

House File 2435 - Reprinted

HOUSE FILE 2435
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 653)

(As Amended and Passed by the House March 8, 2018)

A BILL FOR

1 An Act relating to domestic abuse, including provisions
2 relating to the implementation of a domestic abuse lethality
3 screening assessment.

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

1 Section 1. Section 236.12, subsection 1, Code 2018, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* (1) Conducting a validated,
4 evidence-based domestic abuse lethality screening assessment
5 with the abused person that assists peace officers, victim
6 counselors, and others in identifying victims of domestic
7 abuse who are most likely to be killed by such abuse in the
8 future. If possible, the peace officer shall conduct the
9 screening assessment verbally by asking certain screening
10 assessment questions to the abused person. If the peace
11 officer is unable to conduct the screening assessment verbally
12 with the abused person, the peace officer shall hand the abused
13 person a document that includes the screening assessment
14 questions written in English and Spanish, ask the abused
15 person to read and provide written answers to the screening
16 assessment questions, and request the abused person to return
17 the completed document to the specified law enforcement agency
18 listed in the document.

19 (2) The peace officer conducting the domestic abuse
20 lethality screening assessment or the law enforcement agency
21 that has received such a screening assessment shall provide the
22 county attorney with the results of the assessment conducted
23 pursuant to subparagraph (1).

24 (3) The Iowa county attorneys association, in cooperation
25 with the Iowa state sheriffs' and deputies' association,
26 the Iowa peace officers association, the Iowa state police
27 association, the soaring hearts foundation, and the Iowa
28 coalition against domestic violence, shall study and implement
29 an established validated evidence-based domestic abuse
30 lethality screening assessment to be used on a statewide basis.

31 Sec. 2. Section 811.2, subsection 1, paragraph a,
32 unnumbered paragraph 1, Code 2018, is amended to read as
33 follows:

34 All bailable defendants shall be ordered released from
35 custody pending judgment or entry of deferred judgment on their

1 personal recognizance, or upon the execution of an unsecured
2 appearance bond in an amount specified by the magistrate unless
3 the magistrate determines in the exercise of the magistrate's
4 discretion, that such a release will not reasonably assure the
5 appearance of the defendant as required or that release will
6 jeopardize the personal safety of another person or persons,
7 or the defendant has been charged with a violation of domestic
8 abuse assault under section 708.2A and the defendant is a
9 high risk to reoffend. When such determination is made, the
10 magistrate shall, either in lieu of or in addition to the
11 above methods of release, impose the first of the following
12 conditions of release which will reasonably assure the
13 appearance of the person for trial or deferral of judgment and
14 the safety of other persons, or, if no single condition gives
15 that assurance, any combination of the following conditions,
16 except that the condition in subparagraph (03) shall be imposed
17 with any combination of the following conditions if applicable
18 to the person:

19 Sec. 3. Section 811.2, subsection 2, Code 2018, is amended
20 to read as follows:

21 2. *Determination of conditions.* In determining which
22 conditions of release will reasonably assure the defendant's
23 appearance and the safety of another person or persons, the
24 magistrate shall, on the basis of available information, take
25 into account the nature and circumstances of the offense
26 charged including the results of a domestic abuse lethality
27 screening assessment if available, the defendant's family
28 ties, employment, financial resources, character and mental
29 condition, the length of the defendant's residence in the
30 community, the defendant's record of convictions, including the
31 defendant's failure to pay any fine, surcharge, or court costs,
32 and the defendant's record of appearance at court proceedings
33 or of flight to avoid prosecution or failure to appear at court
34 proceedings.

35 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection

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1 3, shall not apply to this Act.