

MAR 8 1995

JUDICIARY

HOUSE FILE 274
BY BURNETT and MASCHER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to attorneys fees in domestic abuse actions.

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

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HF 274

1 Section 1. Section 236.5, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. The court may order that the
4 defendant pay the plaintiff's attorneys fees and court costs.

5 Sec. 2. Section 236.8, unnumbered paragraph 1, Code 1995,
6 is amended to read as follows:

7 The court may hold a party in contempt for a violation of
8 an order or court-approved consent agreement entered under
9 this chapter, for violation of a temporary or permanent
10 protective order or order to vacate the homestead under
11 chapter 598, or for violation of any order that establishes
12 conditions of release or is a protective order or sentencing
13 order in a criminal prosecution arising from a domestic abuse
14 assault. If held in contempt, the defendant shall serve a
15 jail sentence. Any jail sentence of more than one day imposed
16 under this section shall be served on consecutive days. A
17 defendant who is held in contempt may be ordered by the court
18 to pay the plaintiff's attorneys fees and court costs related
19 to the contempt proceeding.

20 EXPLANATION

21 This bill provides that the court may, in its discretion,
22 order that a prevailing plaintiff in an action for relief from
23 domestic abuse under section 236.3 or in a contempt action
24 under section 236.8 receive payment for the fees of the
25 plaintiff's attorney and for court costs incurred in bringing
26 the action.

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