

FILED MAR 2 1998

SENATE FILE 2373  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2266)

*(p. 750)*  
Passed Senate, Date 3-17-98 Passed House, Date 3/23/98 *(p. 858)*  
Vote: Ayes 44 Nays 0 Vote: Ayes 96 Nays 0  
Approved March 31, 1998

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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SENATE FILE 2373

S-5201

1 Amend Senate File 2373, as follows:  
2 1. Page 2, line 6, by striking the words "one  
3 year" and inserting the following: "no less than one  
4 and no more than five years".  
5 2. Page 2, line 11, by inserting after the word  
6 "limited." the following: "A no-contact order which  
7 is extended pursuant to this section shall, on the  
8 date of expiration of the extended no-contact order,  
9 automatically be re-extended for a like period of time  
10 unless the victim files a petition with the court  
11 stating that the defendant no longer poses a threat to  
12 the victim, persons residing with the victim, or  
13 members of the victim's immediate family."

By MICHAEL E. GRONSTAL

S-5201 FILED MARCH 11, 1998

*Order 3/17/98 (p. 750)*

S.F. 2373

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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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**SENATE FILE 2373  
FISCAL NOTE**

The estimate for Senate File 2373 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2373 provides a procedure for the issuance of a no-contact order in harassment and stalking cases after an arrest has occurred and provides for penalties for violation of a no-contact order.

**ASSUMPTIONS**

1. Initial appearances before a Magistrate would cost \$16.76 per case.
2. Copies to victims would cost \$1.00 per case.
3. To continue the no-contact order would cost \$17.00 per case.
4. To provide notices to law enforcement agencies would cost \$5.95 per case per order, assuming three orders per case or \$17.85 per case.
5. Based on the most recent data available, there were 44 charges for stalking and 177 charges for indictable misdemeanor and felony harassment.
6. No data is available for simple misdemeanor harassment.
7. No information is available on the number of persons violating no-contact orders. Violations would result in a correctional impact on the jail system.

**CORRECTIONAL IMPACT**

The impact of Senate File 2373 on the jail system cannot be determined.

**FISCAL IMPACT**

Senate File 2373 will increase expenditures by \$12,000 in FY 1999 and each year thereafter to the Judicial Department.

**SOURCES**

Judicial Department  
Criminal and Juvenile Justice Planning Division,  
Department of Human Rights

(LSB 3714SV, DHK)

FILED MARCH 11, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2373

S-5264

1 Amend Senate File 2373 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 692.2, subsection 1, paragraph  
5 b, Code 1997, is amended by adding the following new  
6 subparagraph:

7 NEW SUBPARAGRAPH. (6) Records of acquittals or  
8 dismissals by reason of insanity and records of  
9 adjudications of mental incompetence to stand trial in  
10 cases in which physical or mental injury or an attempt  
11 to commit physical or mental injury to another was  
12 alleged shall not be disseminated to persons or  
13 agencies other than criminal or juvenile justice  
14 agencies or persons employed in or by those agencies.

15 Sec. \_\_\_\_ . Section 692.17, unnumbered paragraph 1,  
16 Code 1997, is amended to read as follows:

17 Criminal history data in a computer data storage  
18 system shall not include arrest or disposition data or  
19 custody or adjudication data after the person has been  
20 acquitted or the charges dismissed, except that  
21 records of acquittals or dismissals by reason of  
22 insanity and records of adjudications of mental  
23 incompetence to stand trial in cases in which physical  
24 or mental injury or an attempt to commit physical or  
25 mental injury to another was alleged may be included.

26 Criminal history data shall not include custody or  
27 adjudication data after the juvenile has reached  
28 twenty-one years of age, unless the juvenile was  
29 convicted of or pled guilty to a serious or aggravated  
30 misdemeanor or felony between age eighteen and age  
31 twenty-one.

32 Sec. \_\_\_\_ . NEW SECTION. 692.22 STALKING  
33 INFORMATION.

34 Criminal or juvenile justice agencies, as defined  
35 in section 692.1, shall collect and maintain  
36 information on incidents involving stalking, as  
37 defined in section 708.11, and shall provide the  
38 information to the department of public safety in the  
39 manner prescribed by the department of public safety.

40 The department of public safety may compile  
41 statistics and issue reports on stalking in Iowa,  
42 provided individual identifying details of the  
43 stalking are deleted. The statistics and reports may  
44 include nonidentifying information on the personal  
45 characteristics of perpetrators and victims. The  
46 department of public safety may request the  
47 cooperation of the department of justice in compiling  
48 the statistics and issuing the reports. The  
49 department of public safety may provide nonidentifying  
50 information on individual incidents of stalking to

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1 persons conducting bona fide research, including but  
2 not limited to personnel of the department of justice.

3 Sec. \_\_\_\_\_. Section 708.11, subsection 3, paragraph  
4 b, subparagraph (1), Code 1997, is amended to read as  
5 follows:

6 (1) The person commits stalking ~~in-violation-of~~  
7 while subject to restrictions contained in a criminal  
8 or civil protective order or injunction, or any other  
9 court order which prohibits contact between the person  
10 and the victim, or while subject to restrictions  
11 contained in a criminal or civil protective order or  
12 injunction or other court order which prohibits  
13 contact between the person and another person against  
14 whom the person has committed a public offense."

15 2. Page 1, line 5, by inserting after the words  
16 "before a magistrate" the following: "for initial  
17 appearance under section 804.21, 804.22, or 804.24".

18 3. Page 1, line 24, by striking the word  
19 "relatives." and inserting the following: "immediate  
20 family. The order shall state whether a person is to  
21 be taken into custody by a peace officer for a  
22 violation of the terms stated in the order."

23 4. Page 1, line 31, by inserting after the figure  
24 "811.2." the following: "Upon final disposition of  
25 the criminal or juvenile court action, the court shall  
26 make a determination whether the no-contact order  
27 should be modified or terminated."

28 5. Page 1, line 35, by striking the words "one  
29 year" and inserting the following: "five years".

30 6. Page 2, by striking line 3 and inserting the  
31 following: "probation. Upon the filing of an  
32 affidavit by the victim which states that the  
33 defendant continues to pose a threat to the safety of  
34 the victim, persons residing with the victim, or  
35 members of the victim's immediate family".

36 7. Page 2, line 6, by striking the words "one  
37 year, if" and inserting the following: "five years,  
38 unless".

39 8. Page 2, line 7, by striking the words  
40 "continues to pose" and inserting the following: "no  
41 longer poses".

42 9. Page 2, by inserting after line 18 the  
43 following:

44 " \_\_\_\_\_. If a peace officer has probable cause to  
45 believe that a person has violated a no-contact order  
46 issued under this section, the peace officer shall  
47 take the person into custody and shall take the person  
48 without unnecessary delay before the nearest or most  
49 accessible magistrate in the judicial district in  
50 which the person was taken into custody."

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1 10. Title page, line 1, by striking the words "to  
2 permit" and inserting the following: "relating to  
3 certain crimes against persons, by permitting the  
4 retention as criminal history data of acquittals,  
5 dismissals, or adjudications based on mental condition  
6 if the charge involved injury to another, by providing  
7 for the collection and dissemination of information on  
8 the offense of stalking, by providing for the  
9 application of enhanced stalking penalties for persons  
10 who are the subject of certain restraining or  
11 protective orders and providing for".  
12 11. By renumbering as necessary.

By DONALD B. REDFERN  
MICHAEL E. GRONSTAL

S-5264 FILED MARCH 17, 1998  
ADOPTED

(P. 150)



*Substituted  
for H.F. 2475  
3/23/98 (p. 838)*

SENATE FILE **2373**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2266)

(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 1998)

                                 - New Language by the Senate

Passed Senate, Date                                  Passed House, Date 3/23/98(p.838)  
Vote: Ayes              Nays              Vote: Ayes 96 Nays 0  
Approved March 31, 1998

**A BILL FOR**

1 An Act relating to certain crimes against persons, by permitting  
2 the retention as criminal history data of acquittals,  
3 dismissals, or adjudications based on mental condition if the  
4 charge involved injury to another, by providing for the  
5 collection and dissemination of information on the offense of  
6 stalking, by providing for the application of enhanced  
7 stalking penalties for persons who are the subject of certain  
8 restraining or protective orders and providing for the  
9 issuance of no-contact orders against persons who are arrested  
10 for the crimes of harassment or stalking and providing  
11 penalties.

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

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**S.F. 2373**

1 Section 1. Section 692.2, subsection 1, paragraph b, Code  
2 1997, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (6) Records of acquittals or dismissals  
4 by reason of insanity and records of adjudications of mental  
5 incompetence to stand trial in cases in which physical or  
6 mental injury or an attempt to commit physical or mental  
7 injury to another was alleged shall not be disseminated to  
8 persons or agencies other than criminal or juvenile justice  
9 agencies or persons employed in or by those agencies.

10 Sec. 2. Section 692.17, unnumbered paragraph 1, Code 1997,  
11 is amended to read as follows:

12 Criminal history data in a computer data storage system  
13 shall not include arrest or disposition data or custody or  
14 adjudication data after the person has been acquitted or the  
15 charges dismissed, except that records of acquittals or  
16 dismissals by reason of insanity and records of adjudications  
17 of mental incompetence to stand trial in cases in which  
18 physical or mental injury or an attempt to commit physical or  
19 mental injury to another was alleged may be included.

20 Criminal history data shall not include custody or  
21 adjudication data after the juvenile has reached twenty-one  
22 years of age, unless the juvenile was convicted of or pled  
23 guilty to a serious or aggravated misdemeanor or felony  
24 between age eighteen and age twenty-one.

25 Sec. 3. NEW SECTION. 692.22 STALKING INFORMATION.

26 Criminal or juvenile justice agencies, as defined in  
27 section 692.1, shall collect and maintain information on  
28 incidents involving stalking, as defined in section 708.11,  
29 and shall provide the information to the department of public  
30 safety in the manner prescribed by the department of public  
31 safety.

32 The department of public safety may compile statistics and  
33 issue reports on stalking in Iowa, provided individual  
34 identifying details of the stalking are deleted. The  
35 statistics and reports may include nonidentifying information

1 on the personal characteristics of perpetrators and victims.  
2 The department of public safety may request the cooperation of  
3 the department of justice in compiling the statistics and  
4 issuing the reports. The department of public safety may  
5 provide nonidentifying information on individual incidents of  
6 stalking to persons conducting bona fide research, including  
7 but not limited to personnel of the department of justice.

8 Sec. 4. Section 708.11, subsection 3, paragraph b,  
9 subparagraph (1), Code 1997, is amended to read as follows:

10 (1) The person commits stalking in-violation-of while  
11 subject to restrictions contained in a criminal or civil  
12 protective order or injunction, or any other court order which  
13 prohibits contact between the person and the victim, or while  
14 subject to restrictions contained in a criminal or civil  
15 protective order or injunction or other court order which  
16 prohibits contact between the person and another person  
17 against whom the person has committed a public offense.

18 Sec. 5. NEW SECTION. 910A.11A HARASSMENT AND NO-CONTACT.

19 1. When a person arrested for harassment in violation of  
20 section 708.7 or stalking in violation of section 708.11, is  
21 brought before a magistrate for initial appearance under  
22 section 804.21, 804.22, or 804.24, and the magistrate finds  
23 probable cause to believe that a violation of section 708.7 or  
24 708.11 has occurred and that the presence of or contact with  
25 the defendant poses a threat to the safety of the alleged  
26 victim, persons residing with the alleged victim, or members  
27 of the alleged victim's immediate family, the magistrate shall  
28 enter an order which shall require the defendant to have no  
29 contact with the alleged victim, persons residing with the  
30 alleged victim, or members of the alleged victim's immediate  
31 family, and to refrain from harassing the alleged victim,  
32 persons residing with the alleged victim, or members of the  
33 alleged victim's immediate family, in addition to any other  
34 conditions of release determined and imposed by the magistrate  
35 under section 811.2. A no-contact order requiring the

1 defendant to have no contact with the alleged victim's  
2 children shall prevail over any existing order which may be in  
3 conflict with the no-contact order.

4 The court order shall contain the court's directives  
5 restricting the defendant from having contact with the victim,  
6 persons residing with the victim, or the victim's immediate  
7 family. The order shall state whether a person is to be taken  
8 into custody by a peace officer for a violation of the terms  
9 stated in the order.

10 2. The clerk of the district court or other person  
11 designated by the court shall provide a copy of this order to  
12 the victim pursuant to this chapter. The order has force and  
13 effect until it is modified or terminated by subsequent court  
14 action in a contempt proceeding or the criminal or juvenile  
15 court action and is reviewable in the manner prescribed in  
16 section 811.2. Upon final disposition of the criminal or  
17 juvenile court action, the court shall make a determination  
18 whether the no-contact order should be modified or terminated.  
19 If a defendant is convicted for, receives a deferred judgment  
20 for, or pleads guilty to a violation of section 708.7 or  
21 708.11, the court shall modify the no-contact order issued by  
22 the magistrate to provide that the no-contact order shall  
23 continue in effect for a period of five years from the date  
24 that the judgment is entered or the deferred judgment is  
25 granted, regardless of whether the defendant is placed on  
26 probation. Upon the filing of an affidavit by the victim  
27 which states that the defendant continues to pose a threat to  
28 the safety of the victim, persons residing with the victim, or  
29 members of the victim's immediate family within ninety days  
30 prior to the expiration of the modified no-contact order, the  
31 court shall modify and extend the no-contact order for an  
32 additional period of five years, unless the court finds that  
33 the defendant no longer poses a threat to the safety of the  
34 victim, persons residing with the victim, or members of the  
35 victim's immediate family. The number of modifications

1 extending the no-contact order permitted by this subsection is  
2 not limited.

3 The clerk of the district court shall also provide notice  
4 and copies of the no-contact order to the applicable law  
5 enforcement agencies and the twenty-four hour dispatcher for  
6 the law enforcement agencies, in the same manner as provided  
7 for protective orders under section 236.5. The clerk shall  
8 provide notice and copies of modifications or vacations of  
9 these orders in the same manner.

10 3. If a peace officer has probable cause to believe that a  
11 person has violated a no-contact order issued under this  
12 section, the peace officer shall take the person into custody  
13 and shall take the person without unnecessary delay before the  
14 nearest or most accessible magistrate in the judicial district  
15 in which the person was taken into custody.

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

34 5. This section shall not be construed to limit a pretrial  
35 release order issued pursuant to chapter 811.

## SENATE FILE 2373

## AN ACT

RELATING TO CERTAIN CRIMES AGAINST PERSONS, BY PERMITTING THE RETENTION AS CRIMINAL HISTORY DATA OF ACQUITTALS, DISMISSALS, OR ADJUDICATIONS BASED ON MENTAL CONDITION IF THE CHARGE INVOLVED INJURY TO ANOTHER, BY PROVIDING FOR THE COLLECTION AND DISSEMINATION OF INFORMATION ON THE OFFENSE OF STALKING, BY PROVIDING FOR THE APPLICATION OF ENHANCED STALKING PENALTIES FOR PERSONS WHO ARE THE SUBJECT OF CERTAIN RESTRAINING OR PROTECTIVE ORDERS AND PROVIDING FOR THE ISSUANCE OF NO-CONTACT ORDERS AGAINST PERSONS WHO ARE ARRESTED FOR THE CRIMES OF HARASSMENT OR STALKING AND PROVIDING PENALTIES.

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

Section 1. Section 692.2, subsection 1, paragraph b, Code 1997, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Records of acquittals or dismissals by reason of insanity and records of adjudications of mental incompetence to stand trial in cases in which physical or mental injury or an attempt to commit physical or mental injury to another was alleged shall not be disseminated to persons or agencies other than criminal or juvenile justice agencies or persons employed in or by those agencies.

Sec. 2. Section 692.17, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Criminal history data in a computer data storage system shall not include arrest or disposition data or custody or adjudication data after the person has been acquitted or the charges dismissed, except that records of acquittals or dismissals by reason of insanity and records of adjudications of mental incompetence to stand trial in cases in which physical or mental injury or an attempt to commit physical or mental injury to another was alleged may be included.

Criminal history data shall not include custody or adjudication data after the juvenile has reached twenty-one

years of age, unless the juvenile was convicted of or pled guilty to a serious or aggravated misdemeanor or felony between age eighteen and age twenty-one.

Sec. 3. NEW SECTION. 692.22 STALKING INFORMATION.

Criminal or juvenile justice agencies, as defined in section 692.1, shall collect and maintain information on incidents involving stalking, as defined in section 708.11, and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

The department of public safety may compile statistics and issue reports on stalking in Iowa, provided individual identifying details of the stalking are deleted. The statistics and reports may include nonidentifying information on the personal characteristics of perpetrators and victims. The department of public safety may request the cooperation of the department of justice in compiling the statistics and issuing the reports. The department of public safety may provide nonidentifying information on individual incidents of stalking to persons conducting bona fide research, including but not limited to personnel of the department of justice.

Sec. 4. Section 708.11, subsection 3, paragraph b, subparagraph (1), Code 1997, is amended to read as follows:

(1) The person commits stalking in violation of while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction or other court order which prohibits contact between the person and another person against whom the person has committed a public offense.

Sec. 5. NEW SECTION. 910A.11A HARASSMENT AND NO-CONTACT.

1. When a person arrested for harassment in violation of section 708.7 or stalking in violation of section 708.11, is brought before a magistrate for initial appearance under section 804.21, 804.22, or 804.24, and the magistrate finds probable cause to believe that a violation of section 708.7 or

708.11 has occurred and that the presence of or contact with the defendant poses a threat to the safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, the magistrate shall enter an order which shall require the defendant to have no contact with the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, and to refrain from harassing the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, in addition to any other conditions of release determined and imposed by the magistrate under section 811.2. A no-contact order requiring the defendant to have no contact with the alleged victim's children shall prevail over any existing order which may be in conflict with the no-contact order.

The court order shall contain the court's directives restricting the defendant from having contact with the victim, persons residing with the victim, or the victim's immediate family. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

2. The clerk of the district court or other person designated by the court shall provide a copy of this order to the victim pursuant to this chapter. The order has force and effect until it is modified or terminated by subsequent court action in a contempt proceeding or the criminal or juvenile court action and is reviewable in the manner prescribed in section 811.2. Upon final disposition of the criminal or juvenile court action, the court shall make a determination whether the no-contact order should be modified or terminated. If a defendant is convicted for, receives a deferred judgment for, or pleads guilty to a violation of section 708.7 or 708.11, the court shall modify the no-contact order issued by the magistrate to provide that the no-contact order shall continue in effect for a period of five years from the date that the judgment is entered or the deferred judgment is granted, regardless of whether the defendant is placed on

probation. Upon the filing of an affidavit by the victim which states that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family within ninety days prior to the expiration of the modified no-contact order, the court shall modify and extend the no-contact order for an additional period of five years, unless the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. The number of modifications extending the no-contact order permitted by this subsection is not limited.

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

3. If a peace officer has probable cause to believe that a person has violated a no-contact order issued under this section, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody.

4. Violation of a no-contact order issued under this section, including modified no-contact orders, is punishable by summary contempt proceedings. A hearing in a contempt proceeding brought pursuant to this section shall be held not less than five and not more than fifteen days after the issuance of a rule to show cause, as set by the court. If held in contempt for violation of a no-contact order or a modified no-contact order, the defendant shall be confined in the county jail for a minimum of seven days. A jail sentence imposed pursuant to this paragraph shall be served on consecutive days. No portion of the mandatory minimum term of confinement imposed by this section shall be deferred or

suspended. A deferred judgment, deferred sentence, or suspended sentence shall not be entered for violation of a no-contact order or a modified no-contact order, and the court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence.

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

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2373, Seventy-seventh General Assembly.

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MARY PAT GUNDERSON  
Secretary of the Senate

Approved March 31, 1998

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TERRY E. BRANSTAD  
Governor

**SF 2373**