

MAR 9 1995

JUDICIARY

HOUSE FILE 313

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 the issuance of mutual protective orders and
 2 prohibiting the imposition of court costs associated with the
 3 filing of a domestic abuse action for contempt or for a
 4 domestic abuse assault.

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

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HF 313

1 Section 1. NEW SECTION. 236.19 MUTUAL PROTECTIVE ORDERS
2 PROHIBITED -- EXCEPTIONS.

3 A court in an action under this chapter shall not issue
4 mutual protective orders against the victim and the abuser
5 unless the court makes a detailed finding of fact that both
6 parties acted primarily as aggressors and that neither party
7 acted primarily in self-defense.

8 Sec. 2. Section 236.3A, Code 1995, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 1A. Notwithstanding subsection 1 or any
11 other provision of the Code, a victim of domestic abuse shall
12 not be required to pay any court costs or fees associated with
13 the filing and prosecution of a contempt action under section
14 236.8 or a domestic abuse assault action under section 708.2A.

15 EXPLANATION

16 This bill provides that a court shall not issue mutual
17 protective orders in domestic abuse cases unless it makes
18 detailed findings that each of the parties was an aggressor
19 and that neither party acted in self-defense. The bill also
20 provides that a victim of domestic abuse shall not be required
21 to pay court costs or fees associated with the filing and
22 prosecution of domestic abuse contempt actions or domestic
23 abuse assault actions.

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