

~~(4) A term shall expire upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.~~

Sec. 14. EFFECTIVE DATE AND APPLICABILITY PROVISIONS. This Act, being deemed of immediate importance, takes effect upon enactment. This Act applies to appointees named by a member or members of the general assembly before, on, or after the effective date of this Act and to appointments subject to section 2.32 on or after the effective date of this Act.

Approved May 18, 2009

CHAPTER 107

PROTECTION OF DEPENDENT ADULTS

S.F. 438

AN ACT relating to actions injurious to dependent adults and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 235B.2, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) ~~(a)~~ Sexual exploitation of a dependent adult by a caretaker.

~~(b)~~ "Sexual exploitation" means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. "Sexual exploitation" includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.¹

Sec. 2. Section 235B.17, Code 2009, is amended to read as follows:

235B.17 PROVISION OF PROTECTIVE SERVICES WITH THE CONSENT OF DEPENDENT ADULT — CARETAKER REFUSAL.

1. If a caretaker of a dependent adult, who consents to the receipt of protective services, refuses to allow provision of the services, the department may petition the court with probate jurisdiction in the county in which the dependent adult resides for an order enjoining the caretaker from interfering with the provision of services.

2. The petition shall be verified and shall allege specific facts sufficient to demonstrate that the dependent adult is in need of protective services and consents to the provision of services and that the caretaker refuses to allow provision of the services. The petition shall include all of the following:

a. The name, date of birth, and address of the dependent adult alleged to be in need of protective services.

¹ See chapter 179, §52, repealing chapter 41, §95, 96 herein

b. The protective services required.

c. The name and address of the caretaker refusing to allow the provision of services.

3. The court shall set the case for hearing within fourteen days of the filing of the petition. The dependent adult and the caretaker refusing to allow the provision of services shall receive at least five days' notice of the hearing.

4. If the judge finds by clear and convincing evidence that the dependent adult is in need of protective services and consents to the services and that the caretaker refuses to allow the services, the judge may issue an order enjoining the caretaker from interfering with the provision of the protective services.

Sec. 3. Section 235B.18, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 1A. The petition specified in subsection 1 shall be verified and shall include all of the following:

- a. The name, date of birth, and address of the dependent adult alleged to be in need of protective services.
- b. The nature of the dependent adult abuse.
- c. The protective services required.

Sec. 4. Section 235B.20, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 6A. A caretaker who otherwise intentionally or knowingly commits dependent adult abuse upon a dependent adult in violation of this chapter is guilty of a serious misdemeanor.

Approved May 18, 2009

CHAPTER 108

ENERGY EFFICIENCY, RENEWABLE ENERGY, AND THE OFFICE OF ENERGY INDEPENDENCE

S.F. 471

AN ACT relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 7D.34, subsection 2, paragraphs b and c, Code 2009, are amended to read as follows:

- b. Before a state agency seeks approval of the executive council for leasing real or personal properties or facilities for use as or in connection with any energy conservation measure, the state agency shall have a comprehensive engineering analysis done on a building in which it seeks to improve the energy efficiency by an engineering firm approved by the ~~department of natural resources~~ office of energy independence through a competitive selection process and the engineering firm is subject to approval of the executive council. Provisions of this section