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SENATE FILE 2266
BY REDFERN

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

A BILL FOR

1 An Act to permit the issuance of no-contact orders against
2 persons who are arrested for the crimes of harassment or
3 stalking and providing penalties.

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

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S.F. 2266

1 Section 1. NEW SECTION. 910A.11A HARASSMENT AND NO-
2 CONTACT.

3 1. When a person arrested for harassment in violation of
4 section 708.7 or stalking in violation of section 708.11, is
5 brought before a magistrate, and the magistrate finds probable
6 cause to believe that a violation of section 708.7 or 708.11
7 has occurred and that the presence of or contact with the
8 defendant poses a threat to the safety of the alleged victim,
9 persons residing with the alleged victim, or members of the
10 alleged victim's immediate family, the magistrate shall enter
11 an order which shall require the defendant to have no contact
12 with the alleged victim, persons residing with the alleged
13 victim, or members of the alleged victim's immediate family,
14 and to refrain from harassing the alleged victim, persons
15 residing with the alleged victim, or members of the alleged
16 victim's immediate family, in addition to any other conditions
17 of release determined and imposed by the magistrate under
18 section 811.2. A no-contact order requiring the defendant to
19 have no contact with the alleged victim's children shall
20 prevail over any existing order which may be in conflict with
21 the no-contact order.

22 The court order shall contain the court's directives
23 restricting the defendant from having contact with the victim,
24 persons residing with the victim, or the victim's relatives.

25 2. The clerk of the district court or other person
26 designated by the court shall provide a copy of this order to
27 the victim pursuant to this chapter. The order has force and
28 effect until it is modified or terminated by subsequent court
29 action in a contempt proceeding or the criminal or juvenile
30 court action and is reviewable in the manner prescribed in
31 section 811.2. If a defendant is convicted for, receives a
32 deferred judgment for, or pleads guilty to a violation of
33 section 708.7 or 708.11, the court shall modify the no-contact
34 order issued by the magistrate to provide that the no-contact
35 order shall continue in effect for a period of one year from

1 the date that the judgment is entered or the deferred judgment
2 is granted, regardless of whether the defendant is placed on
3 probation. Upon an application by the state which is filed
4 within ninety days prior to the expiration of the modified no-
5 contact order, the court shall modify and extend the no-
6 contact order for an additional period of one year, if the
7 court finds that the defendant continues to pose a threat to
8 the safety of the victim, persons residing with the victim, or
9 members of the victim's immediate family. The number of
10 modifications extending the no-contact order permitted by this
11 subsection is not limited.

12 The clerk of the district court shall also provide notice
13 and copies of the no-contact order to the applicable law
14 enforcement agencies and the twenty-four hour dispatcher for
15 the law enforcement agencies, in the same manner as provided
16 for protective orders under section 236.5. The clerk shall
17 provide notice and copies of modifications or vacations of
18 these orders in the same manner.

19 3. Violation of a no-contact order issued under this
20 section, including modified no-contact orders, is punishable
21 by summary contempt proceedings. A hearing in a contempt
22 proceeding brought pursuant to this section shall be held not
23 less than five and not more than fifteen days after the
24 issuance of a rule to show cause, as set by the court. If
25 held in contempt for violation of a no-contact order or a
26 modified no-contact order, the defendant shall be confined in
27 the county jail for a minimum of seven days. A jail sentence
28 imposed pursuant to this paragraph shall be served on
29 consecutive days. No portion of the mandatory minimum term of
30 confinement imposed by this section shall be deferred or
31 suspended. A deferred judgment, deferred sentence, or
32 suspended sentence shall not be entered for violation of a no-
33 contact order or a modified no-contact order, and the court
34 shall not impose a fine in lieu of the minimum sentence,
35 although a fine may be imposed in addition to the minimum

1 sentence.

2 4. This section shall not be construed to limit a pretrial
3 release order issued pursuant to chapter 811.

4 EXPLANATION

5 This bill provides a procedure for the issuance of a no-
6 contact order in harassment and stalking cases upon the arrest
7 of a person who has allegedly committed the offense of
8 harassment or stalking. If a person is arrested for either
9 harassment or stalking and the magistrate finds that there is
10 probable cause to believe that the person has committed the
11 offense and that the presence of or contact with the person
12 charged poses a threat to the safety of the victim, persons
13 residing with the victim, or the victim's immediate family,
14 the magistrate is to enter a no-contact order. The no-contact
15 order is to prevail over any existing order which may be in
16 conflict with the no-contact order and is to remain in
17 existence until modified or terminated by subsequent court
18 action. If the defendant is convicted of the charge, the
19 court is to provide for continuance of the no-contact order
20 for one year from the date of judgment or the entry of a
21 deferred judgment. The no-contact order may be extended in
22 one year increments for an indefinite period of time. The
23 clerk of court is to provide the victim with a copy of the
24 order and to provide notice of the no-contact order to
25 applicable law enforcement agencies and dispatchers.
26 Violation of a no-contact order is punishable by summary
27 contempt proceedings. If a person is found to be in contempt,
28 the person must serve a minimum of seven consecutive days in
29 jail.

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