

**Senate File 2263 - Introduced**

SENATE FILE 2263  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3084)

**A BILL FOR**

1 An Act relating to the privacy and safety of inmates of a  
2 correctional facility, establishing a private cause of  
3 action, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 904.517 Privacy and safety of  
2 inmates in prison.

3 1. For purposes of this section:

4 a. "*Changing room*" means a room or area in which an  
5 individual may be in a state of undress in the presence of  
6 others, including a locker room or shower room.

7 b. "*Correctional facility*" means a correctional institution,  
8 community-based correctional facility, or an institution  
9 under the management of the department that is used for the  
10 purpose of confinement of individuals who have committed public  
11 offenses.

12 c. "*Female*" means an individual who has or previously had,  
13 or would have but for a developmental or genetic anomaly or  
14 historical accident, a reproductive system that at some point  
15 produces, transports, and utilizes eggs for fertilization.

16 d. "*Male*" means an individual who has or previously had,  
17 or would have but for a developmental or genetic anomaly or  
18 historical accident, a reproductive system that at some point  
19 produces, transports, and utilizes sperm for fertilization.

20 e. "*Restroom*" means a room that includes one or more toilets  
21 or urinals.

22 f. "*Sex*" means an individual's biological sex, either male  
23 or female, as observed or clinically verified at birth.

24 g. "*Sleeping quarter*" means a room with more than one bed  
25 and in which more than one individual is housed overnight.

26 2. a. Every restroom and changing room within a  
27 correctional facility that is designated for the use of  
28 incarcerated individuals and that is accessible by multiple  
29 individuals at the same time shall be designated for use only  
30 by members of one sex.

31 b. A restroom or changing room within a correctional  
32 facility that is designated for one sex shall be used only by  
33 members of that sex. No incarcerated individual shall enter a  
34 restroom or changing room that is designated for one sex unless  
35 the incarcerated individual is a member of that sex.

1     *c.* The correctional facility shall ensure that all restrooms  
2 and changing rooms provide users with privacy from members of  
3 the opposite sex.

4     3. *a.* Each sleeping quarter within a correctional facility  
5 that is designated for the use of incarcerated individuals and  
6 that is accessible by multiple individuals at the same time  
7 shall be designated for use only by members of one sex.

8     *b.* A sleeping quarter within a correctional facility that  
9 is designated for one sex shall be used only by members of that  
10 sex. No incarcerated individual shall be housed in a sleeping  
11 quarter that is designated for one sex unless the incarcerated  
12 individual is a member of that sex.

13     4. This section does not prohibit an incarcerated  
14 individual from entering a restroom, changing room, or  
15 sleeping quarter designated for the opposite sex for any of the  
16 following circumstances:

17     *a.* For custodial or maintenance purposes.

18     *b.* To provide medical assistance.

19     *c.* During a natural disaster, emergency, or when necessary  
20 to prevent a serious threat to good order or safety.

21     *d.* On a temporary basis, which shall not include overnight  
22 housing, at the direction of the correctional facility.

23     5. *a.* An incarcerated individual who, while accessing  
24 a restroom or changing room designated for use by the  
25 incarcerated individual's sex, encounters any individual of  
26 the opposite sex in that restroom or changing room under a  
27 circumstance not provided for in subsection 4, paragraph "b"  
28 or "c", has a private cause of action for declaratory and  
29 injunctive relief against the correctional facility under  
30 either of the following circumstances:

31         (1) The correctional facility gave the individual of the  
32 opposite sex permission to enter a restroom or changing room of  
33 the opposite sex.

34         (2) The correctional facility failed to take reasonable  
35 steps to prohibit the individual of the opposite sex from

1 entering the restroom or changing room of the opposite sex.

2 *b.* An incarcerated individual who is required by the  
3 correctional facility to share sleeping quarters with an  
4 individual of the opposite sex has a private cause of action  
5 for declaratory and injunctive relief against the correctional  
6 facility.

7 *c.* All civil actions brought pursuant to this section must  
8 be initiated within two years after the violation occurred.  
9 An individual aggrieved under this section who prevails in  
10 court may recover reasonable attorney fees and costs from the  
11 offending correctional facility.

12 **Sec. 2. EFFECTIVE DATE.** This Act, being deemed of immediate  
13 importance, takes effect upon enactment.

14 **EXPLANATION**

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

17       This bill relates to the privacy and safety of inmates of  
18 a correctional facility, and establishes a private cause of  
19 action.

20       The bill provides that every restroom and changing room  
21 within a correctional facility that is designated for the use  
22 of incarcerated individuals and that is accessible by multiple  
23 individuals at the same time shall be designated for use only  
24 by members of one sex. No incarcerated individual shall enter  
25 a restroom or changing room that is designated for one sex  
26 unless the incarcerated individual is a member of that sex.  
27 The correctional facility must ensure that all restrooms and  
28 changing rooms provide users with privacy from members of the  
29 opposite sex.

30       The bill provides that each sleeping quarter within a  
31 correctional facility that is designated for the use of  
32 incarcerated individuals and that is accessible by multiple  
33 individuals at the same time shall be designated for use only  
34 by members of one sex. No incarcerated individual shall be  
35 housed in a sleeping quarter that is designated for one sex

1 unless the incarcerated individual is a member of that sex.

2 The bill does not apply to an incarcerated individual  
3 who enters a restroom, changing room, or sleeping quarter  
4 designated for the opposite sex for any of the following  
5 circumstances: for custodial or maintenance purposes;  
6 to provide medical assistance; during a natural disaster,  
7 emergency, or when necessary to prevent a serious threat to  
8 good order or safety; or on a temporary basis, which shall not  
9 include overnight housing, at the direction of the correctional  
10 facility.

11 The bill provides that an incarcerated individual who, while  
12 accessing a restroom or changing room designated for use by the  
13 incarcerated individual's sex, encounters an individual of the  
14 opposite sex in that restroom or changing room for a reason  
15 not allowed under the bill, has a private cause of action for  
16 declaratory and injunctive relief against the correctional  
17 facility if the correctional facility gave the individual of  
18 the opposite sex permission to enter a restroom or changing  
19 room of the opposite sex, or if the correctional facility  
20 failed to take reasonable steps to prohibit the individual of  
21 the opposite sex from entering the restroom or changing room of  
22 the opposite sex.

23 The bill provides that an incarcerated individual who  
24 is required by the correctional facility to share sleeping  
25 quarters with an individual of the opposite sex has a private  
26 cause of action for declaratory and injunctive relief against  
27 the correctional facility.

28 The bill provides that all civil actions brought pursuant  
29 to the bill must be initiated within two years after the  
30 violation occurred. An individual who prevails in court may  
31 recover reasonable attorney fees and costs from the offending  
32 correctional facility.

33 The bill provides definitions.

34 The bill takes effect upon enactment.