

Senate File 2353 - Introduced

SENATE FILE 2353
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 493)
(SUCCESSOR TO SSB 1151)

A BILL FOR

1 An Act relating to domestic abuse threat evaluation and
2 deterrence.

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

1 Section 1. Section 236.12, subsection 3, Code 2024, is
2 amended to read as follows:

3 3. a. As described in subsection 2, paragraph "b", "c",
4 "d", "e", or "f", the peace officer shall arrest the person
5 whom the peace officer believes to be the primary physical
6 aggressor. The duty of the officer to arrest extends only
7 to those persons involved who are believed to have committed
8 an assault. Persons acting with justification, as defined
9 in section 704.3, are not subject to mandatory arrest. In
10 identifying the primary physical aggressor, a peace officer
11 shall consider the need to protect victims of domestic abuse,
12 the relative degree of injury or fear inflicted on the persons
13 involved, and any history of domestic abuse between the persons
14 involved. A peace officer's identification of the primary
15 physical aggressor shall not be based on the consent of the
16 victim to any subsequent prosecution or on the relationship of
17 the persons involved in the incident, and shall not be based
18 solely upon the absence of visible indications of injury or
19 impairment.

20 b. If no arrest has been made pursuant to subsection
21 2, paragraph "a", the peace officer shall perform a threat
22 evaluation of the person the peace officer believes to be
23 the primary physical aggressor based on rules adopted by the
24 department in accordance with section 236.16, subsection 1,
25 paragraph "f". The peace officer shall provide informational
26 materials prepared by the department pursuant to section
27 236.16, subsection 1, paragraph "h", to the primary physical
28 aggressor.

29 Sec. 2. Section 236.12, Code 2024, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 3A. Prior to the release of a person
32 arrested under subsection 2, the police department or sheriff's
33 office responsible for the person's arrest shall perform a
34 threat evaluation of the person based on rules adopted by
35 the department in accordance with section 236.16, subsection

1 1, paragraph "f". Upon completion of the threat evaluation,
2 the police department or sheriff's office shall transmit the
3 threat evaluation to the appropriate judicial department of
4 correctional services.

5 Sec. 3. Section 236.16, subsection 1, Code 2024, is amended
6 by adding the following new paragraphs:

7 NEW PARAGRAPH. f. (1) Adopt rules pursuant to chapter 17A
8 to create a threat evaluation classification system to evaluate
9 the potential threat a primary physical aggressor identified
10 pursuant to section 236.12, subsection 3, poses to an abused
11 person. Evaluations of threat shall be established based on
12 the following:

13 (a) The number of previous and current domestic abuse
14 assault convictions of the primary physical aggressor.

15 (b) The number of times the primary physical aggressor has
16 violated a temporary, emergency, or protective order issued
17 pursuant to this chapter.

18 (c) Whether the primary physical aggressor has been
19 convicted of a felony.

20 (d) Whether the primary physical aggressor has been
21 convicted of illegally using, carrying, or possessing a
22 dangerous weapon as defined in section 702.7.

23 (e) The number of offenses committed by the primary physical
24 aggressor that occurred in other jurisdictions that are
25 substantially similar to the offenses listed in subparagraph
26 divisions (a) through (d).

27 (2) Rules adopted pursuant to this paragraph shall include
28 but not be limited to a requirement that a peace officer
29 or law enforcement agency shall make reasonable efforts to
30 obtain information from other state jurisdictions that may be
31 pertinent in performing a threat evaluation.

32 (3) The factors listed in subparagraph (1), subparagraph
33 divisions (a) through (e), shall be considered a checklist. If
34 a peace officer finds a primary physical aggressor is described
35 by two or more of the factors, the peace officer shall

1 disseminate to the primary physical aggressor informational
2 materials prepared by the department pursuant to section
3 236.16, subsection 1, paragraph "h".

4 NEW PARAGRAPH. *g.* (1) Prepare, for the purpose of
5 dissemination to a victim of domestic abuse, informational
6 materials intended to address root causes of domestic abuse,
7 deter further domestic abuse, and offer support. Information
8 contained in the materials shall include but not be limited to
9 all of the following:

10 (a) Financial assistance that may be available to a victim
11 and general application information.

12 (b) Mental health services that may be available to a victim
13 and contact information for those services.

14 (c) Victim abuse and rehabilitation services and contact
15 information for those services.

16 (d) Information pertaining to Iowa legal aid and contact
17 information for Iowa legal aid.

18 (e) General information regarding services and benefits
19 that may be available to a victim through the department of
20 health and human services.

21 (2) Rules adopted pursuant to this paragraph shall include
22 but not be limited to a determination of when a victim shall
23 receive materials created pursuant to this paragraph.

24 NEW PARAGRAPH. *h.* (1) Prepare, for the purpose of
25 dissemination to a primary physical aggressor identified
26 pursuant to section 236.12, subsection 3, paragraph "a",
27 informational materials intended to address root causes of
28 domestic abuse and deter further domestic abuse. Information
29 contained in the materials shall include but not be limited to
30 all of the following:

31 (a) Financial assistance that may be available to a primary
32 physical aggressor and general application information.

33 (b) Employment services and work programs that may
34 be available to a primary physical aggressor and contact
35 information for those services and programs.

1 (c) Mental health and substance abuse services that may
2 be available to a primary physical aggressor and a general
3 explanation of how to request those services.

4 (d) Housing assistance that may be available to a primary
5 physical aggressor and general application information.

6 (e) Family counseling services that may be available to a
7 primary physical aggressor and contact information for those
8 services.

9 (f) Community mentoring services that may be available to a
10 primary physical aggressor and contact information for those
11 services.

12 (g) A summary of the consequences a primary physical
13 aggressor may face for violating any temporary, emergency, or
14 protective order issued pursuant to this chapter.

15 (2) Rules adopted pursuant to this paragraph shall include
16 but not be limited to a determination of when a primary
17 physical aggressor shall receive materials created pursuant to
18 this paragraph.

19 Sec. 4. Section 708.2B, Code 2024, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 2A. A person who was arrested pursuant to
22 section 236.12, subsection 3, paragraph "a", shall report to a
23 district department upon the person's release, at which time
24 the district department shall provide materials prepared by the
25 department of justice pursuant to section 236.16, subsection 1,
26 paragraph "h", to the person.

27 EXPLANATION

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

30 This bill relates to domestic abuse threat evaluation and
31 deterrence.

32 The bill requires that, when a peace officer has reason to
33 believe that domestic abuse has occurred but no arrest has
34 been made, a peace officer shall perform a threat evaluation
35 of the person the peace officer has determined to be the

1 primary physical aggressor, based on a checklist adopted by
2 the department of justice, to evaluate the potential threat a
3 primary physical aggressor poses to an abused person. Once
4 a threat evaluation has been completed, if the peace officer
5 finds the primary physical aggressor is described by two or
6 more factors from the checklist, the peace officer must provide
7 to the primary physical aggressor informational materials
8 created by the department of justice for the purpose of
9 addressing root causes of domestic abuse the peace officer
10 believes may be relevant to the situation.

11 The bill requires that if a person has been arrested for
12 committing domestic abuse assault, prior to the release of the
13 person, the police department or sheriff's office responsible
14 for the person's arrest shall perform a threat evaluation of
15 the person based on a checklist adopted by the department
16 of justice. Upon completion of the threat evaluation, the
17 police department or sheriff's office shall transmit the threat
18 evaluation to the appropriate judicial district department of
19 correctional services. Under current law, judicial district
20 departments of correctional services provide mandatory
21 treatment and training to a person convicted of, or receiving a
22 deferred judgment for, domestic abuse assault.

23 The bill requires the department of justice to adopt rules,
24 that will be considered a checklist, to create a threat
25 evaluation classification system in order to evaluate the
26 potential threat a primary physical aggressor identified by
27 a peace officer poses to an abused person. Evaluations of
28 threat shall be established based on the number of the primary
29 physical aggressor's previous and current domestic abuse
30 assault convictions; the number of times the primary physical
31 aggressor has violated a temporary, emergency, or protective
32 order issued pursuant to Code chapter 236 (domestic abuse);
33 whether the primary physical aggressor has been convicted
34 of a felony; whether the primary physical aggressor has
35 been convicted of illegally using, carrying, or possessing a

1 dangerous weapon; and the number of offenses committed by the
2 primary physical aggressor in other jurisdictions that are
3 substantially similar to the offenses listed in the bill. The
4 bill also requires rules adopted by the department of justice
5 to require that a peace officer or law enforcement agency make
6 reasonable efforts to obtain information from other state
7 jurisdictions that may be pertinent in performing a threat
8 evaluation.

9 The bill directs the department of justice to prepare,
10 for the purpose of dissemination to a domestic abuse victim,
11 informational materials intended to address root causes
12 of domestic abuse, deter further domestic abuse, and offer
13 support. Information contained in the materials shall
14 include but not be limited to financial assistance that may
15 be available to a victim and general application information;
16 mental health services that may be available to a victim and
17 contact information for those services; victim abuse and
18 rehabilitation services and contact information for those
19 services; information pertaining to Iowa legal aid and contact
20 information for Iowa legal aid; and general information
21 regarding services and benefits that may be available to a
22 victim through the department of health and human services.
23 The bill also requires the department of justice to adopt
24 rules that determine when a victim shall receive informational
25 materials.

26 The bill directs the department of justice to prepare,
27 for the purpose of dissemination to a domestic abuse
28 primary physical aggressor identified by a peace officer,
29 informational materials intended to address root causes of
30 domestic abuse and deter further domestic abuse. Information
31 contained in the materials shall include but not be limited
32 to financial assistance that may be available to a primary
33 physical aggressor and general application information;
34 employment services and work programs that may be available
35 to a primary physical aggressor and contact information for

1 those services and programs; mental health and substance
2 abuse services that may be available to a primary physical
3 aggressor and a general explanation of how to request those
4 services; housing assistance that may be available to a primary
5 physical aggressor and general application information; family
6 counseling services that may be available to a primary physical
7 aggressor and contact information for those services; community
8 mentoring services that may be available to a primary physical
9 aggressor and contact information for those services; and a
10 summary of the consequences a primary physical aggressor may
11 face for violating any temporary, emergency, or protective
12 order. The bill also requires the department of justice to
13 adopt rules that determine when a primary physical aggressor
14 shall receive informational materials. The bill also requires,
15 if a primary physical aggressor was arrested by a peace officer
16 based on the peace officer's belief that the primary physical
17 aggressor committed domestic abuse assault, that the primary
18 physical aggressor report to a judicial district department of
19 correctional services after release to receive informational
20 materials.

21 The bill requires the department of justice to establish a
22 system of best practices for enhanced precautions based on a
23 primary physical aggressor's threat evaluation.

24 The bill directs the department of justice to consult and
25 cooperate with all public and private agencies to provide
26 training, education, and guidance to a primary physical
27 aggressor for the purpose of identifying and resolving possible
28 causes of domestic abuse and deterring further abuse.