

JUDICIARY

IOWA HOUSE OF REPRESENTATIVES

END OF SESSION, 2009

PRIVATE CAUSE OF ACTION FOR CONSUMER FRAUDS	<p>Creates a private cause of action so consumers can sue for fraud. The bill provides a defense for businesses if the violation was unintentional, made in good faith, and if reasonable steps were taken to avoid the error. Many businesses regulated by the state are exempted. Class action law suits are allowed, but a litigant must get the approval from the Attorney General that a suit is not frivolous.</p> <p>HF 712 – Signed; Effective 7-1-09</p>
RECORDING MAGISTRATE PROCEEDINGS	<p>Requires all small claims proceedings before a magistrate that are not reported by a certified court reporter to be recorded electronically.</p> <p>HF 266 – Signed; Effective 7-1-09</p>
HARASSING A JUDICIAL OFFICER	<p>Creates a aggravated misdemeanor for harassing a judicial officer, court employee, or a family member of a judicial officer or court employee with the intent to interfere with or improperly influence, or in retaliation for, the official acts of the officer or employee.</p> <p>HF 697 – Signed; Effective 7-1-09</p>
UNIFORM CHILD ABDUCTION ACT	<p>Creates protocols to prevent child abductions by implementing the uniform child abduction prevention act. The act allows a petition seeking abduction prevention measures to be filed with the court. The petition must contain specific information, such as any child custody determination, history of prior domestic abuse or abduction, prior action to prevent an abduction or domestic abuse, and risk factors for abduction. If a court determines there is a risk of abduction, the court may enter an abduction prevention order.</p> <p>HF 713 – Rereferred to Senate Judiciary Committee</p>
DEPENDENT ADULT ABUSE	<p>Changes the definition of dependent adult abuse. The bill removes the requirement for sexual arousal or desire from the definition of sexual exploitation of a dependent adult. The bill adds the transmission, display, or taking of electronic images of the unclothed breasts, genitals, or genitals of a dependent adult, except for treatment or diagnosis, to the definition of sexual exploitation. The bill allows a court with probate jurisdiction to issue a protective order for a dependent adult who is unable to consent to protective services. The bill makes intentionally or knowingly committing dependent adult abuse a serious misdemeanor.</p> <p>SF 438 – Signed; Effective 7-1-09</p>
TAX SALES	<p>Requires that a bidder at a tax sale for delinquent property taxes meet the statutory definition of a “person.”</p> <p>HF 256 – Signed; Effective 6-1-09</p>
HUMAN TRAFFICKING	<p>Changes the definition of “commercial sexual activity” relating to human</p>

trafficking to include any sexually explicit performance for which anything of value is given. The definition includes prostitution, performance in a pornographic work, or performance in a strip club. Human trafficking is a Class “D” felony punishable by up to 5 years in prison and a fine of up to \$7,500 unless the victim is under the age of 18, then the crime is a Class “C” felony punishable by up to 10 years in prison and a fine of up to \$10,000. The bill also extends protections to child victims of human trafficking
SF 27 – Signed; Effective 7-1-09

FORECLOSURES

Makes changes to the limits on foreclosure actions, judgments, and executions. The bill makes changes to actions relating to real estate mortgage foreclosures.

SF 364 – Signed; Various Effective Dates

OTHER BILLS OF INTEREST

- HF 758 Allows for additional damages for the wrongful or negligent injury or death of a spouse, parent or child. (Rereferred to Senate Judiciary Committee)
- SF 119 Allows a protective order for domestic abuse to include the identity of any animal owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child whose welfare may be affected by the domestic abuse. (Rereferred to House Judiciary Committee)
- SF 199 Repeals existing regulations on athlete agents and implements the uniform athlete agent act. (Signed; Effective 7-1-09)
- SF 229 Changes the election and appointments to the county magistrate appointing commission. (House Judiciary Committee)
- SF 283 Changes the appointment and nomination of judicial officers and retirement of senior judges. (Rereferred to House Judiciary Committee)
- SF 285 Changes magistrate jurisdiction and simple misdemeanors as recommendations from the Criminal Justice Information Systems Integration. (Rereferred to House Judiciary Committee)
- SF 320 Creates standards for charitable trusts to be registered with the Attorney General’s office. (Signed; Effective 7-1-09)
- SF 365 Changes provisions relating to small trusts and estates and makes retroactive changes. (Signed; Various Effective Dates)
- SF 431 Reorganizes and restructures the laws on operating while intoxicated criminal offenses. (Rereferred to House Judiciary Committee)
- SJR 5 Proposes an amendment to the Constitution of the State of Iowa eliminating the requirement that a criminal offense involving no imprisonment must be prosecuted on information under oath. The amendment would allow most simple misdemeanors punishable by a scheduled violation to be certified under penalty of perjury rather than under oath. (Rereferred to House Judiciary Committee)