

House File 450 - Introduced

HOUSE FILE 450

BY BAGNIEWSKI and LOHSE

A BILL FOR

1 An Act relating to domestic abuse, including provisions
2 relating to the implementation of a domestic abuse lethality
3 screening assessment.

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

1 Section 1. Section 236.12, subsection 1, Code 2023, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. (1) Conducting a validated,
4 evidence-based domestic abuse lethality screening assessment
5 with the abused person that assists peace officers, victim
6 counselors, and others in identifying victims of domestic
7 abuse who are most likely to be killed by such abuse in the
8 future. If possible, the peace officer shall conduct the
9 screening assessment verbally by asking certain screening
10 assessment questions to the abused person. If the peace
11 officer is unable to conduct the screening assessment verbally
12 with the abused person, the peace officer shall hand the abused
13 person a document that includes the screening assessment
14 questions written in English and Spanish, ask the abused
15 person to read and provide written answers to the screening
16 assessment questions, and request the abused person to return
17 the completed document to the specified law enforcement agency
18 listed in the document.

19 (2) The peace officer conducting the domestic abuse
20 lethality screening assessment or the law enforcement agency
21 that has received such a screening assessment shall provide the
22 county attorney with the results of the assessment conducted
23 pursuant to subparagraph (1).

24 (3) The Iowa county attorneys association, in cooperation
25 with the Iowa state sheriffs' and deputies' association,
26 the Iowa peace officers association, the Iowa state police
27 association, the soaring hearts foundation, and the Iowa
28 coalition against domestic violence, shall study and implement
29 an established validated evidence-based domestic abuse
30 lethality screening assessment to be used on a statewide basis.

31 Sec. 2. Section 811.2, subsection 1, paragraph a,
32 unnumbered paragraph 1, Code 2023, is amended to read as
33 follows:

34 All bailable defendants shall be ordered released from
35 custody pending judgment or entry of deferred judgment on their

1 personal recognizance, or upon the execution of an unsecured
2 appearance bond in an amount specified by the magistrate unless
3 the magistrate determines in the exercise of the magistrate's
4 discretion, that such a release will not reasonably assure the
5 appearance of the defendant as required or that release will
6 jeopardize the personal safety of another person or persons,
7 or the defendant has been charged with a violation of domestic
8 abuse assault under section 708.2A and the defendant is a
9 high risk to reoffend. When such determination is made, the
10 magistrate shall, either in lieu of or in addition to the
11 above methods of release, impose the first of the following
12 conditions of release which will reasonably assure the
13 appearance of the person for trial or deferral of judgment and
14 the safety of other persons, or, if no single condition gives
15 that assurance, any combination of the following conditions,
16 except that the condition in subparagraph (03) shall be imposed
17 with any combination of the following conditions if applicable
18 to the person:

19 Sec. 3. Section 811.2, subsection 2, Code 2023, is amended
20 to read as follows:

21 2. *Determination of conditions.* In determining which
22 conditions of release will reasonably assure the defendant's
23 appearance and the safety of another person or persons, the
24 magistrate shall, on the basis of available information, take
25 into account the nature and circumstances of the offense
26 charged including the results of a domestic abuse lethality
27 screening assessment if available, the defendant's family
28 ties, employment, financial resources, character and mental
29 condition, the length of the defendant's residence in the
30 community, the defendant's record of convictions, including the
31 defendant's failure to pay any fine, surcharge, or court costs,
32 and the defendant's record of appearance at court proceedings
33 or of flight to avoid prosecution or failure to appear at court
34 proceedings.

35 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection

1 3, shall not apply to this Act.

2

EXPLANATION

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

5

This bill relates to domestic abuse lethality screening by
6 peace officers.

7

Currently, if a peace officer has reason to believe domestic
8 abuse has occurred, the peace officer is required to use all
9 reasonable means to prevent further abuse including providing a
10 notice to the abused person about the person's rights pursuant
11 to Code section 236.12(1).

12

The bill provides that after notice is provided under Code
13 section 236.12(1), the peace officer shall also conduct a
14 validated, evidence-based domestic abuse lethality screening
15 assessment with the abused person that assists peace officers,
16 victim counselors, and others in identifying victims of
17 domestic abuse who are most likely to be killed by such abuse
18 in the future. If possible, the peace officer shall conduct
19 the screening assessment verbally by asking certain screening
20 assessment questions to the abused person. If the peace
21 officer is unable to conduct the screening assessment verbally
22 with the abused person, the bill requires that the peace
23 officer hand the abused person a document that includes the
24 screening assessment questions written in English and Spanish,
25 ask the abused person to read and provide written answers to
26 the screening assessment questions, and request the abused
27 person to return the completed document to the specified law
28 enforcement agency listed in the document.

29

The bill specifies that the peace officer conducting
30 the domestic abuse lethality screening assessment or the
31 law enforcement agency that has received such a screening
32 assessment shall be responsible for providing the county
33 attorney with the results of the screening assessment.

34

The bill further specifies that the Iowa county attorneys
35 association, in cooperation with the Iowa state sheriffs' and

1 deputies' association, the Iowa peace officers association,
2 and the Iowa coalition against domestic violence, shall study
3 and implement an established validated evidence-based domestic
4 abuse lethality screening assessment to be used on a statewide
5 basis.

6 The bill amends Code section 811.2 relating to conditions
7 of release of a person after arrest. In determining the
8 conditions of release, the bill requires the court to take into
9 account the results of a domestic abuse lethality screening
10 assessment, if available.

11 The bill may include a state mandate as defined in Code
12 section 25B.3. The bill makes inapplicable Code section
13 25B.2(3), which would relieve a political subdivision from
14 complying with a state mandate if funding for the cost of
15 the state mandate is not provided or specified. Therefore,
16 political subdivisions are required to comply with any state
17 mandate included in the bill.