

H- 3/24/95 Judiciary
H- 4/6/95 *Do Pass*

FILED

MAR 15 1995

H 4/13/95 *Unfinished Business*
Colander

SENATE FILE **359**

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 115)

(0816)
Passed Senate, Date 3/22/95 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the modification of no-contact orders in
2 domestic abuse cases in certain circumstances.

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

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S.F. 359

1 Section 1. Section 236.14, subsection 2, unnumbered
2 paragraph 3, Code 1995, is amended to read as follows:
3 The clerk of the court or other person designated by the
4 court shall provide a copy of this order to the victim
5 pursuant to chapter 910A. The order has force and effect
6 until it is modified or terminated by subsequent court action
7 in the contempt proceeding or the criminal or juvenile court
8 action and is reviewable in the manner prescribed in section
9 811.2. If a defendant is convicted for, receives a deferred
10 judgment for, or pleads guilty to a violation of section
11 708.2A, the court shall modify the no-contact order issued by
12 the magistrate to provide that the no-contact order shall
13 continue in effect for a period of one year from the date that
14 the judgment is entered or the deferred judgment is granted,
15 regardless of whether the defendant is placed on probation.
16 If a charge of violating section 708.2A is dismissed or if a
17 defendant pleads guilty to a violation of section 708.2A, the
18 no-contact order may be modified or terminated at the request
19 of the victim if the court finds that the defendant no longer
20 poses a threat to the victim. Upon an application by the
21 state which is filed within ninety days prior to the
22 expiration of the modified no-contact order, the court shall
23 modify and extend the no-contact order for an additional
24 period of one year, if the court finds that the defendant
25 continues to pose a threat to the safety of the victim,
26 persons residing with the victim, or members of the victim's
27 immediate family. The number of modifications extending the
28 no-contact order permitted by this subsection is not limited.

29 EXPLANATION

30 This bill provides that a no-contact order based upon
31 probable cause that the defendant has committed a domestic
32 abuse assault or a no-contact order based upon a plea of
33 guilty to the domestic abuse assault may be modified or
34 terminated by the court at the request of the victim of the
35 assault if the court finds that the defendant no longer poses

1 a threat to the victim.
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Radfern
Giannetto
House
Hammond
Maddox

SS 8/15
Judiciary

Succeeded By
SENATE FILE 359
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

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