

Senate Study Bill 3089 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act relating to victim protections including victim
2 counselors, protective orders, sex offender registration,
3 rights of sexual abuse victims, mental competency and civil
4 commitment, restitution, and victim rights.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

DIVISION I

VICTIM COUNSELORS

Section 1. Section 915.20A, subsection 1, paragraphs a and d, Code 2026, are amended to read as follows:

a. "Confidential communication" means information shared between a crime victim and a victim counselor within the counseling relationship, and includes all information received by the counselor and any advice, report, or working paper given to or prepared by the counselor in the course of the counseling relationship with the victim. "Confidential information" is confidential information ~~which~~ that, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim, or as may be required by this section.

d. "Victim counselor" means a person who is engaged in a crime victim center, is certified as a counselor by the crime victim center, and is under the control of a direct services supervisor of a crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of crime. To qualify as a ~~"victim counselor"~~ victim counselor under this section, the person must also have completed at least twenty hours of training provided by the center in which the person is engaged, ~~by the Iowa organization of victim assistance,~~ ~~by the Iowa coalition against sexual assault, or by the Iowa coalition against domestic violence,~~ or by an organization under contract with the department to provide training, which training shall include but not be limited to the dynamics of victimization, substantive laws relating to violent crime, human trafficking, sexual assault, and domestic violence, crisis intervention techniques, communication skills, working with diverse populations, an overview of the state criminal justice

1 system, information regarding pertinent hospital procedures, and
2 information regarding state and community resources for victims
3 of crime.

4 Sec. 2. Section 915.20A, subsections 2 and 5, Code 2026, are
5 amended to read as follows:

6 2. A victim counselor shall not be compelled to produce
7 confidential communications or confidential information or be
8 examined or required to give evidence in any civil or criminal
9 proceeding as to any confidential communication or confidential
10 information made by a victim to the counselor, nor shall a clerk,
11 secretary, stenographer, or any other employee who types or
12 otherwise prepares or manages the confidential reports or working
13 papers of a victim counselor be required to produce evidence of
14 any such confidential communication or confidential information,
15 ~~unless the~~ except under any of the following circumstances:

16 a. The victim waives this privilege in writing or disclosure.

17 b. Disclosure of the information is compelled by a court
18 pursuant to subsection 7. Under no circumstances shall the
19 location of a crime victim center or the identity of the victim
20 counselor be disclosed in any civil or criminal proceeding.

21 c. Failure to disclose is likely to result in a clear,
22 imminent risk of serious physical injury or death of the victim
23 or another person.

24 5. The privilege under this section does not apply in matters
25 of proof concerning the chain of custody of evidence, or in
26 matters of proof concerning the physical appearance of the victim
27 at the time of the injury or the counselor's first contact with
28 the victim after the injury, ~~or where the counselor has reason~~
29 ~~to believe that the victim has given perjured testimony and the~~
30 ~~defendant or the state has made an offer of proof that perjury~~
31 ~~may have been committed.~~

32 Sec. 3. Section 915.20A, Code 2026, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 10. Any victim counselor or crime victim
35 center participating in good faith in the disclosure of records

1 and communications under this section shall have immunity from
2 any liability, civil or criminal, arising out of a disclosure
3 under this section. The good faith of the victim counselor or
4 crime victim center shall be presumed.

5 DIVISION II

6 PROTECTIVE ORDERS

7 Sec. 4. Section 236A.7, subsection 3, Code 2026, is amended
8 to read as follows:

9 3. a. An order for a protective order or approved consent
10 agreement shall be for a fixed period of time not to exceed one
11 year except as provided in this section. The court may amend
12 or extend its order or a consent agreement at any time upon a
13 petition filed by the plaintiff or defendant and after notice
14 and hearing. The court may extend the order if the court, after
15 hearing at which the defendant has the opportunity to be heard,
16 finds that the defendant continues to pose a threat to the safety
17 of the plaintiff, persons residing with the plaintiff, or members
18 of the plaintiff's immediate family. The number of extensions
19 that can be granted by the court is not limited.

20 b. Notwithstanding paragraph "a", in the sentencing
21 proceeding for a person convicted of a sexual offense as provided
22 in section 709.8, 709.8A, 709.11, 709.12, 709.14, 709.15, 709.21,
23 or 709.23, any violation of chapter 710A, or a violation of
24 section 713.3, subsection 1, paragraph "d", a prosecutor may
25 request that the criminal court grant the victim an order of
26 protection to remain in effect for the duration of the criminal
27 court's jurisdiction over the person. At any time after the
28 expiration of a criminal court's jurisdiction over a person
29 against whom an order of protection was granted pursuant to a
30 request under this paragraph, the victim may:

31 (1) File a petition for an order of protection against the
32 person.

33 (2) Submit evidence of the person's conviction for a sexual
34 offense as provided in this section as cause for the court to
35 grant the order of protection.

1 c. Based on evidence submitted pursuant to paragraph "b",
2 a court may take judicial notice of the facts that led to a
3 person's conviction for a sexual offense as provided in this
4 section and a victim shall not be required to appear before
5 the court on the victim's petition for an order of protection;
6 provided, however, that another person may appear on the victim's
7 behalf.

8 d. A court may grant an order of protection pursuant to
9 this section for any length of time, including for a victim's
10 lifetime.

11 e. An order of protection granted pursuant to this section
12 shall continue until the expiration provided in the order, if
13 any, or until modified or rescinded upon a motion by the victim.

14 DIVISION III

15 SEX OFFENDER REGISTRATION

16 Sec. 5. Section 692A.104, subsections 1, 2, 3, 5, 7, and 8,
17 Code 2026, are amended to read as follows:

18 1. A sex offender shall appear in person to register with
19 the sheriff of each county where the offender has a residence,
20 maintains employment, or is in attendance as a student, within
21 ~~five~~ three business days of being required to register under
22 section 692A.103 by providing all relevant information to the
23 sheriff. A sheriff shall accept the registration of any person
24 who is required to register in the county pursuant to the
25 provisions of this chapter.

26 2. A sex offender shall, within ~~five~~ three business days of
27 changing a residence, employment, or attendance as a student,
28 appear in person to notify the sheriff of each county where a
29 change has occurred.

30 3. A sex offender shall, within ~~five~~ three business days of a
31 change in relevant information, other than relevant information
32 enumerated in subsection 2, notify the sheriff of the county
33 where the principal residence of the offender is maintained about
34 the change to the relevant information. The department shall
35 establish by rule what constitutes proper notification under this

1 subsection.

2 5. A sex offender shall, within ~~five~~ three business days of
3 the establishment of a residence, employment, or attendance as
4 a student in another jurisdiction, appear in person to notify
5 the sheriff of the county where the principal residence of the
6 offender is maintained, about the establishment of a residence,
7 employment, or attendance in another jurisdiction. A sex
8 offender shall, within ~~five~~ three business days of establishing a
9 new residence, employment, or attendance as a student in another
10 jurisdiction, register with the registering agency of the other
11 jurisdiction, if the offender is required to register under the
12 laws of the other jurisdiction. The department shall notify
13 the registering agency in the other jurisdiction of the sex
14 offender's new residence, employment, or attendance as a student
15 in the other jurisdiction.

16 7. Except as provided in subsection 8, the initial or
17 subsequent registration and any notifications required in
18 subsections 1, 2, 4, 5, and 6 shall be by appearance at the
19 sheriff's office and completion of the initial or subsequent
20 registration or notification shall be on a printed form, which
21 shall be signed and dated by the sex offender. If the sheriff
22 uses an electronic form to complete the initial registration
23 or notification, the electronic form shall be printed upon
24 completion and signed and dated by the sex offender. The sheriff
25 shall transmit the registration or notification form completed by
26 the sex offender within ~~five~~ three business days by paper copy,
27 or electronically, using procedures established by the department
28 by rule.

29 8. The collection of relevant information by a court or
30 releasing agency under section 692A.109 shall serve as the sex
31 offender's initial or subsequent registration for purposes of
32 this section. However, the sex offender shall register by
33 appearing in person in the county of residence to verify the
34 offender's arrival and relevant information. The court or
35 releasing agency shall forward a copy of the registration to

1 the department within ~~five~~ three business days of completion of
2 registration using procedures established by the department by
3 rule.

4 Sec. 6. Section 692A.105, Code 2026, is amended to read as
5 follows:

6 **692A.105 Additional registration requirements — temporary**
7 **lodging.**

8 In addition to the registration provisions specified in
9 section 692A.104, a sex offender, within ~~five~~ three business days
10 of a change, shall also appear in person to notify the sheriff of
11 the county of principal residence, of any location in which the
12 offender is staying when away from the principal residence of the
13 offender for more than five days, by identifying the location and
14 the period of time the offender is staying in such location.

15 Sec. 7. NEW SECTION. **692A.105A Additional registration**
16 **requirements.**

17 In addition to the registration provisions specified in
18 section 692A.104, a sex offender, within three business days of
19 a change, shall also appear in person to notify the sheriff
20 of the county of the sex offender's principal residence of the
21 following:

22 1. The name, address, and telephone number of the sex
23 offender's place of employment, and any changes to such
24 information.

25 2. The license plate number and a physical description,
26 including make, model, and color, of any vehicle owned or
27 regularly operated by the sex offender.

28 DIVISION IV

29 SEXUAL ABUSE — RIGHTS

30 Sec. 8. Section 709.10, subsections 6 and 7, Code 2026, are
31 amended to read as follows:

32 6. The law enforcement agency shall store the kit in a clean,
33 dry location for a minimum of ~~fifteen~~ twenty years, or in the
34 case of a minor victim for ~~a minimum of fifteen years after~~
35 ~~the minor reaches the age of majority~~ the lifetime of the minor

1 victim, even if the reported victim of sexual abuse has not filed
2 a criminal complaint.

3 7. Prior to the disposal of a kit by a law enforcement
4 agency, the law enforcement agency shall notify the reported
5 victim of in writing not fewer than sixty days before the
6 intended date of disposal of the kit, the reason for disposal of
7 the kit, and the options that remain available for retention and
8 analysis of the kit, if any. The law enforcement agency shall
9 obtain written approval from the appropriate county attorney and
10 retain that approval in the victim's case file prior to disposal.
11 Any kit disposed of shall be documented by a law enforcement
12 agency in the kit tracking system within forty-eight hours of
13 disposal. Upon written request of the reported victim, the law
14 enforcement agency shall grant further preservation of the kit or
15 its probative contents.

16 Sec. 9. Section 709.22, subsection 1, paragraph c, Code 2026,
17 is amended to read as follows:

18 c. Providing a victim with immediate and adequate notice
19 of the victim's rights. The notice shall consist of handing
20 the victim a document that includes the telephone numbers of
21 shelters, support groups, and crisis lines operating in the area
22 and contains the following statement of rights written in English
23 and Spanish; asking the victim to read the document; and asking
24 whether the victim understands the rights:

25 [1] You have the right to ask the court for help with any of
26 the following on a temporary basis:

27 [a] Keeping your attacker away from you, your home, and your
28 place of work.

29 [b] The right to stay at your home without interference from
30 your attacker.

31 [c] The right to seek a no-contact order under section 664A.3
32 or 915.22, if your attacker is arrested for sexual assault.

33 [2] You have the right to register as a victim with the county
34 attorney under section 915.12.

35 [3] You have the right to file a complaint for threats,

1 assaults, or other related crimes.

2 [4] You have the right to seek restitution against your
3 attacker for harm to you or your property.

4 [5] You have the right to apply for victim compensation.

5 [6] You have the right to contact the county attorney or local
6 law enforcement to determine the status of your case.

7 [7] If you are in need of medical treatment, you have the
8 right to request that the officer present assist you in obtaining
9 transportation to the nearest hospital or otherwise assist you.

10 [8] You have the right to a sexual assault examination
11 performed at state expense. You have the right not to be
12 prevented from receiving a sexual assault examination. If you
13 choose to have a sexual assault examination:

14 [a] You have the right to have a sexual assault examination
15 kit or its probative contents preserved, without charge, for
16 twenty years, or in the case of a minor victim for the lifetime
17 of the minor victim, even if you do not file a criminal
18 complaint, pursuant to section 709.10, subsection 6.

19 [b] You have the right to be informed of any results of
20 a sexual assault examination kit if such disclosure would not
21 impede or compromise an ongoing investigation.

22 [c] You have the right to be informed of the status and
23 location of a sexual assault examination kit.

24 [d] At least sixty days prior to the intended disposal of a
25 sexual assault examination kit, you have the right to be notified
26 in writing by a law enforcement agency of the intended disposal.
27 This is so that you can make a written request for further
28 preservation of the kit or its probative contents.

29 [e] In order to notify a victim, the law enforcement
30 office that has custody of the sexual assault examination kit
31 must verify the victim's physical address. A victim must
32 notify the law enforcement office with custody of the sexual
33 assault examination kit of any change to the victim's contact
34 information.

35 [9] You have the right to request the presence of a victim

1 counselor, as defined in section 915.20A, at any proceeding
2 related to an assault including a medical examination.

3 [10] If you believe that police protection is needed for your
4 physical safety, you have the right to request that the officer
5 present remain at the scene until you and other affected parties
6 can leave or until safety is otherwise ensured.

7 DIVISION V

8 MENTAL COMPETENCY

9 Sec. 10. Section 812.8, subsections 4 and 8, Code 2026, are
10 amended to read as follows:

11 4. a. Upon receiving a notification under this section, the
12 court shall schedule a hearing to be held within fourteen days.
13 Within ten days of receiving notice, a party may request a
14 separate independent psychiatric evaluation to be performed by
15 a psychiatrist or licensed, doctorate-level psychologist of the
16 party's own choosing. The requesting party must file notice
17 of intent to seek such evaluation before the scheduled hearing
18 and proceedings shall be stayed until such separate evaluation
19 is completed. Upon receipt of the independent expert's report,
20 the requesting party shall file notice of receipt of that report
21 with the court. The court shall schedule a hearing to be held
22 within fourteen days of receipt of notice. The court shall
23 also issue an order to transport the defendant to the hearing
24 if the defendant is in custody or is being held in an inpatient
25 facility. The defendant shall be transported by the sheriff of
26 the county where the court's motion or the application pursuant
27 to section 812.3 was filed.

28 b. Following the submission of an initial evaluation finding
29 that there is no substantial probability that the defendant
30 will be restored to competency in a reasonable amount of time
31 and provided the defendant is otherwise eligible for pretrial
32 release, the defendant may request a bond review hearing. In
33 determining the conditions, if any, of the defendant's release,
34 the court shall consider whether the defendant is likely to
35 voluntarily participate in the second evaluation as a factor in

1 setting bond or other conditions of release.

2 c. Upon receipt of the second evaluation, or upon expiration
3 of the time period for obtaining a second evaluation, the court
4 shall schedule and hold a hearing to determine the defendant's
5 competency status. At the hearing, the court shall make one of
6 the following findings:

7 (1) The defendant is competent to stand trial.

8 (2) The defendant is not currently competent but there is a
9 substantial probability that the defendant will be restored to
10 competency within a reasonable period of time.

11 (3) The defendant is not competent and there is no
12 substantial probability that the defendant will be restored to
13 competency within a reasonable period of time.

14 8. If the court finds by a preponderance of the evidence that
15 there is no substantial probability the defendant's competency
16 will be restored in a reasonable amount of time, the court shall
17 terminate the commitment under section 812.6 in accordance with
18 the provisions of section 812.9 and, if the person is charged
19 with a forcible felony, set the matter for commencement of civil
20 proceedings. A charge of a forcible felony shall be deemed a
21 recent overt act for purposes of civil commitment proceedings
22 under chapter 229.

23 DIVISION VI

24 RESTITUTION

25 Sec. 11. Section 602.8107, subsection 2, paragraph c, Code
26 2026, is amended to read as follows:

27 c. Payments received under this section shall be applied in
28 the following priority order:

29 (1) Pecuniary damages as defined in section 910.1, subsection
30 6.

31 (2) Fines or penalties and the crime services surcharge.

32 ~~(3) Crime victim compensation program reimbursement.~~

33 ~~(4)~~ (3) Court costs, court-appointed attorney fees, or
34 public defender expenses.

35 Sec. 12. Section 910.1, subsections 1 and 2, Code 2026, are

1 amended to read as follows:

2 1. "Category "A" restitution" means fines, penalties, payment
3 of crime victim compensation program reimbursements, and
4 surcharges.

5 2. "Category "B" restitution" means the contribution of
6 funds to a local anticrime organization ~~which~~ that provided
7 assistance to law enforcement in an offender's case, ~~the payment~~
8 ~~of crime victim compensation program reimbursements~~, payment
9 of restitution to public agencies pursuant to section 321J.2,
10 subsection 13, paragraph "b", court costs, court-appointed
11 attorney fees ordered pursuant to section 815.9, including
12 the expense of a public defender, and payment to the medical
13 assistance program pursuant to chapter 249A for expenditures paid
14 on behalf of the victim resulting from the offender's criminal
15 activities including investigative costs incurred by the Medicaid
16 fraud control unit pursuant to section 249A.50.

17 Sec. 13. Section 910.1, Code 2026, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 2A. "Crime victim compensation program"
20 means the program established in sections 915.80 through
21 915.94 that provides financial assistance to crime victims for
22 out-of-pocket expenses resulting from criminal acts.

23 NEW SUBSECTION. 2B. "Crime victim compensation program
24 *reimbursements*" means amounts a court has ordered a defendant
25 to pay to the crime victim compensation program to reimburse
26 the program for amounts the program expended to assist the
27 defendant's victim with out-of-pocket expenses incurred as a
28 result of the defendant's criminal actions. Reimbursements shall
29 be made in accordance with this chapter and chapter 915.

30 Sec. 14. Section 910.2, subsection 1, paragraph c, Code 2026,
31 is amended to read as follows:

32 c. In structuring a plan of restitution, the plan of payment
33 shall provide for payments in the following order of priority:

34 (1) Pecuniary damages to the victim.

35 (2) Category "A" restitution.

1 (3) Category "B" restitution in the following order:

2 ~~(a) Crime victim compensation program reimbursement.~~

3 ~~(b)~~ (a) Public agencies.

4 ~~(c)~~ (b) Court costs.

5 ~~(d)~~ (c) Court-appointed attorney fees ordered pursuant to
6 section 815.9, including the expense of a public defender.

7 ~~(e)~~ (d) Contribution to a local anticrime organization.

8 ~~(f)~~ (e) The medical assistance program.

9 Sec. 15. Section 910.3, subsection 5, Code 2026, is amended
10 to read as follows:

11 5. The statement of pecuniary damages shall ordinarily be
12 provided no later than thirty days after sentencing. However,
13 a prosecuting attorney may file a statement of pecuniary damages
14 within a reasonable time after the prosecuting attorney is
15 notified by a victim or the crime victim compensation program of
16 any pecuniary damages incurred.

17 Sec. 16. Section 915.80, Code 2026, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 2A. "Crime victim compensation program"
20 means the same as defined in section 910.1.

21 DIVISION VII

22 VICTIM RIGHTS

23 Sec. 17. Section 915.46, subsection 1, paragraph e, Code
24 2026, is amended to read as follows:

25 e. "Sexual assault nurse examiner" means a registered nurse,
26 an advanced registered nurse practitioner, or an advanced
27 practice registered nurse, licensed pursuant to chapter 152 or
28 152E who has completed a sexual assault forensic examiner program
29 that meets the sexual assault nurse examiner education guidelines
30 established approved by the ~~international association of forensic~~
31 ~~nurses department of justice.~~

32 Sec. 18. Section 915.46, subsection 2, Code 2026, is amended
33 to read as follows:

34 2. A sexual assault forensic examiner program is established
35 within the department of justice. The sexual assault forensic

1 examiner program shall maintain a list of sexual assault
2 examiners and sexual assault nurse examiners who have completed
3 didactic and clinical training approved by the department of
4 justice and consistent with the sexual assault forensic examiner
5 education guidelines established approved by the international
6 ~~association of forensic nurses~~ department of justice.

7 Sec. 19. Section 915.46, subsection 4, paragraph b, Code
8 2026, is amended to read as follows:

9 b. The sexual assault forensic examiner program shall provide
10 didactic and clinical training opportunities consistent with the
11 sexual assault forensic examiner education guidelines ~~established~~
12 approved by the ~~international association of forensic nurses~~
13 department of justice, in collaboration with the department of
14 health and human services and the Iowa coalition against sexual
15 assault, in sufficient numbers and geographical locations across
16 the state to assist treatment facilities with training sexual
17 assault examiners and sexual assault nurse examiners.

18 Sec. 20. Section 915.80, subsection 7, Code 2026, is amended
19 to read as follows:

20 7. "Secondary victim" means the victim's spouse, children,
21 parents, and siblings, foster parents, custodians, and any person
22 who resides in the victim's household at the time of the crime
23 or at the time of the discovery of the crime. "Secondary victim"
24 does not include persons who are the survivors of a victim who
25 dies as a result of a crime.

26 EXPLANATION

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

29 This bill relates to victim protections including victim
30 counselors, protective orders, sex offender registration, rights
31 of sexual abuse victims, mental competency and civil commitment,
32 restitution, and victim rights.

33 DIVISION I. The bill provides that a victim counselor, or a
34 clerk, secretary, stenographer, or any other employee who types
35 or otherwise prepares or manages the confidential reports or

1 working papers of a victim counselor, must not be compelled to
2 produce confidential communications or confidential information
3 or be examined or required to give evidence concerning any
4 confidential communication or confidential information made by
5 a victim to the counselor, except under any of the following
6 circumstances: the victim waives the privilege in writing,
7 disclosure of the information is compelled by a court, or failure
8 to disclose is likely to result in a clear, imminent risk of
9 serious physical injury or death of the victim or another person.

10 The bill provides that a victim counselor or crime victim
11 center participating in good faith in the disclosing of records
12 and communications under the bill shall have immunity from any
13 liability, civil or criminal, arising out of a disclosure under
14 the bill. The good faith of the victim counselor or crime victim
15 center shall be presumed.

16 DIVISION II. The bill provides that in the sentencing
17 proceeding for a person convicted of certain sexual offenses a
18 prosecutor may request that the criminal court grant the victim
19 an order of protection to remain in effect for the duration
20 of the criminal court's jurisdiction over the person. After
21 the expiration of a criminal court's jurisdiction over a person
22 against whom an order of protection was granted pursuant to a
23 request under this paragraph, the victim may file a petition for
24 an order of protection against the person, or submit evidence of
25 the person's conviction for a sexual offense as cause for the
26 court to grant the order of protection.

27 A court may take judicial notice of the facts that led to
28 a person's conviction for a sexual offense and a victim is not
29 required to appear before the court on the victim's petition
30 for an order of protection. Another person may appear on the
31 victim's behalf.

32 The bill provides that a court may grant an order of
33 protection for any length of time, including for a victim's
34 lifetime. An order of protection continues until the expiration
35 provided in the order, if any, or until modified or rescinded

1 upon a motion by the victim.

2 DIVISION III. The bill provides that a sex offender must
3 appear in person to register with the sheriff of each county
4 where the offender has a residence, maintains employment, or
5 is in attendance as a student, within three business days of
6 being required to register. A sex offender must also notify
7 the sheriff, within three business days of the following: a
8 change of residence or employment, a change of attendance as a
9 student, the establishment of a new residence or employment, and
10 attendance of school in another jurisdiction.

11 The bill requires a sex offender to appear in person to notify
12 the sheriff of the county of principal residence of any location
13 in which the offender is staying when away from the principal
14 residence of the offender for more than five days by identifying
15 the location and the period of time the offender is staying in
16 such location.

17 The bill provides that a sex offender appear in person to
18 notify the sheriff of the county of the sex offender's principal
19 residence of the following: the name, address, and telephone
20 number of the sex offender's place of employment, and any changes
21 to such information, and the license plate number and a physical
22 description, including make, model, and color, of any vehicle
23 owned or regularly operated by the sex offender.

24 DIVISION IV. The bill provides that a law enforcement agency
25 shall store a sexual abuse evidence collection kit in a clean,
26 dry location for a minimum of 20 years, or in the case of a minor
27 victim for the lifetime of the minor victim, even if the reported
28 victim of sexual abuse has not filed a criminal complaint. Prior
29 to the disposal of a kit by a law enforcement agency, the law
30 enforcement agency shall notify the reported victim in writing
31 not fewer than 60 days before the intended date of disposal of
32 the kit, the reason for disposal of the kit, and the options
33 that remain available for retention and analysis of the kit,
34 if any. Upon written request of the reported victim, the law
35 enforcement agency shall grant further preservation of the kit or

1 its probative contents.

2 The bill adds additional information to be included in the
3 document provided to victims explaining the victim's rights
4 including the following: the right not to be prevented from
5 receiving a sexual assault examination; the right to have
6 a sexual assault examination kit or its probative contents
7 preserved, without charge, for 20 years, or in the case of a
8 minor victim for the lifetime of the minor victim, even if the
9 minor victim does not file a criminal complaint; the right to
10 be informed of any results of a sexual assault examination kit
11 if such disclosure would not impede or compromise an ongoing
12 investigation; the right to be informed of the status and
13 location of a sexual assault examination kit; and the right to be
14 notified in writing by a law enforcement agency of the intended
15 disposal of a kit.

16 For notification purposes, the bill requires a victim to
17 submit the victim's physical address to the law enforcement
18 office that has custody of the sexual assault examination kit.
19 A victim must also notify the law enforcement office that has
20 custody of the sexual assault examination kit of any change to
21 the victim's contact information.

22 DIVISION V. The bill provides that upon a finding by an
23 evaluating psychiatrist or licensed doctorate-level psychologist
24 that there is no substantial probability that the defendant will
25 be restored to competency in a reasonable amount of time, the
26 court shall schedule a hearing to be held within 14 days.
27 Within 10 days of receiving notice, a party may request a
28 separate independent psychiatric evaluation to be performed by
29 a psychiatrist or licensed, doctorate-level psychologist of the
30 party's own choosing. The requesting party must file notice of
31 intent to seek such evaluation before the scheduled hearing. The
32 requesting party must file notice of receipt of that report with
33 the court. The court shall schedule a hearing to be held within
34 14 days of receipt of notice.

35 The bill provides that following an initial evaluation finding

1 that there is no substantial probability that the defendant
2 will be restored to competency in a reasonable amount of time
3 and provided the defendant is otherwise eligible for pretrial
4 release, the defendant may request a bond review hearing. In
5 determining the conditions, if any, of the defendant's release,
6 the court shall consider whether the defendant is likely to
7 voluntarily participate in the second evaluation as a factor in
8 setting bond or other conditions of release.

9 The bill provides that after the receipt of a second
10 evaluation, or upon expiration of the time period for obtaining
11 a second evaluation, the court shall hold a hearing to determine
12 the defendant's competency status. At the hearing, the court
13 shall make one of the following findings: the defendant
14 is competent to stand trial; the defendant is not currently
15 competent but there is a substantial probability that the
16 defendant will be restored to competency within a reasonable
17 period of time; or the defendant is not competent and there is
18 no substantial probability that the defendant will be restored to
19 competency within a reasonable period of time.

20 The bill provides that if the court finds by a preponderance
21 of the evidence that there is no substantial probability the
22 defendant's competency will be restored in a reasonable amount
23 of time, the court shall terminate the commitment and, if the
24 person is charged with a forcible felony, set the matter for
25 commencement of civil proceedings. A charge of a forcible
26 felony shall be deemed a recent overt act for purposes of civil
27 commitment proceedings under Code chapter 229.

28 DIVISION VI. The bill reclassifies the payment of crime victim
29 compensation program reimbursements as category "A" restitution
30 rather than category "B" restitution. Category "A" restitution
31 is ordered without regard to an offender's reasonable ability to
32 make payments.

33 The bill defines the "crime victim compensation program"
34 as the program established in Code sections 915.80 through
35 915.94 that provides financial assistance to crime victims for

1 out-of-pocket expenses resulting from criminal acts.

2 The bill defines "crime victim compensation program
3 reimbursements" as the amounts a court has ordered a defendant
4 to pay to the crime victim compensation program to reimburse
5 the program for amounts the program expended to assist the
6 defendant's victim with out-of-pocket expenses incurred as a
7 result of the defendant's criminal actions.

8 DIVISION VII. The bill provides that a sexual assault nurse
9 examiner, as defined in Code section 915.46 shall complete a
10 sexual assault forensic examiner program that meets the sexual
11 assault nurse examiner education guidelines approved by the
12 department of justice.

13 The sexual assault forensic examiner program shall maintain
14 a list of sexual assault examiners and sexual assault nurse
15 examiners who have completed didactic and clinical training
16 approved by the department of justice and consistent with the
17 sexual assault forensic examiner education guidelines approved by
18 the department of justice.

19 The bill provides that a foster parent or custodian of a
20 victim may qualify as a secondary victim.