

House File 263 - Enrolled

House File 263

AN ACT

RELATING TO THE CRIMINAL OFFENSES OF DOMESTIC ABUSE AND
UNAUTHORIZED PLACEMENT OF A GLOBAL POSITIONING DEVICE, AND
PROVIDING PENALTIES.

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

Section 1. Section 708.2A, subsection 7, paragraph b, Code 2017, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A person convicted of a violation referred to in subsection 4 shall be sentenced as provided under section 902.13.

Sec. 2. Section 708.11, subsection 1, paragraph b, Code 2017, is amended to read as follows:

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

Sec. 3. Section 708.11, subsection 2, Code 2017, is amended to read as follows:

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

a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to feel terrorized, frightened, intimidated, or

threatened or to fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person's immediate family.

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

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

Sec. 4. NEW SECTION. 708.11A **Unauthorized placement of global positioning device.**

1. A person commits unauthorized placement of a global positioning device when the person, without the consent of the other person, places a global positioning device on the other person or an object in order to track the movements of the other person without a legitimate purpose.

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

Sec. 5. NEW SECTION. 902.13 **Minimum sentence for certain domestic abuse assault offenses.**

1. A person who has been convicted of a third or subsequent offense of domestic abuse assault under section 708.2A, subsection 4, shall be denied parole or work release until the person has served between one-fifth of the maximum term and the maximum term of the person's sentence as provided in subsection 2.

2. The sentencing court shall determine, after receiving and examining all pertinent information referred to in section 901.5, the minimum term of confinement, within the parameters set forth in subsection 1, required to be served before a person may be paroled or placed on work release.

Sec. 6. Section 903A.2, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2017, is amended to read as follows:

Category "A" sentences are those sentences which are not subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12 or 902.13. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence equal to one and two-tenths days for each day the inmate demonstrates good conduct and satisfactorily participates in any program or placement status identified by the director to earn the reduction. The programs include but are not limited to the following:

Sec. 7. Section 903A.2, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. (1) Category "B" sentences are those sentences which are subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12 or 902.13. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

(2) An inmate required to participate in a domestic abuse treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a domestic abuse treatment program established by the director.

Sec. 8. Section 904A.4, subsection 8, Code 2017, is amended to read as follows:

8. a. The board of parole shall implement a risk assessment program which shall provide risk assessment analysis for the board.

b. The board of parole shall also develop a risk assessment validated for domestic abuse-related offenses in consultation with the department of corrections. The board may adopt rules pursuant to chapter 17A relating to the use of the domestic abuse risk assessment.

Sec. 9. NEW SECTION. 905.16 Electronic tracking and monitoring system — domestic abuse assault — felony.

1. A person placed on probation, parole, work release, or any other type of conditional release for domestic abuse assault in violation of section 708.2A, subsection 4, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

2. When considering whether to order the use of an electronic tracking and monitoring system the court shall consider the safety of the victim and other legitimate factors that may impact all of the parties.

Sec. 10. Section 907.3, subsection 1, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (013) The offense is a violation referred to in section 708.2A, subsection 4.

Sec. 11. Section 907.3, subsection 2, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) The offense is a violation referred to in section 708.2A, subsection 4.

Sec. 12. Section 907.3, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* The sentence imposed under section 902.13 for a violation referred to in section 708.2A, subsection 4.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 263, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD
Governor