

Senate File 2379 - Reprinted

SENATE FILE 2379
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3089)

(As Amended and Passed by the Senate March 17, 2026)

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:

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

29 DIVISION II

30 PROTECTIVE ORDERS

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

33 3. a. An order for a protective order or approved consent
34 agreement shall be for a fixed period of time not to exceed one
35 year except as provided in this section. The court may amend

1 or extend its order or a consent agreement at any time upon a
2 petition filed by the plaintiff or defendant and after notice
3 and hearing. The court may extend the order if the court, after
4 hearing at which the defendant has the opportunity to be heard,
5 finds that the defendant continues to pose a threat to the safety
6 of the plaintiff, persons residing with the plaintiff, or members
7 of the plaintiff's immediate family. The number of extensions
8 that can be granted by the court is not limited.

9 b. Notwithstanding paragraph "a", in the sentencing
10 proceeding for a person convicted of a sexual offense as provided
11 in section 709.8, 709.8A, 709.11, 709.12, 709.14, 709.15, 709.21,
12 or 709.23, any violation of chapter 710A, or a violation of
13 section 713.3, subsection 1, paragraph "d", a prosecutor may
14 request that the criminal court grant the victim an order of
15 protection to remain in effect for the duration of the criminal
16 court's jurisdiction over the person. At any time after the
17 expiration of a criminal court's jurisdiction over a person
18 against whom an order of protection was granted pursuant to a
19 request under this paragraph, the victim may:

20 (1) File a petition for an order of protection against the
21 person.

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

25 c. Based on evidence submitted pursuant to paragraph "b",
26 a court may take judicial notice of the facts that led to a
27 person's conviction for a sexual offense as provided in this
28 section and a victim shall not be required to appear before
29 the court on the victim's petition for an order of protection;
30 provided, however, that another person may appear on the victim's
31 behalf.

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

35 e. An order of protection granted pursuant to this section

1 shall continue until the expiration provided in the order, if
2 any, or until modified or rescinded upon a motion by the victim.

3 DIVISION III

4 SEX OFFENDER REGISTRATION

5 Sec. 4. Section 692A.104, subsections 1, 2, 3, 5, 7, and 8,
6 Code 2026, are amended to read as follows:

7 1. A sex offender shall appear in person to register with
8 the sheriff of each county where the offender has a residence,
9 maintains employment, or is in attendance as a student, within
10 five three business days of being required to register under
11 section 692A.103 by providing all relevant information to the
12 sheriff. A sheriff shall accept the registration of any person
13 who is required to register in the county pursuant to the
14 provisions of this chapter.

15 2. A sex offender shall, within five three business days of
16 changing a residence, employment, or attendance as a student,
17 appear in person to notify the sheriff of each county where a
18 change has occurred.

19 3. A sex offender shall, within five three business days of a
20 change in relevant information, other than relevant information
21 enumerated in subsection 2, notify the sheriff of the county
22 where the principal residence of the offender is maintained about
23 the change to the relevant information. The department shall
24 establish by rule what constitutes proper notification under this
25 subsection.

26 5. A sex offender shall, within five three business days of
27 the establishment of a residence, employment, or attendance as
28 a student in another jurisdiction, appear in person to notify
29 the sheriff of the county where the principal residence of the
30 offender is maintained, about the establishment of a residence,
31 employment, or attendance in another jurisdiction. A sex
32 offender shall, within five three business days of establishing a
33 new residence, employment, or attendance as a student in another
34 jurisdiction, register with the registering agency of the other
35 jurisdiction, if the offender is required to register under the

1 laws of the other jurisdiction. The department shall notify
2 the registering agency in the other jurisdiction of the sex
3 offender's new residence, employment, or attendance as a student
4 in the other jurisdiction.

5 7. Except as provided in subsection 8, the initial or
6 subsequent registration and any notifications required in
7 subsections 1, 2, 4, 5, and 6 shall be by appearance at the
8 sheriff's office and completion of the initial or subsequent
9 registration or notification shall be on a printed form, which
10 shall be signed and dated by the sex offender. If the sheriff
11 uses an electronic form to complete the initial registration
12 or notification, the electronic form shall be printed upon
13 completion and signed and dated by the sex offender. The sheriff
14 shall transmit the registration or notification form completed by
15 the sex offender within ~~five~~ three business days by paper copy,
16 or electronically, using procedures established by the department
17 by rule.

18 8. The collection of relevant information by a court or
19 releasing agency under section 692A.109 shall serve as the sex
20 offender's initial or subsequent registration for purposes of
21 this section. However, the sex offender shall register by
22 appearing in person in the county of residence to verify the
23 offender's arrival and relevant information. The court or
24 releasing agency shall forward a copy of the registration to
25 the department within ~~five~~ three business days of completion of
26 registration using procedures established by the department by
27 rule.

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

30 **692A.105 Additional registration requirements — temporary**
31 **lodging.**

32 In addition to the registration provisions specified in
33 section 692A.104, a sex offender, within ~~five~~ three business days
34 of a change, shall also appear in person to notify the sheriff of
35 the county of principal residence, of any location in which the

1 offender is staying when away from the principal residence of the
2 offender for more than five days, by identifying the location and
3 the period of time the offender is staying in such location.

4 Sec. 6. NEW SECTION. **692A.105A Additional registration**
5 **requirements.**

6 In addition to the registration provisions specified in
7 section 692A.104, a sex offender, within three business days of
8 a change, shall also appear in person to notify the sheriff
9 of the county of the sex offender's principal residence of the
10 following:

11 1. The name, address, and telephone number of the sex
12 offender's place of employment, and any changes to such
13 information.

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

17 DIVISION IV

18 SEXUAL ABUSE — RIGHTS

19 Sec. 7. Section 709.10, subsections 6 and 7, Code 2026, are
20 amended to read as follows:

21 6. The law enforcement agency shall store the kit in a clean,
22 dry location for a minimum of ~~fifteen~~ twenty years, or in the
23 case of a minor victim for ~~a minimum of fifteen years after~~
24 ~~the minor reaches the age of majority~~ the lifetime of the minor
25 victim, even if the reported victim of sexual abuse has not filed
26 a criminal complaint.

27 7. Prior to the disposal of a kit by a law enforcement
28 agency, the law enforcement agency shall notify the reported
29 victim ~~of~~ in writing not fewer than sixty days before the
30 intended date of disposal of the kit, the reason for disposal of
31 the kit, and the options that remain available for retention and
32 analysis of the kit, if any. The law enforcement agency shall
33 obtain written approval from the appropriate county attorney and
34 retain that approval in the victim's case file prior to disposal.
35 Any kit disposed of shall be documented by a law enforcement

1 agency in the kit tracking system within forty-eight hours of
2 disposal. Upon written request of the reported victim, the law
3 enforcement agency shall grant further preservation of the kit or
4 its probative contents.

5 Sec. 8. Section 709.22, subsection 1, paragraph c, Code 2026,
6 is amended to read as follows:

7 c. Providing a victim with immediate and adequate notice
8 of the victim's rights. The notice shall consist of handing
9 the victim a document that includes the telephone numbers of
10 shelters, support groups, and crisis lines operating in the area
11 and contains the following statement of rights written in English
12 and Spanish; asking the victim to read the document; and asking
13 whether the victim understands the rights:

14 [1] You have the right to ask the court for help with any of
15 the following on a temporary basis:

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

18 [b] The right to stay at your home without interference from
19 your attacker.

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

22 [2] You have the right to register as a victim with the county
23 attorney under section 915.12.

24 [3] You have the right to file a complaint for threats,
25 assaults, or other related crimes.

26 [4] You have the right to seek restitution against your
27 attacker for harm to you or your property.

28 [5] You have the right to apply for victim compensation.

29 [6] You have the right to contact the county attorney or local
30 law enforcement to determine the status of your case.

31 [7] If you are in need of medical treatment, you have the
32 right to request that the officer present assist you in obtaining
33 transportation to the nearest hospital or otherwise assist you.

34 [8] You have the right to a sexual assault examination
35 performed at state expense. You have the right not to be

1 prevented from receiving a sexual assault examination. If you
2 choose to have a sexual assault examination:

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

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

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

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

18 [e] In order to notify a victim, the law enforcement
19 office that has custody of the sexual assault examination kit
20 must verify the victim's physical address. A victim must
21 notify the law enforcement office with custody of the sexual
22 assault examination kit of any change to the victim's contact
23 information.

24 [9] You have the right to request the presence of a victim
25 counselor, as defined in section 915.20A, at any proceeding
26 related to an assault including a medical examination.

27 [10] If you believe that police protection is needed for your
28 physical safety, you have the right to request that the officer
29 present remain at the scene until you and other affected parties
30 can leave or until safety is otherwise ensured.

31 DIVISION V

32 MENTAL COMPETENCY

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

35 4. a. Upon receiving a notification under this section, the

1 court shall schedule a hearing to be held within fourteen days.
2 Within ten days of receiving notice, a party may request a
3 separate independent psychiatric evaluation to be performed by
4 a psychiatrist or licensed, doctorate-level psychologist of the
5 party's own choosing. The requesting party must file notice
6 of intent to seek such evaluation before the scheduled hearing
7 and proceedings shall be stayed until such separate evaluation
8 is completed. Upon receipt of the independent expert's report,
9 the requesting party shall file notice of receipt of that report
10 with the court. The court shall schedule a hearing to be held
11 within fourteen days of receipt of notice. The court shall
12 also issue an order to transport the defendant to the hearing
13 if the defendant is in custody or is being held in an inpatient
14 facility. The defendant shall be transported by the sheriff of
15 the county where the court's motion or the application pursuant
16 to section 812.3 was filed.

17 b. Following the submission of an initial evaluation finding
18 that there is no substantial probability that the defendant
19 will be restored to competency in a reasonable amount of time
20 and provided the defendant is otherwise eligible for pretrial
21 release, the defendant may request a bond review hearing. In
22 determining the conditions, if any, of the defendant's release,
23 the court shall consider whether the defendant is likely to
24 voluntarily participate in the second evaluation as a factor in
25 setting bond or other conditions of release.

26 c. Upon receipt of the second evaluation, or upon expiration
27 of the time period for obtaining a second evaluation, the court
28 shall schedule and hold a hearing to determine the defendant's
29 competency status. At the hearing, the court shall make one of
30 the following findings:

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

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

35 (3) The defendant is not competent and there is no

1 substantial probability that the defendant will be restored to
2 competency within a reasonable period of time.

3 8. If the court finds by a preponderance of the evidence that
4 there is no substantial probability the defendant's competency
5 will be restored in a reasonable amount of time, the court shall
6 terminate the commitment under section 812.6 in accordance with
7 the provisions of section 812.9 and, if the person is charged
8 with a forcible felony, set the matter for commencement of civil
9 proceedings. A charge of a forcible felony shall be deemed a
10 recent overt act for purposes of civil commitment proceedings
11 under chapter 229.

12 DIVISION VI

13 RESTITUTION

14 Sec. 10. Section 602.8107, subsection 2, paragraph c, Code
15 2026, is amended to read as follows:

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

18 (1) Pecuniary damages as defined in section 910.1, subsection
19 6.

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

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

22 ~~(4)~~ (3) Court costs, court-appointed attorney fees, or
23 public defender expenses.

24 Sec. 11. Section 910.1, subsections 1 and 2, Code 2026, are
25 amended to read as follows:

26 1. "Category "A" restitution" means fines, penalties, payment
27 of crime victim compensation program reimbursements, and
28 surcharges.

29 2. "Category "B" restitution" means the contribution of
30 funds to a local anticrime organization ~~which that~~ provided
31 assistance to law enforcement in an offender's case, the payment
32 of crime victim compensation program reimbursements, payment
33 of restitution to public agencies pursuant to section 321J.2,
34 subsection 13, paragraph "b", court costs, court-appointed
35 attorney fees ordered pursuant to section 815.9, including

1 the expense of a public defender, and payment to the medical
2 assistance program pursuant to chapter 249A for expenditures paid
3 on behalf of the victim resulting from the offender's criminal
4 activities including investigative costs incurred by the Medicaid
5 fraud control unit pursuant to section 249A.50.

6 Sec. 12. Section 910.1, Code 2026, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 2A. "*Crime victim compensation program*"
9 means the program established in sections 915.80 through
10 915.94 that provides financial assistance to crime victims for
11 out-of-pocket expenses resulting from criminal acts.

12 NEW SUBSECTION. 2B. "*Crime victim compensation program*
13 *reimbursements*" means amounts a court has ordered a defendant
14 to pay to the crime victim compensation program to reimburse
15 the program for amounts the program expended to assist the
16 defendant's victim with out-of-pocket expenses incurred as a
17 result of the defendant's criminal actions. Reimbursements shall
18 be made in accordance with this chapter and chapter 915.

19 Sec. 13. Section 910.2, subsection 1, paragraph c, Code 2026,
20 is amended to read as follows:

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

23 (1) Pecuniary damages to the victim.

24 (2) Category "A" restitution.

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

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

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

28 ~~(e)~~ (b) Court costs.

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

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

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

33 Sec. 14. Section 915.80, Code 2026, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 2A. "*Crime victim compensation program*"

1 means the same as defined in section 910.1.

2 DIVISION VII
3 VICTIM RIGHTS

4 Sec. 15. Section 915.46, subsection 1, paragraph e, Code
5 2026, is amended to read as follows:

6 e. "Sexual assault nurse examiner" means a registered nurse,
7 an advanced registered nurse practitioner, or an advanced
8 practice registered nurse, licensed pursuant to chapter 152 or
9 152E who has completed a sexual assault forensic examiner program
10 that meets the sexual assault nurse examiner education guidelines
11 established approved by the ~~international association of forensic~~
12 ~~nurses~~ federal department of justice.

13 Sec. 16. Section 915.46, subsection 2, Code 2026, is amended
14 to read as follows:

15 2. A sexual assault forensic examiner program is established
16 within the state department of justice. The sexual assault
17 forensic examiner program shall maintain a list of sexual
18 assault examiners and sexual assault nurse examiners who have
19 completed didactic and clinical training approved by the state
20 department of justice and consistent with the sexual assault
21 forensic examiner education guidelines established approved
22 by the ~~international association of forensic nurses~~ federal
23 department of justice.

24 Sec. 17. Section 915.46, subsection 4, paragraph b, Code
25 2026, is amended to read as follows:

26 b. The sexual assault forensic examiner program shall provide
27 didactic and clinical training opportunities consistent with the
28 sexual assault forensic examiner education guidelines established
29 approved by the ~~international association of forensic nurses~~
30 federal department of justice, in collaboration with the
31 department of health and human services and the Iowa coalition
32 against sexual assault, in sufficient numbers and geographical
33 locations across the state to assist treatment facilities with
34 training sexual assault examiners and sexual assault nurse
35 examiners.

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

3 7. "Secondary victim" means the victim's spouse, children,
4 parents, ~~and~~ siblings, foster parents, custodians, and any person
5 who resides in the victim's household at the time of the crime
6 or at the time of the discovery of the crime. "Secondary victim"
7 does not include persons who are the survivors of a victim who
8 dies as a result of a crime.

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