

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2015 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

APRIL 22, 2015

HOUSE FILE 6

S-3131

1 Amend the amendment, S-3094, to House File 6,  
2 as amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 5, through page 2, line  
5 28, and inserting:

6 <<Section 1. Section 80B.11, subsection 1,  
7 paragraph c, Code 2015, is amended by adding the  
8 following new subparagraph:

9 NEW SUBPARAGRAPH. (4) In-service training under  
10 this paragraph "c" shall include the requirement  
11 that all law enforcement officers complete four hours  
12 of in-service training every five years related to  
13 domestic assault, sexual assault, human trafficking,  
14 stalking, and harassment. Such in-service training  
15 shall be approved by the academy in consultation with  
16 the Iowa coalition against sexual assault and the Iowa  
17 coalition against domestic violence.

18 Sec. 2. Section 614.1, subsection 12, Code 2015, is  
19 amended to read as follows:

20 12. Sexual abuse or sexual exploitation by a  
21 counselor, therapist, or school employee. An action  
22 for damages for injury suffered as a result of sexual  
23 abuse, as defined in section 709.1, by a counselor,  
24 therapist, or school employee, as defined in section  
25 709.15, or as a result of sexual exploitation by a  
26 counselor, therapist, or school employee shall be  
27 brought within five ten years of the date the victim  
28 was last treated by the counselor or therapist, or  
29 within five ten years of the date the victim was  
30 last enrolled in or attended the school, or, if the  
31 victim was a minor when the sexual abuse or sexual  
32 exploitation occurred, within ten years of the date the  
33 victim attains the age of eighteen.

34 Sec. 3. Section 614.8, subsection 2, Code 2015, is  
35 amended to read as follows:

36 2. Except as provided in section 614.1, ~~subsection~~  
37 subsections 9 and 12, the times limited for actions in  
38 this chapter, or chapter 216, 669, or 670, except those  
39 brought for penalties and forfeitures, are extended  
40 in favor of minors, so that they shall have one year  
41 from and after attainment of majority within which to  
42 file a complaint pursuant to chapter 216, to make a  
43 claim pursuant to chapter 669 or 670, or to otherwise  
44 commence an action.

45 Sec. 4. NEW SECTION. 692.23 Human trafficking  
46 information.

47 The division of criminal and juvenile justice  
48 planning of the department of human rights shall  
49 collect and maintain criminal history data on incidents  
50 related to human trafficking in this state, and

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1 shall submit an annual report to the general assembly  
2 concerning the collected data. For purposes of this  
3 section, "incidents related to human trafficking"  
4 means criminal violations of section 710.5, 710.11, or  
5 710A.2, section 725.1, subsection 2, or section 725.2  
6 or 725.3, or violations of section 710.2, 710.3, or  
7 710.4 if the victim was forced to provide labor or  
8 services or participate in commercial sexual activity.

9 Sec. 5. Section 702.11, subsection 1, Code 2015, is  
10 amended to read as follows:

11 1. A "forcible felony" is any felonious child  
12 endangerment, assault, murder, sexual abuse,  
13 kidnapping, robbery, arson in the first degree, ~~or~~  
14 burglary in the first degree, or human trafficking.

15 Sec. 6. Section 708.2A, subsection 1, Code 2015, is  
16 amended to read as follows:

17 1. For the purposes of this chapter, "domestic  
18 abuse assault" means an assault, as defined in section  
19 708.1, which is domestic abuse as defined in section  
20 236.2, subsection 2, paragraph "a", "b", "c", ~~or~~ "d",  
21 or "e".

22 Sec. 7. Section 708.11, subsection 1, paragraph b,  
23 Code 2015, is amended to read as follows:

24 b. "Course of conduct" means repeatedly  
25 maintaining a visual or physical proximity to a person  
26 without legitimate purpose, repeatedly utilizing a  
27 technological device to locate, listen to, or watch  
28 a person without legitimate purpose, or repeatedly  
29 conveying oral or written threats, threats implied  
30 by conduct, or a combination thereof, directed at or  
31 toward a person.

32 Sec. 8. Section 708.11, subsection 2, Code 2015, is  
33 amended to read as follows:

34 2. A person commits stalking when all of the  
35 following occur:

36 a. The person purposefully engages in a course of  
37 conduct directed at a specific person that would cause  
38 a reasonable person to feel terrorized, frightened,  
39 intimidated, or threatened or to fear that the person  
40 intends to cause bodily injury to, or the death of,  
41 that specific person or a member of the specific  
42 person's immediate family.

43 b. The person has knowledge or should have  
44 knowledge that ~~the specific person will be placed in~~  
45 ~~reasonable fear of~~ a reasonable person would feel  
46 terrorized, frightened, intimidated, or threatened or  
47 fear that the person intends to cause bodily injury to,  
48 or the death of, that specific person or a member of  
49 the specific person's immediate family by the course  
50 of conduct.

1 ~~e. The person's course of conduct induces fear in~~  
2 ~~the specific person of bodily injury to, or the death~~  
3 ~~of, the specific person or a member of the specific~~  
4 ~~person's immediate family.~~

5 Sec. 9. NEW SECTION. 708.11A Unauthorized  
6 placement of global positioning device.

7 1. A person commits unauthorized placement of  
8 a global positioning device, when, with intent to  
9 intimidate, annoy, or alarm another person, the person,  
10 without the consent of the other person, places a  
11 global positioning device on the other person or an  
12 object in order to track the movements of the other  
13 person without a legitimate purpose.

14 2. A person who commits a violation of this section  
15 commits a serious misdemeanor.

16 Sec. 10. Section 709.15, subsection 1, paragraph  
17 f, Code 2015, is amended by striking the paragraph and  
18 inserting in lieu thereof the following:

19 f. (1) "School employee" means any of the  
20 following, except as provided in subparagraph (2):

21 (a) A person who holds a license, certificate,  
22 authorization, or statement of professional recognition  
23 issued by the board of educational examiners under  
24 chapter 272.

25 (b) A person employed by a school district or  
26 nonpublic school full-time or part-time.

27 (c) A contract employee of a school district or  
28 nonpublic school who has significant contact with  
29 students enrolled in the school district or nonpublic  
30 school.

31 (d) A person who performs services as a volunteer  
32 for a school district or nonpublic school and who has  
33 significant contact with students enrolled in the  
34 school district or nonpublic school.

35 (2) "School employee" does not include the  
36 following:

37 (a) A student enrolled in a school district or  
38 nonpublic school.

39 (b) A person who holds a coaching authorization  
40 issued under section 272.31, subsection 1, if the  
41 person is less than four years older than the student  
42 with whom the person engages in conduct prohibited  
43 under subsection 3, paragraph "a", and the person is  
44 not in a position of direct authority over the student.

45 (c) A person who performs services as a volunteer  
46 for a school district or nonpublic school and who has  
47 significant contact with students enrolled in the  
48 school district or nonpublic school, if the person  
49 is less than four years older than the student with  
50 whom the person engages in conduct prohibited under

1 subsection 3, paragraph "a", and the person is not in a  
2 position of direct authority over the student.

3 Sec. 11. Section 709.15, subsection 3, Code 2015,  
4 is amended by adding the following new paragraph:

5 NEW PARAGRAPH. c. The provisions of this  
6 subsection do not apply to a person who is employed  
7 by, volunteers for, or is under contract with a school  
8 district or nonpublic school if the student is not  
9 enrolled in the same school district or nonpublic  
10 school that employs the person or for which the person  
11 volunteers or is under contract, and the person does  
12 not meet the requirements of subsection 1, paragraph  
13 "f", subparagraph (1), subparagraph division (a).

14 Sec. 12. Section 709.21, subsection 1, paragraph a,  
15 Code 2015, is amended to read as follows:

16 a. The other person ~~does not have knowledge about~~  
17 ~~and~~ does not consent or is unable to consent to being  
18 viewed, photographed, or filmed.

19 Sec. 13. Section 709.21, subsection 3, Code 2015,  
20 is amended to read as follows:

21 3. A person who violates this section commits a  
22 ~~serious~~ an aggravated misdemeanor.

23 Sec. 14. NEW SECTION. 710A.6 Outreach, public  
24 awareness, and training programs.

25 The crime victim assistance division of the  
26 department of justice, in cooperation with other  
27 governmental agencies and nongovernmental or community  
28 organizations, shall develop and conduct outreach,  
29 public awareness, and training programs for the general  
30 public, law enforcement agencies, first responders,  
31 potential victims, and persons conducting or regularly  
32 dealing with businesses or other ventures that have  
33 a high statistical incidence of debt bondage or  
34 forced labor or services. The programs shall train  
35 participants to recognize and report incidents of human  
36 trafficking and to suppress the demand that fosters  
37 exploitation of persons and leads to human trafficking.

38 Sec. 15. Section 716.7, subsection 2, paragraph  
39 a, Code 2015, is amended by adding the following new  
40 subparagraph:

41 NEW SUBPARAGRAPH. (7) Intentionally viewing,  
42 photographing, or filming another person through the  
43 window or any other aperture of a dwelling, without  
44 legitimate purpose, while present on the real property  
45 upon which the dwelling is located, or while placing  
46 on or retrieving from such property equipment to view,  
47 photograph, or film another person, if the person  
48 being viewed, photographed, or filmed has a reasonable  
49 expectation of privacy, and if the person being viewed,  
50 photographed, or filmed does not consent or cannot

1 consent to being viewed, photographed, or filmed.

2 Sec. 16. Section 716.8, subsection 1, Code 2015, is  
3 amended to read as follows:

4 1. Any person who knowingly trespasses upon the  
5 property of another commits a simple misdemeanor,  
6 except that any person who intentionally trespasses as  
7 defined in section 716.7, subsection 2, paragraph "a",  
8 subparagraph (7), commits a serious misdemeanor.

9 Sec. 17. Section 802.2, subsection 1, Code 2015, is  
10 amended to read as follows:

11 1. An information or indictment for sexual abuse  
12 in the first, second, or third degree committed on or  
13 with a person who is under the age of eighteen years  
14 ~~shall be found within ten years after the person upon~~  
15 ~~whom the offense is committed attains eighteen years of~~  
16 ~~age, or if the person against whom the information or~~  
17 ~~indictment is sought is identified through the use of~~  
18 ~~a DNA profile, an information or indictment shall be~~  
19 ~~found within three years from the date the person is~~  
20 ~~identified by the person's DNA profile, whichever is~~  
21 ~~later~~ may be commenced at any time after the commission  
22 of the offense.

23 Sec. 18. Section 802.10, subsection 3, Code 2015,  
24 is amended to read as follows:

25 3. However, notwithstanding subsection 2, an  
26 indictment or information shall be found against a  
27 person within three years from the date the person is  
28 identified by the person's DNA profile. If the action  
29 involves sexual abuse of a person eighteen years of  
30 age or older or another sexual offense, the indictment  
31 or information shall be found as provided in section  
32 802.2, subsection 2, or 802.2B, if the person is  
33 identified by the person's DNA profile.

34 Sec. 19. Section 915.94, Code 2015, is amended to  
35 read as follows:

36 915.94 Victim compensation fund.

37 A victim compensation fund is established as  
38 a separate fund in the state treasury. Moneys  
39 deposited in the fund shall be administered by the  
40 department and dedicated to and used for the purposes  
41 of section 915.41 and this subchapter. In addition,  
42 the department may use moneys from the fund for the  
43 purpose of the department's prosecutor-based victim  
44 service coordination, including the duties defined in  
45 sections 910.3 and 910.6 and this chapter, and for the  
46 award of funds to programs that provide services and  
47 support to victims of domestic abuse or sexual assault  
48 as provided in chapter 236, to victims under section  
49 710A.2, and for the support of an automated victim  
50 notification system established in section 915.10A.

1 ~~The~~ For each fiscal year, the department may also use  
2 up to ~~one~~ three hundred thousand dollars from the fund  
3 to provide training for victim service providers, to  
4 provide training for related professionals concerning  
5 victim service programming, and to provide training  
6 concerning homicide, domestic assault, sexual assault,  
7 stalking, harassment, and human trafficking as required  
8 by section 710A.6. Notwithstanding section 8.33, any  
9 balance in the fund on June 30 of any fiscal year shall  
10 not revert to the general fund of the state.>

11 2. Title page, by striking lines 1 through 3 and  
12 inserting <An Act relating to sexual abuse, invasion  
13 of privacy, and sexual exploitation by a counselor,  
14 therapist, and school employee, including the time  
15 period certain actions may be brought, and providing  
16 penalties.>

17 3. By renumbering as necessary.

**By** JANET PETERSEN



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**SF 489** – Underground Storage Tank Cost Share Grant Program (LSB1613SV)  
Analyst: Jeff Robinson (Phone: (515) 281-4614) ([jeff.robinson@legis.iowa.gov](mailto:jeff.robinson@legis.iowa.gov))  
Fiscal Note Version – New

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### **Description**

**Senate File 489** relates to finances of the Road Use Tax Fund and the Underground Storage Tank (UST) Program. The Bill:

- Extends the one cent per gallon Environmental Protection Charge (EPC) applied to motor fuel for 10 years. This tax is currently set to expire June 30, 2016.
- Creates a new infrastructure replacement grant fund and program for owners and operators of underground petroleum storage tanks.
- Dedicates one half (\$7.0 million) of the UST Program's annual allocation from the Statutory Allocations Fund to the new infrastructure grant program.
- Assigns administration of the new grant program to the UST Fund Board. The Board is directed to award grants to owners and/or operators of locations where petroleum is marketed and the grant funds are to be used to replace underground storage tank infrastructure. Grants for a project cannot exceed the lesser of 50.0% of the cost of replacing the infrastructure, or \$100,000. A single applicant may not receive more than \$1.0 million in grants in a calendar year.
- Specifies that the Board may expend up to \$50,000 annually from the grant fund to administer the grant program.

### **Background**

The UST Program pays to remediate environmental contamination from leaking underground petroleum storage tanks. In most instances, the contamination must have been reported to the UST Board by October 26, 1990, to be eligible for UST Program financing. The UST Program is funded through an annual allocation of \$14.0 million from the Statutory Allocations Fund. That annual allocation does not sunset.

The EPC is a tax that is equal to one cent per gallon of petroleum deposited in underground and certain aboveground tanks at retail outlets. The EPC revenue is deposited in the Road Use Tax Fund. The EPC sunsets June 30, 2016.

Additional history and background for the EPC and the UST Program, including financial projections through FY 2019, are available in the following two Legislative Services Agency ***Issue Reviews***, released November 10, 2014:

**[Environmental Protection Charge — Future Repeal](#)**

**[Underground Storage Tank Program Financial Outlook](#)**

Iowa Code section **[159A.14](#)** currently provides for an infrastructure cost-share program available to owners and operators to improve retail motor fuel sites. Grants are available for up

to 70.0% of the infrastructure installation costs, or \$50,000, whichever is less. Owners and operators may receive multiple grants for a single site.

**Fiscal Impact**

Extending the current EPC for 10 years (July 1, 2016 through June 30, 2026) will increase tax revenue approximately \$21.0 million annually, beginning in FY 2017 and ending in FY 2026. The tax revenue will be deposited in the Road Use Tax Fund.

Creating a new grant program and fund for petroleum infrastructure will increase UST Program expenditures by \$7.0 million per year, beginning in FY 2016. This new grant program does not sunset. Creation of the new grant program will reduce money available for UST site cleanup by \$7.0 million annually.

The Renewable Fuels Infrastructure Board operates a cost-share program available for owners and operators of retail motor fuel locations. The new infrastructure grant program created in this Bill will apply to the same infrastructure expenditures and could allow owners and operators to benefit from two State grant programs, each providing 50.0% or more State cost-share benefits.

The Bill allocates a maximum of \$50,000 per year from the new grant program to administer the program.

**Sources**

Legislative Services Agency analysis  
UST Board financial records

/s/ Holly M. Lyons

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April 20, 2015

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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