

**Senate Study Bill 1151 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

**A BILL FOR**

1 An Act relating to domestic abuse risk assessment 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 2023, 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 2,  
21 paragraph "a", the peace officer shall perform a risk assessment  
22 of the person the peace officer believes to be the primary  
23 physical aggressor based on rules adopted by the department  
24 in accordance with section 236.16, subsection 1, paragraph  
25 "f". Once a risk assessment has been completed, the peace  
26 officer shall provide informational materials prepared by the  
27 department pursuant to section 236.16, subsection 1, paragraph  
28 "h", to the primary physical aggressor.

29 Sec. 2. Section 236.12, Code 2023, 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 risk assessment of the person based on rules adopted by the  
35 department in accordance with section 236.16, subsection 1,

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

5 Sec. 3. Section 236.16, subsection 1, Code 2023, is amended  
6 by adding the following new paragraphs:

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

32 NEW PARAGRAPH. g. (1) Prepare, for the purpose of  
33 dissemination to a victim of domestic abuse, informational  
34 materials intended to address root causes of domestic abuse,  
35 deter further domestic abuse, and offer support. Information

1 contained in the materials shall include but not be limited to  
2 all of the following:

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

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

7 (c) Victim abuse and rehabilitation services and contact  
8 information for those services.

9 (d) Information pertaining to Iowa legal aid and contact  
10 information for Iowa legal aid.

11 (e) General information regarding services and benefits  
12 that may be available to a victim through the department of  
13 health and human services.

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

17 NEW PARAGRAPH. *h.* (1) Prepare, for the purpose of  
18 dissemination to a primary physical aggressor identified  
19 pursuant to section 236.12, subsection 3, paragraph "a",  
20 informational materials intended to address root causes of  
21 domestic abuse and deter further domestic abuse. Information  
22 contained in the materials shall include but not be limited to  
23 all of the following:

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

26 (b) Employment services and work programs that may  
27 be available to a primary physical aggressor and contact  
28 information for those services and programs.

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

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

34 (e) Family counseling services that may be available to a  
35 primary physical aggressor and contact information for those

1 services.

2 (f) Community mentoring services that may be available to a  
3 primary physical aggressor and contact information for those  
4 services.

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

8 (2) Rules adopted pursuant to this paragraph shall include  
9 but not be limited to a determination of when a primary  
10 physical aggressor shall receive materials created pursuant to  
11 this paragraph.

12 NEW PARAGRAPH. *i.* Establish a system of best practices for  
13 enhanced precautions based on a primary physical aggressor's  
14 risk assessment performed pursuant to section 236.12,  
15 subsection 3, paragraph "b", or section 236.12, subsection 3A.  
16 Such enhanced precautions shall include but not be limited  
17 to follow-up visits with a victim and follow-up visits with  
18 the primary physical aggressor based on the risk the primary  
19 physical aggressor poses to the victim.

20 Sec. 4. Section 236.16, Code 2023, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 2A. The department shall consult and  
23 cooperate with all law enforcement agencies and public and  
24 private agencies to provide training, education, and guidance  
25 to a primary physical aggressor identified pursuant to section  
26 236.12, subsection 3, for the purpose of identifying and  
27 resolving possible causes of domestic abuse and deterring  
28 further abuse.

29 Sec. 5. Section 708.2B, Code 2023, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 2A. A person who was arrested pursuant to  
32 section 236.12, subsection 3, paragraph "a", shall report to a  
33 district department upon the person's release, at which time  
34 the district department shall provide materials prepared by the  
35 department of justice pursuant to section 236.16, subsection 1,

1 paragraph "h", to the person.

2

EXPLANATION

3

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 risk assessment and  
6 deterrence.

7

The bill requires that, when a peace officer has reason to  
8 believe that domestic abuse has occurred but no arrest has  
9 been made, a peace officer shall perform a risk assessment  
10 of the person the peace officer has determined to be the  
11 primary physical aggressor, based on rules adopted by the  
12 department of justice, in order to categorize the potential  
13 threat a primary physical aggressor poses to an abused person.  
14 Once a risk assessment has been completed, the peace officer  
15 shall provide to the primary physical aggressor informational  
16 materials created by the department of justice for the purpose  
17 of addressing root causes of domestic abuse the peace officer  
18 believes may be relevant to the situation.

19

The bill requires that if a person has been arrested for  
20 committing domestic abuse assault, prior to the release of the  
21 person, the police department or sheriff's office responsible  
22 for the person's arrest shall perform a risk assessment of the  
23 person based on rules adopted by the department of justice.  
24 Upon completion of the risk assessment, the police department  
25 or sheriff's office shall transmit the risk assessment to  
26 the appropriate judicial district department of correctional  
27 services. Under current law, judicial district departments of  
28 correctional services provide mandatory treatment and training  
29 to a person convicted of, or receiving a deferred judgment for,  
30 domestic abuse assault.

31

The bill requires the department of justice to adopt rules  
32 to create a risk classification system in order to categorize  
33 the potential threat a primary physical aggressor identified  
34 by the peace officer poses to an abused person. Categories of  
35 risk shall be established based on the number of the primary

1 physical aggressor's previous and current domestic abuse  
2 assault convictions; the number of times the primary physical  
3 aggressor has violated a temporary, emergency, or protective  
4 order issued pursuant to Code chapter 236 (domestic abuse);  
5 whether the primary physical aggressor has been convicted  
6 of a felony; whether the primary physical aggressor has  
7 been convicted of illegally using, carrying, or possessing a  
8 dangerous weapon; and the number of offenses committed by the  
9 primary physical aggressor in other jurisdictions that are  
10 substantially similar to the offenses listed in the bill. The  
11 bill also requires rules adopted by the department to require  
12 that a peace officer or law enforcement agency make reasonable  
13 efforts to obtain information from other state jurisdictions  
14 that may be pertinent in performing a risk assessment.

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

31 The bill directs the department of justice to prepare,  
32 for the purpose of dissemination to a domestic abuse  
33 primary physical aggressor identified by a peace officer,  
34 informational materials intended to address root causes of  
35 domestic abuse and deter further domestic abuse. Information

1 contained in the materials shall include but not be limited  
2 to financial assistance that may be available to a primary  
3 physical aggressor and general application information;  
4 employment services and work programs that may be available  
5 to a primary physical aggressor and contact information for  
6 those services and programs; mental health and substance  
7 abuse services that may be available to a primary physical  
8 aggressor and a general explanation of how to request those  
9 services; housing assistance that may be available to a primary  
10 physical aggressor and general application information; family  
11 counseling services that may be available to a primary physical  
12 aggressor and contact information for those services; community  
13 mentoring services that may be available to a primary physical  
14 aggressor and contact information for those services; and a  
15 summary of the consequences a primary physical aggressor may  
16 face for violating any temporary, emergency, or protective  
17 order. The bill also requires the department to adopt rules  
18 that determine when a primary physical aggressor shall receive  
19 informational materials. The bill also requires, if a primary  
20 physical aggressor was arrested by a peace officer based on  
21 the peace officer's belief that the primary physical aggressor  
22 committed domestic abuse assault, for a primary physical  
23 aggressor to report to a judicial district department of  
24 correctional services after release to receive informational  
25 materials.

26 The bill requires the department of justice to establish a  
27 system of best practices for enhanced precautions based on a  
28 primary physical aggressor's risk assessment.

29 The bill directs the department of justice to consult and  
30 cooperate with all public and private agencies to provide  
31 training, education, and guidance to a primary physical  
32 aggressor for the purpose of identifying and resolving possible  
33 causes of domestic abuse and deterring further abuse.