

Substitutes for HF 2534  
3-21-00 (P.850)

FILED FEB 23 2000

SENATE FILE 2308  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2154)

Passed Senate, <sup>(P.498)</sup> Date 3/1/00 Passed House, <sup>(P.853)</sup> Date 3-21-00  
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0  
Approved 4-21-00

<sup>(P.929)</sup> Repassed 3-29-00  
Vote 50-0

<sup>(P.1175)</sup> Re Passed 4-3-00  
Vote 96-0

A BILL FOR

1 An Act relating to harassment via electronic communications and  
2 making penalties applicable.

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

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6

SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2308

H-8662

- 1 Amend the House amendment, S-5188, to Senate File
- 2 2308, as passed by the Senate, as follows:
- 3 1. Page 1, line 23, by striking the word
- 4 "certain", and inserting the following: "address and
- 5 location".
- 6 2. Page 1, lines 24 and 25, by striking the words
- 7 ", such as address or location information".
- 8 3. Page 2, line 47, by inserting after the word
- 9 "acting" the following: "reasonably and".

RECEIVED FROM THE SENATE

H-8662 FILED MARCH 29, 2000  
House Concurred 4-3-00 P.1174

SF 2308

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1 Section 1. Section 708.7, subsection 1, paragraph a,  
2 subparagraph (1), Code 1999, is amended to read as follows:

3 (1) Communicates with another by telephone, telegraph, or  
4 writing, or via electronic communication without legitimate  
5 purpose and in a manner likely to cause the other person  
6 annoyance or harm.

7 EXPLANATION

8 This bill amends Code section 708.7 to make harassment via  
9 electronic communication a crime.

10 Harassment varies by degree according to the type of threat  
11 communicated.

12 A person commits harassment in the first degree when the  
13 person commits harassment involving a threat to commit a  
14 forcible felony or commits harassment and has previously been  
15 convicted of harassment three or more times under this Code  
16 section or any similar statute during the preceding 10 years.

17 Harassment in the first degree is an aggravated misdemeanor.  
18 An aggravated misdemeanor is punishable by confinement for no  
19 more than two years and a fine of at least \$500 but not more  
20 than \$5,000.

21 A person commits harassment in the second degree when the  
22 person commits harassment involving a threat to commit bodily  
23 injury or commits harassment and has previously been convicted  
24 of harassment two times under this Code section or any similar  
25 statute during the preceding 10 years. Harassment in the  
26 second degree is a serious misdemeanor. A serious misdemeanor  
27 is punishable by confinement for no more than one year and a  
28 fine of at least \$250 but not more than \$1,500.

29 Any other act of harassment is harassment in the third  
30 degree. Harassment in the third degree is a simple  
31 misdemeanor. A simple misdemeanor is punishable by  
32 confinement for no more than 30 days or a fine of at least \$50  
33 but not more than \$500 or by both.

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## SENATE FILE 2308

H-8414

1 Amend Senate File 2308, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 236.10, Code 1999, is amended  
6 to read as follows:

7 236.10 CONFIDENTIALITY OF RECORDS.

8 1. The entire file or a portion of the file in a  
9 domestic abuse case shall be sealed by the clerk of  
10 court when it is complete and after the time for  
11 appeal has expired as ordered by the court to protect  
12 the privacy interest or safety of any person.

13 ~~However, the clerk shall open the file upon~~  
14 ~~application to and order of the court for good cause~~  
15 ~~shown or upon request of the child support recovery~~  
16 ~~unit. Support payment records, whether maintained by~~  
17 ~~the clerk of the district court or the department of~~  
18 ~~human services, are public records and may be released~~  
19 ~~upon request. However, a payment record shall not~~  
20 ~~include address or location information.~~

21 2. Notwithstanding subsection 1, court orders and  
22 support payment records shall remain public records,  
23 although the court may order that certain information  
24 be redacted from the public records, such as address  
25 or location information.

26 Sec. \_\_\_\_ . Section 236.19, Code Supplement 1999, is  
27 amended to read as follows:

28 236.19 FOREIGN PROTECTIVE ORDERS -- REGISTRATION  
29 -- ENFORCEMENT.

30 1. As used in this section, "foreign protective  
31 order" means a protective order entered ~~in a state~~  
32 ~~other than Iowa which~~ by a court of another state,  
33 Indian tribe, or United States territory that would be  
34 an order or court-approved consent agreement entered  
35 under this chapter, a temporary or permanent  
36 protective order or order to vacate the homestead  
37 under chapter 598, or an order that establishes  
38 conditions of release or is a protective order or  
39 sentencing order in a criminal prosecution arising  
40 from a domestic abuse assault if it had been entered  
41 in Iowa.

42 2. A certified or authenticated copy of a  
43 permanent foreign protective order authenticated in  
44 accordance with the statutes of this state may be  
45 filed with the clerk of the district court in any  
46 county that would have venue if the original action  
47 was being commenced in this state or in which the  
48 person in whose favor the order was entered may be  
49 present.

50 a. The clerk shall file foreign protective orders

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1 that are not certified or authenticated, if supported  
2 by an affidavit of a person with personal knowledge,  
3 subject to the penalties for perjury. The person  
4 protected by the order may provide this affidavit.

5 b. The clerk shall provide copies of the order as  
6 required by section 236.5, except that notice shall  
7 not be provided to the respondent without the express  
8 written direction of the person in whose favor the  
9 order was entered.

10 3. a. A valid foreign protective order so-filed  
11 has the same effect and shall be enforced in the same  
12 manner as a protective order issued in this state  
13 whether or not filed with a clerk of court or  
14 otherwise placed in a registry of protective orders.

15 b. A foreign protective order is valid if it meets  
16 all of the following:

17 (1) The order states the name of the protected  
18 individual and the individual against whom enforcement  
19 is sought.

20 (2) The order has not expired.

21 (3) The order was issued by a court or tribunal  
22 that had jurisdiction over the parties and subject  
23 matter under the law of the foreign jurisdiction.

24 (4) The order was issued in accordance with  
25 respondent's due process rights, either after the  
26 respondent was provided with reasonable notice and an  
27 opportunity to be heard before the court or tribunal  
28 that issued the order, or in the case of an ex parte  
29 order, the respondent was granted notice and  
30 opportunity to be heard within a reasonable time after  
31 the order was issued.

32 c. Proof that a foreign protective order failed to  
33 meet all of the factors listed in paragraph "b" shall  
34 be an affirmative defense in any action seeking  
35 enforcement of the order.

36 4. A peace officer shall treat a foreign  
37 protective order as a valid legal document and shall  
38 make an arrest for a violation of the foreign  
39 protective order in the same manner that a peace  
40 officer would make an arrest for a violation of a  
41 protective order issued within this state.

42 a. The fact that a foreign protective order has  
43 not been filed with the clerk of court or otherwise  
44 placed in a registry shall not be grounds to refuse to  
45 enforce the terms of the order unless it is apparent  
46 to the officer that the order is invalid on its face.

47 b. A peace officer acting in good faith in  
48 connection with the enforcement of a foreign  
49 protective order shall be immune from civil and  
50 criminal liability in any action arising in connection

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1 with such enforcement.

2 5. Filing and service costs in connection with

3 foreign protective orders may be waived or deferred as

4 provided in section 236.3."

5 2. Title page, line 1, by inserting after the

6 word "to" the following: "domestic violence

7 protective orders and".

8 3. By renumbering as necessary.

By DAVIS of Wapello

H-8414 FILED MARCH 20, 2000

*Adopted*

*3-21-00*

*(p. 853)*

HOUSE AMENDMENT TO  
SENATE FILE 2308

S-5188

1 Amend Senate File 2308, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 236.10, Code 1999, is amended  
6 to read as follows:

7 236.10 CONFIDENTIALITY OF RECORDS.

8 1. The entire file or a portion of the file in a  
9 domestic abuse case shall be sealed by the clerk of  
10 court when it is complete and after the time for  
11 appeal has expired as ordered by the court to protect  
12 the privacy interest or safety of any person.

13 ~~However, the clerk shall open the file upon~~  
14 ~~application to and order of the court for good cause~~  
15 ~~shown or upon request of the child support recovery~~  
16 ~~unit;--Support payment records, whether maintained by~~  
17 ~~the clerk of the district court or the department of~~  
18 ~~human services, are public records and may be released~~  
19 ~~upon request;--However, a payment record shall not~~  
20 ~~include address or location information.~~

21 2. Notwithstanding subsection 1, court orders and  
22 support payment records shall remain public records,  
23 although the court may order that certain information  
24 be redacted from the public records, such as address  
25 or location information.

26 Sec. \_\_\_\_ . Section 236.19, Code Supplement 1999, is  
27 amended to read as follows:

28 236.19 FOREIGN PROTECTIVE ORDERS -- REGISTRATION  
29 -- ENFORCEMENT.

30 1. As used in this section, "foreign protective  
31 order" means a protective order entered ~~in a state~~  
32 ~~other than Iowa which~~ by a court of another state,  
33 Indian tribe, or United States territory that would be  
34 an order or court-approved consent agreement entered  
35 under this chapter, a temporary or permanent  
36 protective order or order to vacate the homestead  
37 under chapter 598, or an order that establishes  
38 conditions of release or is a protective order or  
39 sentencing order in a criminal prosecution arising  
40 from a domestic abuse assault if it had been entered  
41 in Iowa.

42 2. A certified or authenticated copy of a  
43 permanent foreign protective order authenticated in  
44 accordance with the statutes of this state may be  
45 filed with the clerk of the district court in any  
46 county that would have venue if the original action  
47 was being commenced in this state or in which the  
48 person in whose favor the order was entered may be  
49 present.

50 a. The clerk shall file foreign protective orders

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1 that are not certified or authenticated, if supported  
2 by an affidavit of a person with personal knowledge,  
3 subject to the penalties for perjury. The person  
4 protected by the order may provide this affidavit.

5 b. The clerk shall provide copies of the order as  
6 required by section 236.5, except that notice shall  
7 not be provided to the respondent without the express  
8 written direction of the person in whose favor the  
9 order was entered.

10 3. a. A valid foreign protective order so-filed  
11 has the same effect and shall be enforced in the same  
12 manner as a protective order issued in this state  
13 whether or not filed with a clerk of court or  
14 otherwise placed in a registry of protective orders.

15 b. A foreign protective order is valid if it meets  
16 all of the following:

17 (1) The order states the name of the protected  
18 individual and the individual against whom enforcement  
19 is sought.

20 (2) The order has not expired.

21 (3) The order was issued by a court or tribunal  
22 that had jurisdiction over the parties and subject  
23 matter under the law of the foreign jurisdiction.

24 (4) The order was issued in accordance with  
25 respondent's due process rights, either after the  
26 respondent was provided with reasonable notice and an  
27 opportunity to be heard before the court or tribunal  
28 that issued the order, or in the case of an ex parte  
29 order, the respondent was granted notice and  
30 opportunity to be heard within a reasonable time after  
31 the order was issued.

32 c. Proof that a foreign protective order failed to  
33 meet all of the factors listed in paragraph "b" shall  
34 be an affirmative defense in any action seeking  
35 enforcement of the order.

36 4. A peace officer shall treat a foreign  
37 protective order as a valid legal document and shall  
38 make an arrest for a violation of the foreign  
39 protective order in the same manner that a peace  
40 officer would make an arrest for a violation of a  
41 protective order issued within this state.

42 a. The fact that a foreign protective order has  
43 not been filed with the clerk of court or otherwise  
44 placed in a registry shall not be grounds to refuse to  
45 enforce the terms of the order unless it is apparent  
46 to the officer that the order is invalid on its face.

47 b. A peace officer acting in good faith in  
48 connection with the enforcement of a foreign  
49 protective order shall be immune from civil and  
50 criminal liability in any action arising in connection

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Page 3

- 1 with such enforcement.
- 2 5. Filing and service costs in connection with
- 3 foreign protective orders may be waived or deferred as
- 4 provided in section 236.3."
- 5 2. Title page, line 1, by inserting after the
- 6 word "to" the following: "domestic violence
- 7 protective orders and".
- 8 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

*Senate Concurred 3/29/00 (p. 929)*

S-5188 FILED MARCH 21, 2000

## SENATE FILE 2308

S-5282

- 1 Amend the House amendment, S-5188, to Senate File
- 2 2308, as passed by the Senate, as follows:
- 3 1. Page 1, line 23, by striking the word
- 4 "certain", and inserting the following: "address and
- 5 location".
- 6 2. Page 1, lines 24 and 25, by striking the words
- 7 ", such as address or location information".
- 8 3. Page 2, line 47, by inserting after the word
- 9 "acting" the following: "reasonably and".

By DONALD B. REDFERN

S-5282 FILED MARCH 28, 2000

*adapted*  
*3/29/00 (p. 929)*

**SENATE FILE 2308  
FISCAL NOTE**

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The estimate for **Senate File 2308** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2308 makes harassment via electronic communication a crime. Harassment varies by degree according to the type of threat communicated. A person commits harassment in the first degree when the harassment involves a threat to commit a forcible felony or commits harassment and has previously been convicted of harassment three or more times during the last ten years. Harassment in the first degree is an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$500 but no more than \$5,000. A person commits harassment in the second degree when the harassment involves a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times during the last ten years. Harassment in the second degree is a serious misdemeanor, which is punishable by confinement for no more than one year and a fine of at least \$250 but no more than \$1,500. Any other act of harassment is harassment in the third degree, which is a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days and/or a fine of at least \$50 but no more than \$500.

**ASSUMPTIONS**

1. The average daily cost for jails is \$60.
2. The average daily cost for probation supervision is \$1.53. The average daily cost for residential facilities is \$55.61.
3. The average daily cost for prisons is \$58.39. The marginal cost per inmate is \$12 per day.
4. The median cost for indigent defense of a simple misdemeanor is approximately \$200 per case. The median cost for indigent defense of a serious misdemeanor is approximately \$500 per case. The median cost for indigent defense of an aggravated misdemeanor is approximately \$1,000 per case.
5. The number of indigent defendants under Senate File 2308 is unknown.
6. The average cost for processing an uncontested simple misdemeanor is \$2.21 per case, which includes approximately ten minutes of the Clerk of Court's time. The average cost for processing a contested simple misdemeanor ranges from \$71 to \$105, depending on whether a magistrate or district associate judge is involved. This figure does not include the additional time associated with imposing a penalty.
7. The average cost for processing an uncontested serious misdemeanor ranges from \$176 to \$367, depending on whether a district associate judge or district court judge is involved. These estimates include pre- and post-trial court procedures and fine collection efforts. The collection rate for fines for serious misdemeanors in 1998 was 46.0%.

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8. The average cost for processing an uncontested aggravated misdemeanor ranges from \$167 to \$357, depending on whether a district associate judge or district court judge is involved. The average cost for processing a contested aggravated misdemeanor ranges from \$3,263 to \$5,434, depending on whether a district associate judge or district court judge is involved. A trial is anticipated to last from three to five days. The average collection rate for fines for aggravated misdemeanors in 1998 was 38.0%.
9. During 1998, there were 119 aggravated misdemeanor convictions for harassment. Of these convictions, 71 people were sentenced to probation, 6 people were sentenced to residential facilities, 41 people received a jail sentence, and 16 people received a prison sentence. The number of dispositions exceeds the number of convictions due to the imposition of multiple sanctions.
10. During 1998, there were 92 serious misdemeanor convictions for harassment. Of these convictions, one person was sentenced to prison, 55 people received probation, and 39 people received a jail sentence. The number of dispositions exceeds the number of convictions due to the imposition of multiple sanctions.

#### CORRECTIONAL IMPACT

There may be additional convictions for harassment under Senate File 2308. However, it is anticipated that there will not be a significant increase in cases or convictions.

#### FISCAL IMPACT

Senate File 2308 may result in additional convictions for harassment, but any fiscal impact is not expected to be significant.

#### SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Office of the Attorney General  
State Court Administrator's Office  
State Public Defender's Office  
Department of Corrections  
Iowa State Association of Counties

(LSB 5949sv, BAL)

FILED MARCH 2, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2308  
FISCAL NOTE**

---

The estimate for Senate File 2308 as passed by the House is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

---

Senate File 2308 as passed by the House makes harassment via electronic communication a crime. Harassment varies by degree according to the type of threat communicated. A person commits harassment in the first degree when the harassment involves a threat to commit a forcible felony or commits harassment and has previously been convicted of harassment three or more times during the last ten years. Harassment in the first degree is an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$500 but no more than \$5,000. A person commits harassment in the second degree when the harassment involves a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times during the last ten years. Harassment in the second degree is a serious misdemeanor, which is punishable by confinement for no more than one year and a fine of at least \$250 but no more than \$1,500. Any other act of harassment is harassment in the third degree, which is a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days and/or a fine of at least \$50 but no more than \$500. Senate File 2308 provides for the court to order the sealing of a domestic abuse file or portion of the file as necessary to protect the privacy or safety of any person. Current law provides for the automatic sealing of the entire file by the Clerk of Court. The Bill relates to foreign protective orders, by including protective orders issued by Indian tribunals and courts in United States' territories; expands venue to include any county that would have venue if the action were being commenced in Iowa; filing of certified copies of foreign protective orders; and to permit filing of orders that are not certified or authenticated if supported by an affidavit, subject to penalties of perjury, of a person with personal knowledge. The Bill also prohibits service of copies of the foreign protective order to a respondent unless expressly directed by the person in whose favor the order is entered. Senate File 2308 requires the enforcement of a valid foreign protective order even if it is not filed with the Clerk of Court or placed in a registry of protective orders.

**ASSUMPTIONS**

1. The average daily cost for jails is \$60.
2. The average daily cost for probation supervision is \$1.53. The average daily cost for residential facilities is \$55.61.
3. The average daily cost for prisons is \$58.39. The marginal cost per inmate is \$12 per day.
4. The median cost for indigent defense of a simple misdemeanor is approximately \$200 per case. The median cost for indigent defense of a serious misdemeanor is approximately \$500 per case. The median cost for

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- indigent defense of an aggravated misdemeanor is approximately \$1,000 per case.
5. The number of indigent defendants under Senate File 2308 is unknown.
  6. The average cost for processing an uncontested simple misdemeanor is \$2.21 per case, which includes approximately 10 minutes of the Clerk of Court's time. The average cost for processing a contested simple misdemeanor ranges from \$71 to \$105, depending on whether a magistrate or district associate judge is involved. This figure does not include the additional time associated with imposing a penalty.
  7. The average cost for processing an uncontested serious misdemeanor ranges from \$176 to \$367, depending on whether a district associate judge or district judge is involved. These estimates include pre- and post-trial court procedures and fine collection efforts. The collection rate for fines for serious misdemeanors in 1998 was 46.0%.
  8. The average cost for processing an uncontested aggravated misdemeanor ranges from \$167 to \$357, depending on whether a district associate judge or district court judge is involved. The average cost for processing a contested aggravated misdemeanor ranges from \$3,263 to \$5,434, depending on whether a district associate judge or district court judge is involved. A trial is anticipated to last from three to five days. The average collection rate for fines for aggravated misdemeanors in 1998 was 38.0%.
  9. During 1998, there were 119 aggravated misdemeanor convictions for harassment. Of these convictions, 71 people were sentenced to probation, 6 people were sentenced to residential facilities, 41 people received a jail sentence, and 16 people received a prison sentence. The number of dispositions exceeds the number of convictions due to the imposition of multiple sanctions.
  10. During 1998, there were 92 serious misdemeanor convictions for harassment. Of these convictions, 1 person was sentenced to prison, 55 people received probation, and 39 people received a jail sentence. The number of dispositions exceeds the number of convictions due to the imposition of multiple sanctions.
  11. There may be additional time required in the Clerk of Court's Office to seal domestic abuse files, or certain portions of those files. The cost is not anticipated to be significant.
  12. There may be additional time required for local law enforcement agencies to enforce protective orders of domestic abuse. However, the impact cannot be determined due to a lack of data.

#### CORRECTIONAL IMPACT

There may be additional convictions for harassment under Senate File 2308. However, it is anticipated that there will not be a significant increase in cases or convictions.

#### FISCAL IMPACT

Senate File 2308 may result in additional convictions for harassment, but any fiscal impact is not expected to be significant.

The fiscal impact related to domestic abuse orders cannot be determined due to insufficient information.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights  
State Court Administrator's Office  
State Public Defender's Office  
Department of Corrections  
Iowa State Association of Counties

(LSB 5949SV.2, BAL)

FILED MARCH 28, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2308

AN ACT  
RELATING TO DOMESTIC VIOLENCE PROTECTIVE ORDERS AND HARASSMENT  
VIA ELECTRONIC COMMUNICATIONS AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 236.10, Code 1999, is amended to read as follows:

236.10 CONFIDENTIALITY OF RECORDS.

1. ~~The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired as ordered by the court to protect the privacy interest or safety of any person. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit, support payment records, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. However, a payment record shall not include address or location information.~~

2. Notwithstanding subsection 1, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.

Sec. 2. Section 236.19, Code Supplement 1999, is amended to read as follows:

236.19 FOREIGN PROTECTIVE ORDERS -- REGISTRATION -- ENFORCEMENT.

1. As used in this section, "foreign protective order" means a protective order entered in a state other than Iowa

which by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order ~~authenticated in accordance with the statutes of this state~~ may be filed with the clerk of the district court in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

b. The clerk shall provide copies of the order as required by section 236.5, except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.

3. a. A valid foreign protective order ~~so filed~~ has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.

b. A foreign protective order is valid if it meets all of the following:

(1) The order states the name of the protected individual and the individual against whom enforcement is sought.

(2) The order has not expired.

3. The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.

(4) The order was issued in accordance with respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.

c. Proof that a foreign protective order failed to meet all of the factors listed in paragraph "b" shall be an affirmative defense in any action seeking enforcement of the order.

4. A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

a. The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

b. A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

5. Filing and service costs in connection with foreign protective orders may be waived or deferred as provided in section 236.3.

Sec. 3. Section 708.7, subsection 1, paragraph a, subparagraph (1), Code 1999, is amended to read as follows:

(1) Communicates with another by telephone, telegraph, or writing, or via electronic communication without legitimate

purpose and in a manner likely to cause the other person annoyance or harm.

---

MARY E. KRAMER  
President of the Senate

---

BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2308, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/21, 2000

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THOMAS J. VILSACK  
Governor