

Judiciary and Law Enforcement: Doderer, Chair; Hammond and Pency.

*Dr. Pass 3/4/87 (p. 530)*

House File 209

HOUSE FILE 209

JUDICIARY: Horn, Chair; Gentleman and Coleman

Judiciary & Law Enforcement *Dr. Pass 4/10/87 (1217)* Y BRAMMER  
*Dr. Pass 3/13/87 (p. 325)*

Passed House, Date 3-11-87 (p. 587) Passed Senate, Date 3/27/87

Vote: Ayes 97 Nays 0 Vote: Ayes 45 Nays 3

Approved April 12, 1988 (p. 1708)

A BILL FOR

1 An Act relating to the enforcement of protective orders and  
2 orders to vacate the homestead in dissolution cases, and  
3 providing for the application of penalties.

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

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HF 209

1 Section 1. Section 236.8, Code 1987, is amended to read as  
2 follows:

3 236.8 CONTEMPT.

4 The court may hold a party in contempt for a violation of  
5 an order issued pursuant to this chapter, or for violation of  
6 a court-approved consent agreement, or for violation of a  
7 temporary or permanent protective order or order to vacate the  
8 homestead issued pursuant to chapter 598. If held in  
9 contempt, the defendant shall serve a jail sentence which may  
10 be on weekends.

11 Sec. 2. Section 236.11, Code 1987, is amended to read as  
12 follows:

13 236.11 DUTY OF PEACE OFFICER.

14 A peace officer shall use every reasonable means to enforce  
15 any a civil or criminal order or approved consent agreement  
16 issued pursuant to this chapter or a temporary or permanent  
17 protective order or order to vacate the homestead issued  
18 pursuant to chapter 598. If a peace officer has probable  
19 cause to believe that a person has violated any a civil or  
20 criminal order or approved consent agreement issued pursuant  
21 to this chapter or chapter 598, the peace officer shall take  
22 the person into custody and take the person before the court  
23 which issued the order or approved the agreement, at which  
24 time the court shall determine whether the person has  
25 committed contempt pursuant to section 236.8. A peace officer  
26 shall not be held civilly or criminally liable for acting  
27 pursuant to this section provided that the peace officer acts  
28 in good faith, on probable cause, and such the officer's acts  
29 do not constitute a willful and wanton disregard for the  
30 rights or safety of another.

31 EXPLANATION

32 This bill provides that the chapter 236 provisions on  
33 arrest of domestic abuse offenders and certain other chapter  
34 236 enforcement provisions apply to persons violating  
35 protective orders or orders to vacate the homestead issued

1 pursuant to chapter 598, which is the dissolution of marriage  
2 chapter of the Code.

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HOUSE FILE 209

AN ACT

RELATING TO THE ENFORCEMENT OF PROTECTIVE ORDERS AND ORDERS TO VACATE THE HOMESTEAD IN DISSOLUTION CASES, AND PROVIDING FOR THE APPLICATION OF PENALTIES.

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

Section 1. Section 236.8, Code 1987, is amended to read as follows:

236.8 CONTEMPT.

The court may hold a party in contempt for a violation of an order issued pursuant to this chapter, or for violation of a court-approved consent agreement, or for violation of a temporary or permanent protective order or order to vacate the homestead issued pursuant to chapter 598. If held in contempt, the defendant shall serve a jail sentence which may be on weekends.

Sec. 2. Section 236.11, Code 1987, is amended to read as follows:

236.11 DUTY OF PEACE OFFICER.

A peace officer shall use every reasonable means to enforce any a civil or criminal order or approved consent agreement issued pursuant to this chapter or a temporary or permanent protective order or order to vacate the homestead issued pursuant to chapter 598. If a peace officer has probable cause to believe that a person has violated any a civil or criminal order or approved consent agreement issued pursuant to this chapter or chapter 598, the peace officer shall take the person into custody and take the person before the court which issued the order or approved the agreement, at which time the court shall determine whether the person has committed contempt pursuant to section 236.8. A peace officer shall not be held civilly or criminally liable for acting

pursuant to this section provided that the peace officer acts in good faith, on probable cause, and such the officer's acts do not constitute a willful and wanton disregard for the rights or safety of another.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 209, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved *April 12* 1988

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TERRY E. BRANSTAD  
Governor

HF 209