

House Amendment 1924

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1 1 Amend Senate File 593, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 10 the
1 4 following:
1 5 <Sec. _____. Section 664A.1, subsection 2, Code
1 6 2007, is amended to read as follows:
1 7 2. "Protective order" means a protective order
1 8 issued pursuant to chapter 232, a court order or
1 9 court-approved consent agreement entered pursuant to
1 10 chapter 236, including a valid foreign protective
1 11 order under section 236.19, subsection 3, a temporary
1 12 or permanent protective order or order to vacate the
1 13 homestead under chapter 598, ~~and or~~ an order that
1 14 establishes conditions of release or is a protective
1 15 order or sentencing order in a criminal prosecution
1 16 arising from a domestic abuse assault under section
1 17 708.2A, or a civil injunction issued pursuant to
1 18 section 915.22.
1 19 Sec. _____. Section 664A.2, subsection 2, Code 2007,
1 20 is amended to read as follows:
1 21 2. A protective order issued in a civil proceeding
1 22 shall be issued pursuant to chapter 232, 236, ~~or~~ 598,
1 23 or 915. Punishment for a violation of a protective
1 24 order shall be imposed pursuant to section 664A.7.
1 25 Sec. _____. Section 664A.3, Code 2007, is amended by
1 26 adding the following new subsection:
1 27 NEW SUBSECTION. 1A. Notwithstanding chapters 804
1 28 and 805, a person taken into custody pursuant to
1 29 section 236.11 or arrested pursuant to section 236.12
1 30 may be released on bail or otherwise only after
1 31 initial appearance before a magistrate as provided in
1 32 chapter 804 and the rules of criminal procedure or
1 33 section 236.11, whichever is applicable.
1 34 Sec. _____. Section 664A.5, Code 2007, is amended to
1 35 read as follows:
1 36 664A.5 MODIFICATION == ENTRY OF PERMANENT
1 37 NO=CONTACT ORDER.
1 38 If a defendant is convicted of, receives a deferred
1 39 judgment for, or pleads guilty to a public offense
1 40 referred to in section 664A.2, subsection 1, or is
1 41 held in contempt for a violation of a no-contact order
1 42 issued under section 664A.3 or for a violation of a
1 43 protective order issued pursuant to chapter 232, 236,
1 44 ~~or~~ 598, or 915, the court shall either terminate or
1 45 modify the temporary no-contact order issued by the
1 46 magistrate. The court may enter a no-contact order or
1 47 continue the no-contact order already in effect for a
1 48 period of five years from the date the judgment is
1 49 entered or the deferred judgment is granted,
1 50 regardless of whether the defendant is placed on
2 1 probation.
2 2 Sec. _____. Section 664A.6, Code 2007, is amended by
2 3 adding the following new subsection:
2 4 NEW SUBSECTION. 3. A peace officer shall not be
2 5 held civilly or criminally liable for acting pursuant
2 6 to this section provided the peace officer acts in
2 7 good faith and on reasonable grounds and the peace
2 8 officer's acts do not constitute a willful or wanton
2 9 disregard for the rights or safety of another.
2 10 Sec. _____. Section 664A.7, subsections 3 and 4,
2 11 Code 2007, are amended to read as follows:
2 12 3. If convicted of or held in contempt for a
2 13 violation of a no-contact order or a modified
2 14 no-contact order for a public offense referred to in
2 15 section 664A.2, subsection 1, or held in contempt of a
2 16 no-contact order issued during a contempt proceeding
2 17 brought pursuant to section 236.11, the person shall
2 18 be confined in the county jail for a minimum of seven
2 19 days. A jail sentence imposed pursuant to this
2 20 subsection shall be served on consecutive days. No
2 21 portion of the mandatory minimum term of confinement
2 22 imposed by this subsection shall be deferred or
2 23 suspended. A deferred judgment, deferred sentence, or
2 24 suspended sentence shall not be entered for a

2 25 violation of a no-contact order, or modified
2 26 no-contact order, or protective order and the court
2 27 shall not impose a fine in lieu of the minimum
2 28 sentence, although a fine may be imposed in addition
2 29 to the minimum sentence.

2 30 4. Violation of a no-contact order entered for the
2 31 offense or alleged offense of domestic abuse assault
2 32 in violation of section 708.2A or a violation of a
2 33 protective order issued pursuant to chapter 232, 236,
2 34 ~~or 598, or 915~~ constitutes a public offense and is
2 35 punishable as a simple misdemeanor. Alternatively,
2 36 the court may hold a person in contempt of court for
2 37 such a violation, as provided in subsection 3.

2 38 Sec. _____. Section 664A.7, Code 2007, is amended by
2 39 adding the following new subsection:

2 40 NEW SUBSECTION. 3A. If convicted or held in
2 41 contempt for a violation of a civil protective order
2 42 referred to in section 664A.2, the person shall serve
2 43 a jail sentence. A jail sentence imposed pursuant to
2 44 this subsection shall be served on consecutive days.
2 45 A person who is convicted of or held in contempt for a
2 46 violation of a protective order referred to in section
2 47 664A.2 may be ordered by the court to pay the
2 48 plaintiff's attorney's fees and court costs.

2 49 Sec. _____. Section 664A.8, Code 2007, is amended to
2 50 read as follows:

3 1 664A.8 EXTENSION OF NO-CONTACT ORDER.

3 2 Upon the filing of an application by the state or
3 3 by the victim of any public offense referred to in
3 4 section 664A.2, subsection 1 which is filed within
3 5 ninety days prior to the expiration of a modified
3 6 no-contact order, the court shall modify and extend
3 7 the no-contact order for an additional period of five
3 8 years, unless the court finds that the defendant no
3 9 longer poses a threat to the safety of the victim,
3 10 persons residing with the victim, or members of the
3 11 victim's family. The number of modifications
3 12 extending the no-contact order permitted by this
3 13 section is not limited.

3 14 #2. Page 1, line 18, by inserting after the figure
3 15 <907.14.> the following: <However, the court shall
3 16 assess any required surcharge, court cost, or fee upon
3 17 the total amount of the fine prior to reduction
3 18 pursuant to this subsection.>

3 19 #3. Title page, by striking lines 1 and 2 and
3 20 inserting the following: <An Act relating to civil
3 21 and criminal fees, penalties, and protective orders.>
3 22 #4. By renumbering as necessary.

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3 26 COMMITTEE ON WAYS AND MEANS
3 27 SHOMSHOR of Pottawattamie, CHAIRPERSON
3 28 SF 593.501 82
3 29 jm/je/9596