

Senate Study Bill 3084 - Introduced

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

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.