
3 exploitation of a dependent adult is guilty of a class "D"
4 felony if the value of the property, assets, or resources
5 exceeds one hundred dollars.

6 7. A caretaker who recklessly commits dependent adult
7 abuse is guilty of an aggravated misdemeanor if the reckless
8 dependent adult abuse results in physical injury.

9 8. A caretaker who otherwise intentionally or knowingly
10 commits dependent adult abuse is guilty of a serious
11 misdemeanor.

12 9. A caretaker who commits dependent adult abuse by
13 exploitation of a dependent adult is guilty of a simple
14 misdemeanor if the value of the property, assets, or resources
15 is one hundred dollars or less.

16 10. A caretaker alleged to have committed dependent adult
17 abuse shall be charged with the respective offense cited,
18 unless a charge may be brought based upon a more serious
19 offense, in which case the charge of the more serious offense
20 shall supersede the less serious charge.

21 Sec. 7. REPEAL. Section 235B.20, Code 2020, is repealed.

22 Sec. 8. CODE EDITOR DIRECTIVES. The Code editor shall do
23 all of the following:

24 1. Create a new subchapter in chapter 726, entitled
25 "Resident, Dependent Adult, and Older Individual Protection
26 Act" that includes sections 726.24, 726.25, and 726.26, as
27 enacted in this Act.

28 2. a. Transfer sections 726.7 and 726.8, Code 2020, to
29 the new subchapter and renumber the transferred sections as
30 follows:

31 (1) Section 726.7 as section 726.27.

32 (2) Section 726.8 as section 726.28.

33 b. Correct internal references as necessary.

34 3. Amend the title of the chapter to read "Protections
35 for the Family, Dependent Persons, Residents of Health Care

1 Facilities, and Older Individuals”.

2 DIVISION II

3 CONFORMING CHANGES

4 Sec. 9. Section 13.2, subsection 1, Code 2020, is amended by
5 adding the following new paragraph:

6 NEW PARAGRAPH. *p.* Develop written procedures and policies
7 to be followed by prosecuting attorneys in the prosecution
8 of elder abuse, older individual assault, theft against an
9 older individual, consumer frauds committed against an older
10 individual, and financial exploitation of an older individual
11 under sections 708.2D, 714.2A, 714.16A, 726.24, and 726.25.

12 Sec. 10. Section 103.9, subsection 3, Code 2020, is amended
13 to read as follows:

14 3. Conviction of a felony in Iowa that is sexual abuse
15 in violation of section 709.4, a sexually violent offense
16 as defined in section 229A.2, the offense of elder abuse in
17 violation of section 726.24, the offense of dependent adult
18 abuse in violation of section ~~235B.20~~ 726.26, a forcible felony
19 as defined in section 702.11, or the offense of domestic
20 abuse assault in violation of section 708.2A, or the offense
21 of older individual assault in violation of section 708.2D,
22 shall be grounds for denial, revocation, or suspension of a
23 license. Conviction for any other felony shall not be grounds
24 for denial, revocation, or suspension. A conviction of a
25 crime in violation of federal law or in violation of the law
26 of another state shall be given the same effect as it would if
27 such conviction had been under Iowa law. If federal law or the
28 laws of another state do not provide for offenses or violations
29 denominated or described in precisely the same words as Iowa
30 law, the department shall determine whether those offenses or
31 violations are substantially similar in nature to Iowa law and
32 apply those offenses or violations accordingly.

33 Sec. 11. Section 103.10, subsection 6, Code 2020, is amended
34 to read as follows:

35 6. Conviction of a felony in Iowa that is sexual abuse

1 in violation of [section 709.4](#), a sexually violent offense
2 as defined in [section 229A.2](#), the offense of elder abuse in
3 violation of section 726.24, the offense of dependent adult
4 abuse in violation of section ~~235B.20~~ 726.26, a forcible felony
5 as defined in [section 702.11](#), ~~or~~ the offense of domestic
6 abuse assault in violation of [section 708.2A](#), or the offense
7 of older individual assault in violation of section 708.2D,
8 shall be grounds for denial, revocation, or suspension of a
9 license. Conviction for any other felony shall not be grounds
10 for denial, revocation, or suspension. A conviction of a
11 crime in violation of federal law or in violation of the law
12 of another state shall be given the same effect as it would if
13 such conviction had been under Iowa law. If federal law or the
14 laws of another state do not provide for offenses or violations
15 denominated or described in precisely the same words as Iowa
16 law, the department shall determine whether those offenses or
17 violations are substantially similar in nature to Iowa law and
18 apply those offenses or violations accordingly.

19 Sec. 12. Section 103.12, subsection 6, Code 2020, is amended
20 to read as follows:

21 6. Conviction of a felony in Iowa that is sexual abuse
22 in violation of [section 709.4](#), a sexually violent offense
23 as defined in [section 229A.2](#), the offense of elder abuse in
24 violation of section 726.24, the offense of dependent adult
25 abuse in violation of section ~~235B.20~~ 726.26, a forcible felony
26 as defined in [section 702.11](#), ~~or~~ the offense of domestic
27 abuse assault in violation of [section 708.2A](#), or the offense
28 of older individual assault in violation of section 708.2D,
29 shall be grounds for denial, revocation, or suspension of a
30 license. Conviction for any other felony shall not be grounds
31 for denial, revocation, or suspension. A conviction of a
32 crime in violation of federal law or in violation of the law
33 of another state shall be given the same effect as it would if
34 such conviction had been under Iowa law. If federal law or the
35 laws of another state do not provide for offenses or violations

1 denominated or described in precisely the same words as Iowa
2 law, the department shall determine whether those offenses or
3 violations are substantially similar in nature to Iowa law and
4 apply those offenses or violations accordingly.

5 Sec. 13. Section 103.12A, subsection 4, Code 2020, is
6 amended to read as follows:

7 4. Conviction of a felony in Iowa that is sexual abuse
8 in violation of [section 709.4](#), a sexually violent offense
9 as defined in [section 229A.2](#), the offense of elder abuse in
10 violation of section 726.24, the offense of dependent adult
11 abuse in violation of section ~~235B.20~~ 726.26, a forcible felony
12 as defined in section [702.11](#), ~~or~~ the offense of domestic
13 abuse assault in violation of [section 708.2A](#), or the offense
14 of older individual assault in violation of section 708.2D,
15 shall be grounds for denial, revocation, or suspension of a
16 license. Conviction for any other felony shall not be grounds
17 for denial, revocation, or suspension. A conviction of a
18 crime in violation of federal law or in violation of the law
19 of another state shall be given the same effect as it would if
20 such conviction had been under Iowa law. If federal law or the
21 laws of another state do not provide for offenses or violations
22 denominated or described in precisely the same words as Iowa
23 law, the department shall determine whether those offenses or
24 violations are substantially similar in nature to Iowa law and
25 apply those offenses or violations accordingly.

26 Sec. 14. Section 103.13, subsection 4, Code 2020, is amended
27 to read as follows:

28 4. Conviction of a felony in Iowa that is sexual abuse
29 in violation of [section 709.4](#), a sexually violent offense
30 as defined in [section 229A.2](#), the offense of elder abuse in
31 violation of section 726.24, the offense of dependent adult
32 abuse in violation of section ~~235B.20~~ 726.26, a forcible felony
33 as defined in section [702.11](#), ~~or~~ the offense of domestic
34 abuse assault in violation of [section 708.2A](#), or the offense
35 of older individual assault in violation of section 708.2D,

1 shall be grounds for denial, revocation, or suspension of a
2 license. Conviction for any other felony shall not be grounds
3 for denial, revocation, or suspension. A conviction of a
4 crime in violation of federal law or in violation of the law
5 of another state shall be given the same effect as it would if
6 such conviction had been under Iowa law. If federal law or the
7 laws of another state do not provide for offenses or violations
8 denominated or described in precisely the same words as Iowa
9 law, the department shall determine whether those offenses or
10 violations are substantially similar in nature to Iowa law and
11 apply those offenses or violations accordingly.

12 Sec. 15. Section 103.15, subsection 7, Code 2020, is amended
13 to read as follows:

14 7. Conviction of a felony in Iowa that is sexual abuse
15 in violation of [section 709.4](#), a sexually violent offense
16 as defined in [section 229A.2](#), the offense of elder abuse in
17 violation of section 726.24, the offense of dependent adult
18 abuse in violation of section ~~235B.20~~ [726.26](#), a forcible felony
19 as defined in [section 702.11](#), ~~or~~ the offense of domestic
20 abuse assault in violation of [section 708.2A](#), or the offense
21 of older individual assault in violation of section 708.2D,
22 shall be grounds for denial, revocation, or suspension of a
23 license. Conviction for any other felony shall not be grounds
24 for denial, revocation, or suspension. A conviction of a
25 crime in violation of federal law or in violation of the law
26 of another state shall be given the same effect as it would if
27 such conviction had been under Iowa law. If federal law or the
28 laws of another state do not provide for offenses or violations
29 denominated or described in precisely the same words as Iowa
30 law, the department shall determine whether those offenses or
31 violations are substantially similar in nature to Iowa law and
32 apply those offenses or violations accordingly.

33 Sec. 16. Section 105.22, subsection 4, Code 2020, is amended
34 to read as follows:

35 4. Conviction of a felony in Iowa that is sexual abuse

1 in violation of [section 709.4](#), a sexually violent offense
2 as defined in [section 229A.2](#), the offense of elder abuse in
3 violation of section 726.24, the offense of dependent adult
4 abuse in violation of section ~~235B.20~~ 726.26, a forcible felony
5 as defined in [section 702.11](#), ~~or~~ the offense of domestic
6 abuse assault in violation of [section 708.2A](#), or the offense
7 of older individual assault in violation of section 708.2D,
8 shall be grounds for denial, revocation, or suspension of a
9 license. Conviction for any other felony shall not be grounds
10 for denial, revocation, or suspension. A conviction of a
11 crime in violation of federal law or in violation of the law
12 of another state shall be given the same effect as it would if
13 such conviction had been under Iowa law. If federal law or the
14 laws of another state do not provide for offenses or violations
15 denominated or described in precisely the same words as Iowa
16 law, the department shall determine whether those offenses or
17 violations are substantially similar in nature to Iowa law and
18 apply those offenses or violations accordingly. A copy of the
19 record of conviction or plea of guilty shall be conclusive
20 evidence of such conviction.

21 Sec. 17. Section 232.22, subsection 1, paragraph g, Code
22 2020, is amended to read as follows:

23 *g.* There is probable cause to believe that the child has
24 committed a delinquent act which would be domestic abuse under
25 chapter 236, sexual abuse under [chapter 236A](#), ~~or~~ a domestic
26 abuse assault under [section 708.2A](#), or an older individual
27 assault under section 708.2D if committed by an adult.

28 Sec. 18. Section 235E.4, Code 2020, is amended to read as
29 follows:

30 **235E.4 Chapter 235B application.**

31 Sections 235B.4 through ~~235B.20~~ 235B.19 and [section 726.26](#),
32 where not inconsistent with [this chapter](#), shall apply to this
33 chapter.

34 Sec. 19. Section 664A.1, subsection 2, Code 2020, is amended
35 to read as follows:

1 2. “*Protective order*” means a protective order issued
2 pursuant to [chapter 232](#), a court order or court-approved
3 consent agreement entered pursuant to [this chapter](#) or chapter
4 235F, a court order or court-approved consent agreement entered
5 pursuant to [chapter 236](#) or [236A](#), including a valid foreign
6 protective order under [section 236.19, subsection 3](#), or section
7 236A.19, subsection 3, a temporary or permanent protective
8 order or order to vacate the homestead under [chapter 598](#), or an
9 order that establishes conditions of release or is a protective
10 order or sentencing order in a criminal prosecution arising
11 from a domestic abuse assault under [section 708.2A](#) or older
12 individual assault under section 708.2D, or a civil injunction
13 issued pursuant to [section 915.22](#).

14 Sec. 20. Section 664A.2, subsection 1, Code 2020, is amended
15 to read as follows:

16 1. [This chapter](#) applies to no-contact orders issued for
17 violations or alleged violations of [sections 708.2A, 708.2D,](#)
18 [708.7, 708.11, 709.2, 709.3, and 709.4](#), and any other public
19 offense for which there is a victim.

20 Sec. 21. Section 664A.7, subsection 5, Code 2020, is amended
21 to read as follows:

22 5. Violation of a no-contact order entered for the offense
23 or alleged offense of domestic abuse assault in violation
24 of [section 708.2A](#), the offense or alleged offense of older
25 individual assault in violation of section 708.2D, or a
26 violation of a protective order issued pursuant to chapter
27 232, [235F, 236, 236A, 598, or 915](#) constitutes a public offense
28 and is punishable as a simple misdemeanor. Alternatively,
29 the court may hold a person in contempt of court for such a
30 violation, as provided in [subsection 3](#).

31 Sec. 22. Section 671A.2, subsection 1, paragraph b,
32 subparagraphs (3) and (7), Code 2020, are amended to read as
33 follows:

34 (3) The offense of elder abuse as provided for under section
35 726.24 or dependent adult abuse as provided for under section

1 ~~235B.20~~ 726.26.

2 (7) The offense of domestic abuse assault as defined in
3 section 708.2A and older individual assault as defined in
4 section 708.2D.

5 Sec. 23. Section 901C.3, subsection 2, paragraphs c and i,
6 Code 2020, are amended to read as follows:

7 c. A conviction for elder abuse under section 726.24 or
8 dependent adult abuse under section ~~235B.20~~ 726.26.

9 i. A conviction under section 708.2A or 708.2D.

10 Sec. 24. Section 915.22, Code 2020, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 6. The clerk of the district court
13 shall provide notice and copies of restraining orders issued
14 pursuant to this section in a criminal case involving an
15 alleged violation of section 708.2D to the applicable law
16 enforcement agencies and the twenty-four-hour dispatch for the
17 law enforcement agencies, in the manner provided for protective
18 orders under section 235F.6. The clerk shall provide notice
19 and copies of modifications or vacations of these orders in the
20 same manner.

21

DIVISION III

22 SINGLE POINT OF ENTRY FOR ADULT ABUSE SERVICES AND INFORMATION

23 Sec. 25. SINGLE POINT OF ENTRY FOR ADULT ABUSE SERVICES AND
24 INFORMATION.

25 1. The department on aging shall utilize the aging and
26 disability resource centers network lifelong links to function
27 as the primary point of entry utilizing a single statewide
28 telephone number to provide a system for individuals, family
29 members, caregivers, and concerned others, no matter where the
30 individual resides or who is allegedly perpetrating the abuse,
31 to request assistance, report suspicion of adult abuse, and
32 receive information, and for the purpose of collecting data
33 regarding adult abuse.

34 2. The department shall develop a consumer-friendly triage
35 system to manage incoming calls, establish a consumer-friendly

1 intake and screening tool to effectively refer individuals to
2 appropriate community and other resources, and provide trained
3 professionals to manage the intake, screening, and referral
4 of calls. The department shall develop and administer a
5 management information system for the collection of all data on
6 reported cases of adult abuse that interacts with other state,
7 regional, and national systems to allow the department to
8 compile and analyze relevant data to inform decision making and
9 utilization of resources regarding adult abuse. The department
10 and the aging and disability resource center shall collaborate
11 with the department of human services, law enforcement, the
12 office of the attorney general, county attorneys, and others to
13 respond to reports of adult abuse and to collect, compile, and
14 analyze data. All reports of adult abuse received by the aging
15 and disability resource center that disclose the identity of a
16 dependent adult or older individual shall be maintained as a
17 confidential record pursuant to section 22.7. The department
18 shall have access to such reports for the purposes of data
19 collection, compilation, and analysis.

20 3. The single point of entry shall also act as a means of
21 providing public awareness regarding the prevalence of adult
22 abuse, the identification and responsibilities of mandatory
23 reporters, the signs of adult abuse, what to do when adult
24 abuse is suspected, and the resources available to address
25 adult abuse.

26 4. For the purposes of this section, "adult abuse" includes
27 elder abuse as defined in section 726.24 and dependent adult
28 abuse as defined in section 726.26.

29 DIVISION IV

30 ESTABLISHMENT OF MULTIDISCIPLINARY TEAMS TO RESPOND TO ELDER
31 ABUSE

32 Sec. 26. NEW SECTION. 231.56B Multidisciplinary teams —
33 elder abuse.

34 The department, in collaboration with the department of
35 human services, shall establish a multidisciplinary team in

1 each area agency on aging planning and service area. The
2 multidisciplinary team shall assist in assessing the needs
3 of, formulating and monitoring a treatment plan for, and
4 coordinating services to, victims of elder abuse as defined
5 in section 726.24, as well as address public awareness,
6 prevention, detection, reporting, data collection, and
7 investigations relating to elder abuse. The multidisciplinary
8 team shall consist of professionals practicing in the
9 disciplines of medicine, public health, mental health, social
10 work, gerontology, education, law, law enforcement, nursing,
11 and other disciplines relative to elder abuse, as well as other
12 appropriate community providers. Members of multidisciplinary
13 teams shall maintain confidentiality of cases in which they are
14 involved and shall not redisseminate elder abuse information
15 obtained through the multidisciplinary team. This prohibition
16 shall not preclude redissemination of information if a
17 team member has received information as a result of another
18 provision of law that grants access to the information.

19 DIVISION V

20 OFFICE OF PUBLIC GUARDIAN

21 Sec. 27. EXPANSION OF SERVICES OF OFFICE OF PUBLIC
22 GUARDIAN. The department on aging shall explore ways that the
23 office of public guardian may increase its effectiveness by
24 increasing the number of local public guardians, identifying
25 and supporting individuals and organizations willing to
26 serve as public guardians, increasing awareness regarding
27 alternatives to guardianships, where appropriate, providing
28 effective oversight and monitoring of guardians, and increasing
29 public awareness about the office of public guardian as a
30 valued resource for members of the public, the courts, and
31 private guardians. The department shall work with appropriate
32 entities such as the representatives of the judicial branch,
33 the university of Iowa and drake university colleges of
34 law, the Iowa state bar association, AARP, and community
35 organizations to achieve the goals identified in this section.

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EXPLANATION

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

This bill relates to older individuals and dependent adults and certain criminal offenses and civil actions, and provides penalties.

DIVISION I — CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS. The bill establishes the crime of older individual assault, which is the assault, as defined in Code section 708.1, of an older individual, defined in the bill as an individual 60 years of age or older. The bill provides criminal penalties for older individual assault ranging from a simple misdemeanor to a class "D" felony depending on the circumstances of the assault. The bill also provides for the determination of whether a violation is a second or subsequent offense and provides for minimum sentencing for offenders.

The bill establishes the crime of theft against an older individual which enhances the penalties for the existing crime of theft by one degree.

The bill changes the existing additional civil penalty for consumer frauds committed against elders (those 65 years of age or older) to apply to older individuals consistent with other provisions relating to older individuals under the bill.

The bill establishes criminal penalties for elder abuse ranging from a serious misdemeanor to a class "B" felony depending on the circumstances and resulting injuries of the abuse. "Elder abuse" is defined as the abuse, emotional abuse, neglect, isolation, or sexual exploitation of an older individual.

The bill establishes the crime of financial exploitation of an older individual. A person commits financial exploitation of an older individual when the person stands in a position of trust or confidence with the older individual and knowingly and by undue influence, deception, coercion, fraud, breach of fiduciary duty, or extortion, obtains control over or otherwise

1 uses the benefits, property, resources, belongings, or assets
2 of the older individual. The criminal penalties range from a
3 serious misdemeanor to a class "B" felony based on the amount
4 of benefits, property, resources, belongings, or assets of the
5 older individual involved.

6 The bill relocates the criminal penalties for dependent
7 adult abuse as they currently exist from Code chapter 235B
8 (dependent adult abuse) to Code chapter 726 (relating to the
9 protection of the family and dependent persons).

10 DIVISION II — CONFORMING CHANGES. The bill makes
11 conforming changes throughout the Code.

12 Code section 13.2: The bill adds as a duty of the attorney
13 general to develop written procedures and policies to be
14 followed by prosecuting attorneys in the prosecution of
15 elder abuse, older individual assault, theft against an
16 older individual, consumer frauds committed against an older
17 individual, and financial exploitation of an older individual.

18 Code section 103.9: The bill provides that a conviction
19 for the offense of elder abuse in violation of Code section
20 726.24 or the offense of older individual assault in violation
21 of Code section 708.2D is grounds for the denial, revocation,
22 or suspension of an electrical contractor license. The bill
23 also changes the reference for dependent adult abuse from Code
24 section 235B.20 to Code section 726.26 due to the repeal of
25 Code section 235B.20.

26 Code section 103.10: The bill provides that a conviction for
27 the offense of elder abuse in violation of Code section 726.24
28 or the offense of older individual assault in violation of
29 Code section 708.2D is grounds for the denial, revocation, or
30 suspension of a class A or class B master electrician license.
31 The bill also changes the reference to dependent adult abuse
32 from Code section 235B.20 to Code section 726.26 due to the
33 repeal of Code section 235B.20.

34 Code section 103.12: The bill provides that a conviction
35 for the offense of elder abuse in violation of Code section

1 726.24 or the offense of older individual assault in violation
2 of Code section 708.2D is grounds for the denial, revocation,
3 or suspension of a class A or class B journeyman electrician
4 license. The bill also changes the reference for dependent
5 adult abuse from Code section 235B.20 to Code section 726.26
6 due to the repeal of Code section 235B.20.

7 Code section 103.12A: The bill provides that a conviction
8 for the offense of elder abuse in violation of Code section
9 726.24 or the offense of older individual assault in violation
10 of Code section 708.2D is grounds for the denial, revocation,
11 or suspension of a residential electrician or residential
12 master electrician license. The bill also changes the
13 reference for dependent adult abuse from Code section 235B.20
14 to Code section 726.26 due to the repeal of Code section
15 235B.20.

16 Code section 103.13: The bill provides that a conviction
17 for the offense of elder abuse in violation of Code section
18 726.24 or the offense of older individual assault in violation
19 of Code section 708.2D is grounds for the denial, revocation,
20 or suspension of a special electrician license. The bill also
21 changes the reference for dependent adult abuse from Code
22 section 235B.20 to Code section 726.26 due to the repeal of
23 Code section 235B.20.

24 Code section 103.15: The bill provides that a conviction
25 for the offense of elder abuse in violation of Code section
26 726.24 or the offense of older individual assault in violation
27 of Code section 708.2D is grounds for the denial, revocation,
28 or suspension of an apprenticeship electrician license. The
29 bill also changes the reference for dependent adult abuse from
30 Code section 235B.20 to Code section 726.26 due to the repeal
31 of Code section 235B.20.

32 Code section 105.22: The bill provides that a conviction
33 for the offense of elder abuse in violation of Code section
34 726.24 or the offense of older individual assault in violation
35 of Code section 708.2D is grounds for the denial, revocation,

1 or suspension of a contractor license to provide plumbing,
2 mechanical, HVAC, refrigeration, sheet metal, or hydronic
3 systems services. The bill also changes the reference for
4 dependent adult abuse from Code section 235B.20 to Code section
5 726.26 due to the repeal of Code section 235B.20.

6 Code section 232.22: The bill provides that in addition to
7 other conditions, a child shall not be placed in detention when
8 a child is alleged to have committed a delinquent act unless
9 there is probable cause to believe that the child has committed
10 a delinquent act which would be an older individual assault
11 under Code section 708.2D, if committed by an adult.

12 Code section 235E.4: The bill corrects Code section
13 references relating to dependent adult abuse in facilities and
14 programs to reflect the repeal of Code section 235B.20.

15 Code section 664A.1: The bill includes in the definition
16 of "protective orders" under Code chapter 664A (relating to
17 no-contact and enforcement of protective orders), a protective
18 order or sentencing order in a criminal prosecution arising
19 from older individual assault.

20 Code section 664A.2: The bill provides that the Code chapter
21 is applicable to no-contact orders issued for violations or
22 alleged violations related to older individual assault.

23 Code section 664A.7: The bill provides that violation of a
24 no-contact order for the offense of older individual assault
25 constitutes a public offense and is punishable as a simple
26 misdemeanor. Alternatively, the court may hold a person in
27 contempt of court for such violation.

28 Code section 671A.2: The Code section provides that
29 liability protection for a private employer, general
30 contractor, or premises owner for negligently hiring an
31 employee, agent, or independent contractor does not preclude
32 a cause of action for negligent hiring based on evidence
33 that the employee, agent, or independent contractor has been
34 convicted of a public offense if the private employer, general
35 contractor, or premises owner knew or should have known of

1 the conviction; and if the employee, agent, or independent
2 contractor was convicted of one of certain enumerated offenses.
3 The bill adds to the list of enumerated offenses the offenses
4 of elder abuse and older individual assault. The bill also
5 changes the reference for dependent adult abuse from Code
6 section 235B.20 to Code section 726.26 due to the repeal of
7 Code section 235B.20.

8 Code section 901C.3: The bill includes in those convictions
9 for misdemeanor offense that shall not be expunged upon
10 application of a defendant convicted of a misdemeanor offense
11 the offenses of elder abuse and older individual assault. The
12 bill also changes the reference for dependent adult abuse from
13 Code section 235B.20 to Code section 726.26 due to the repeal
14 of Code section 235B.20.

15 Code section 915.23: The bill provides that under Code
16 chapter 915 (victim rights) the clerk of the district court
17 shall provide notice and copies of restraining orders in a
18 criminal case involving alleged older individual assault to the
19 applicable law enforcement agencies and the 24-hour dispatcher
20 for the law enforcement agencies, in the manner provided for
21 protective orders under Code section 235F.6. The clerk shall
22 provide notice and copies of modifications or vacations of
23 these orders in the same manner.

24 DIVISION III — SINGLE POINT OF ENTRY FOR ADULT ABUSE
25 SERVICES AND INFORMATION. This division directs the department
26 on aging to utilize the aging and disability resource centers
27 network lifelong links to function as the primary point
28 of entry to provide a system to request assistance, report
29 suspicion of adult abuse, and receive information, and for
30 the purpose of collecting data regarding adult abuse. "Adult
31 abuse" is defined to include both dependent adult abuse and
32 elder abuse.

33 DIVISION IV — ESTABLISHMENT OF MULTIDISCIPLINARY TEAMS
34 TO RESPOND TO ELDER ABUSE. This division requires the
35 department on aging, in collaboration with the department of

1 human services, to establish a multidisciplinary team in each
2 area agency on aging planning and service area to assist in
3 assessing the needs of, formulating and monitoring a treatment
4 plan for, and coordinating services to, victims of elder abuse,
5 as well as address public awareness, prevention, detection,
6 reporting, data collection, and investigations relating to
7 elder abuse.

8 DIVISION V — OFFICE OF PUBLIC GUARDIAN. This division
9 directs the department on aging to explore ways that the
10 office of public guardian may increase its effectiveness by
11 increasing the number of local public guardians, identifying
12 and supporting individuals and organizations willing to
13 serve as public guardians, increasing awareness regarding
14 alternatives to guardianships, where appropriate, providing
15 effective oversight and monitoring of guardians, and increasing
16 public awareness about the office of public guardian as a
17 valued resource for members of the public, the courts, and
18 private guardians.