

Senate File 426 - Introduced

SENATE FILE 426
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1062)

A BILL FOR

1 An Act including personal degradation of a dependent adult as
2 a form of dependent adult abuse by a caretaker regulated
3 by the department of human services, and making penalties
4 applicable.

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

1 Section 1. Section 235B.2, subsection 5, paragraph a, Code
2 2019, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) (a) Personal degradation of a
4 dependent adult by a caretaker.

5 (b) "*Personal degradation*" means a willful act or statement
6 by a caretaker intended to shame, degrade, humiliate, or
7 otherwise harm the personal dignity of a dependent adult, or
8 where the caretaker knew or reasonably should have known the
9 act or statement would cause shame, degradation, humiliation,
10 or harm to the personal dignity of a reasonable person.

11 "*Personal degradation*" includes the taking, transmission,
12 or display of an electronic image of a dependent adult by a
13 caretaker, where the caretaker's actions constitute a willful
14 act or statement intended to shame, degrade, humiliate, or
15 otherwise harm the personal dignity of the dependent adult,
16 or where the caretaker knew or reasonably should have known
17 the act would cause shame, degradation, humiliation, or harm
18 to the personal dignity of a reasonable person. "*Personal*
19 *degradation*" does not include the taking, transmission, or
20 display of an electronic image of a dependent adult for the
21 purpose of reporting dependent adult abuse to law enforcement,
22 the department, or other regulatory agency that oversees
23 caretakers or enforces abuse or neglect provisions, or for the
24 purpose of treatment or diagnosis or as part of an ongoing
25 investigation. "*Personal degradation*" also does not include
26 the taking, transmission, or display of an electronic image by
27 a caretaker who takes, transmits, or displays the electronic
28 image in accordance with the confidentiality policy and release
29 of information or consent policies of a contractor, employer,
30 or facility or program not covered under section 235E.1,
31 subsection 5, paragraph "a", subparagraph (3).

32 EXPLANATION

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

35 This bill includes personal degradation as a form of

1 dependent adult abuse by a caretaker regulated by the
2 department of human services pursuant to Code chapter
3 235B (dependent adult abuse). The bill defines "personal
4 degradation" as a willful act or statement by a caretaker
5 intended to shame, degrade, humiliate, or otherwise harm
6 a dependent adult's personal dignity, or a willful act
7 or statement by a caretaker where the caretaker knew or
8 reasonably should have known the act or statement would
9 shame, degrade, humiliate, or otherwise harm the dependent
10 adult's personal dignity. "Personal degradation" includes
11 the taking, transmission, or display of an electronic image
12 of a dependent adult by a caretaker, where the caretaker's
13 actions constitute a willful act or statement intended to
14 shame, degrade, humiliate, or otherwise harm the personal
15 dignity of the dependent adult. The bill creates an exception
16 to the definition for electronic images of a dependent adult
17 that are taken, transmitted, or displayed for the purpose of
18 reporting dependent adult abuse or for the purpose of treatment
19 or diagnosis or as part of an ongoing investigation. The bill
20 provides "personal degradation" does not include the taking,
21 transmission, or display of an electronic image by a caretaker
22 who takes, transmits, or displays the electronic image in
23 accordance with the confidentiality policy and release of
24 information or consent policies of a contractor, employer,
25 or facility or program not regulated by the department
26 of inspections and appeals pursuant to Code chapter 235E
27 (dependent adult abuse in facilities and programs).

28 For purposes of Code chapter 235B, a caretaker is defined
29 as a related or nonrelated person who has the responsibility
30 for the protection, care, or custody of a dependent adult as a
31 result of assuming the responsibility voluntarily, by contract,
32 through employment, or by order of the court.

33 A caretaker who commits the crime of dependent adult abuse
34 by personal degradation is guilty of a serious misdemeanor.
35 A serious misdemeanor is punishable by confinement for no

S.F. 426

1 more than one year and a fine of at least \$315 but not more
2 than \$1,875. A caretaker who is the subject of a report of
3 dependent adult abuse may be placed on the dependent adult
4 abuse registry.