

SENATE FILE 125  
BY GIANNETTO

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to no-contact orders in domestic abuse cases,  
2 extending an existing penalty to certain persons and providing  
3 a conditional effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section 236.4, subsection 2, Code 1995, is  
2 amended to read as follows:

3 2. The court may enter any temporary order it deems  
4 necessary to protect the plaintiff from domestic abuse prior  
5 to the hearing, upon good cause shown in an ex parte  
6 proceeding. Present danger of domestic abuse to the plaintiff  
7 constitutes good cause for purposes of this subsection. The  
8 temporary order shall state that the defendant stay away from  
9 the plaintiff's residence, school, or place of employment and  
10 have no contact with the plaintiff, and that the plaintiff  
11 stay away from the defendant's residence, school, or place of  
12 employment and have no contact with the defendant.

13 Sec. 2. Section 236.5, subsection 2, paragraph c, Code  
14 1995, is amended to read as follows:

15 c. That the defendant stay away from the plaintiff's  
16 residence, school, or place of employment and that the  
17 plaintiff stay away from the defendant's residence, school, or  
18 place of employment.

19 Sec. 3. Section 236.6, Code 1995, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 4. An emergency order issued under  
22 subsection 1 shall require that the defendant stay away from  
23 the plaintiff's residence, school, or place of employment and  
24 that the plaintiff stay away from the defendant's residence,  
25 school, or place of employment.

26 Sec. 4. Section 236.8, unnumbered paragraph 1, Code 1995,  
27 is amended to read as follows:

28 The court may hold a party in contempt for a violation of  
29 an order or court-approved consent agreement entered under  
30 this chapter, for violation of a temporary or permanent  
31 protective order or order to vacate the homestead under  
32 chapter 598, or for violation of any order that establishes  
33 conditions of release or is a protective order or sentencing  
34 order in a criminal prosecution arising from a domestic abuse  
35 assault. If held in contempt, the defendant party shall serve

1 a jail sentence. Any jail sentence of more than one day  
2 imposed under this section shall be served on consecutive  
3 days.

4 Sec. 5. Section 236.11, unnumbered paragraph 1, Code 1995,  
5 is amended to read as follows:

6 A peace officer shall use every reasonable means to enforce  
7 an order or court-approved consent agreement entered under  
8 this chapter, a temporary or permanent protective order or  
9 order to vacate the homestead under chapter 598, or any order  
10 that establishes conditions of release or is a protective  
11 order or sentencing order in a criminal prosecution arising  
12 from a domestic abuse assault. If a peace officer has reason  
13 to believe that domestic abuse has occurred, the peace officer  
14 shall ask the abused-person parties involved in the abuse if  
15 any prior orders exist, and shall contact the twenty-four hour  
16 dispatcher to inquire if any prior orders exist. If a peace  
17 officer has probable cause to believe that a person has  
18 violated an order or approved consent agreement entered under  
19 this chapter, a temporary or permanent protective order or  
20 order to vacate the homestead under chapter 598, or any order  
21 establishing conditions of release or a protective or  
22 sentencing order in a criminal prosecution arising from a  
23 domestic abuse assault, the peace officer shall take the  
24 person into custody and shall take the person without  
25 unnecessary delay before the nearest or most accessible  
26 magistrate in the judicial district in which the person was  
27 taken into custody. The magistrate shall make an initial  
28 preliminary determination whether there is probable cause to  
29 believe that an order or consent agreement existed and that  
30 the person taken into custody has violated its terms. The  
31 magistrate's decision shall be entered in the record.

32 Sec. 6. Section 236.12, subsection 1, paragraph c,  
33 subparagraph (1), Code 1995, is amended to read as follows:

34 (1) Keeping your attacker away from you, your home, your  
35 school, and your place of work and keeping you away from your

1 attacker, and your attacker's home, school, and place of work.

2 Sec. 7. Section 236.14, subsection 2, unnumbered paragraph  
3 2, Code 1995, is amended to read as follows:

4 The court order shall contain the court's directives  
5 restricting the defendant from having contact with the victim  
6 or the victim's relatives. The court order shall also  
7 restrict the victim from having any contact with the defendant  
8 or the defendant's relatives.

9 Sec. 8. EFFECTIVE DATE. This Act shall not take effect  
10 unless an appropriation is enacted in accordance with section  
11 25B.2, subsection 3.

12 EXPLANATION

13 This bill provides that no-contact orders in domestic abuse  
14 cases apply to all parties involved in the case. The bill  
15 also provides that any party to a no-contact order may be  
16 jailed if found in contempt. Currently, only the defendant is  
17 subject to a jail sentence. The bill will not take effect  
18 unless an appropriation is enacted fully funding the cost to  
19 political subdivisions of complying with the bill or  
20 specifying the state's share of the cost to political  
21 subdivisions of complying with the bill.

22 The bill may contain a state mandate under chapter 25B.  
23 The bill will not take effect unless an appropriation in  
24 accordance with section 25B.2, subsection 3 is made fully  
25 funding or funding a proportionate share of the costs of  
26 implementing the bill.

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