

**House File 324 - Introduced**

HOUSE FILE 324

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**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:

unofficial

1 Section 1. Section 236.12, subsection 3, Code 2025, is  
2 amended to read as follows:

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

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

27 Sec. 2. Section 236.12, Code 2025, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 3A. Prior to the release of a person  
30 arrested under subsection 2, the police department or sheriff's  
31 office responsible for the person's arrest shall perform a threat  
32 evaluation of the person based on rules adopted by the department  
33 in accordance with section 236.16, subsection 1, paragraph "f".  
34 Upon completion of the threat evaluation, the police department  
35 or sheriff's office shall transmit the threat evaluation to the

1 appropriate judicial department of correctional services.

2 Sec. 3. Section 236.16, subsection 1, Code 2025, is amended  
3 by adding the following new paragraphs:

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

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

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

15 (c) Whether the primary physical aggressor has been convicted  
16 of a felony.

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

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

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

29 (3) The factors listed in subparagraph (1), subparagraph  
30 divisions (a) through (e), shall be considered a checklist.  
31 If a peace officer finds a primary physical aggressor is  
32 described by two or more of the factors, the peace officer  
33 shall disseminate to the primary physical aggressor informational  
34 materials prepared by the department pursuant to section 236.16,  
35 subsection 1, paragraph "h".

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

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

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

11      (c)   Victim abuse and rehabilitation services and contact  
12 information for those services.

13      (d)   Information pertaining to Iowa legal aid and contact  
14 information for Iowa legal aid.

15      (e)   General information regarding services and benefits that  
16 may be available to a victim through the department of health and  
17 human services.

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

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

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

30       (b)   Employment services and work programs that may be  
31 available to a primary physical aggressor and contact information  
32 for those services and programs.

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

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

3 (e) Family counseling services that may be available to a  
4 primary physical aggressor and contact information for those  
5 services.

6 (f) Community mentoring services that may be available to  
7 a primary physical aggressor and contact information for those  
8 services.

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

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

16 Sec. 4. Section 708.2B, Code 2025, is amended by adding the  
17 following new subsection:

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

24 EXPLANATION

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

27 This bill relates to domestic abuse threat evaluation and  
28 deterrence.

29 The bill requires that, when a peace officer has reason to  
30 believe that domestic abuse has occurred but no arrest has  
31 been made, a peace officer shall perform a threat evaluation  
32 of the person the peace officer has determined to be the  
33 primary physical aggressor, based on a checklist adopted by  
34 the department of justice, to evaluate the potential threat a  
35 primary physical aggressor poses to an abused person. Once

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

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

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

1 rules adopted by the department of justice to require that a  
2 peace officer or law enforcement agency make reasonable efforts  
3 to obtain information from other state jurisdictions that may be  
4 pertinent in performing a threat evaluation.

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

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

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

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

18 The bill directs the department of justice to consult and  
19 cooperate with all public and private agencies to provide  
20 training, education, and guidance to a primary physical aggressor  
21 for the purpose of identifying and resolving possible causes of  
22 domestic abuse and deterring further abuse.