

MAR 17 1999

S-3/29/99 Judiciary  
S-3/31/99 Do Pass

Place On Calendar

HOUSE FILE 713  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 305)

Passed House, Date <sup>(P.911)</sup> 3/29/99 Passed Senate, Date 4/12/99 <sup>(P.1059)</sup>  
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 23, 1999

A BILL FOR

1 An Act relating to protective orders for domestic abuse.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 713

1 Section 1. Section 236.5, subsection 2, paragraph e,  
2 unnumbered paragraph 2, Code 1999, is amended to read as  
3 follows:

4 An order for counseling, a protection order, or approved  
5 consent agreement shall be for a fixed period of time not to  
6 exceed one year. The court may amend or extend its order or a  
7 consent agreement at any time upon a petition filed by either  
8 party and after notice and hearing. The court may extend the  
9 order if the court, after hearing, at which the defendant has  
10 the opportunity to be heard, finds that the defendant  
11 continues to pose a threat to the safety of the victim,  
12 persons residing with the victim, or members of the victim's  
13 immediate family. At the time of the extension, the parties  
14 need not meet the requirement in section 236.2, subsection 2,  
15 paragraph "d", that the parties lived together during the last  
16 year if the parties met the requirements of section 236.2,  
17 subsection 2, paragraph "d", at the time of the original  
18 order. The number of extensions that can be granted by the  
19 court is not limited.

20 Sec. 2. Section 236.19, subsection 2, Code 1999, is  
21 amended to read as follows:

22 2. A copy of a permanent foreign protective order  
23 authenticated in accordance with the statutes of this state  
24 may be filed with the clerk of the district court ~~of the~~ in  
25 any county in which the person in whose favor the order was  
26 entered ~~resides~~ may be present. The clerk shall provide  
27 copies of the order as required by section 236.5.

28 EXPLANATION

29 This bill amends two sections in Code chapter 236 relating  
30 to protective orders for domestic abuse.

31 The bill amends Code section 236.5 to permit the court to  
32 grant an unlimited number of extensions of a protective order  
33 if the court finds, after a hearing at which the defendant has  
34 an opportunity to be heard, that the defendant still poses a  
35 threat to the safety of the victim, the victim's family, or

1 persons residing with the victim.

2 The bill also expands Code section 236.19 to allow a person  
3 who is protected by a permanent foreign protective order to  
4 register the order with the district court in any county where  
5 the person may be present, rather than just the county where  
6 the person resides.

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## HOUSE FILE 713

H-1143

1 Amend House File 713 as follows:

2 1. Page 1, by inserting after line 19 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 236.8, Code 1999, is amended to  
5 read as follows:

6 236.8 VIOLATION OF ORDER -- CONTEMPT -- PENALTIES  
7 -- HEARINGS.

8 1. A person commits a simple misdemeanor or the  
9 court may hold a person in contempt for a violation of  
10 an order or court-approved consent agreement entered  
11 under this chapter, for violation of a temporary or  
12 permanent protective order or order to vacate the  
13 homestead under chapter 598, for violation of any  
14 order that establishes conditions of release or is a  
15 protective order or sentencing order in a criminal  
16 prosecution arising from a domestic abuse assault, or  
17 for violation by an adult of a protective order under  
18 chapter 232.

19 2. A person who aids and abets in the violation of  
20 the order may be prosecuted for a simple misdemeanor  
21 or be held in contempt.

22 3. a. If convicted or held in contempt, the  
23 defendant shall serve a jail sentence. Any jail  
24 sentence of more than one day imposed under this  
25 section shall be served on consecutive days.

26 b. A defendant who is held in contempt or  
27 convicted may be ordered by the court to pay the  
28 plaintiff's attorney fees and court costs incurred in  
29 the proceedings under this section.

30 4. A hearing in a contempt proceeding brought  
31 pursuant to this section shall be held not less than  
32 five and not more than fifteen days after the issuance  
33 of a rule to show cause, as set by the court.

34 5. A person shall not be convicted of and held in  
35 contempt for the same violation of an order or court-  
36 approved consent agreement entered under this chapter,  
37 for the same violation of a temporary or permanent  
38 protective order or order to vacate the homestead  
39 under chapter 598, for violation of any order that  
40 establishes conditions of release or is a protective  
41 order or sentencing order in a criminal prosecution  
42 arising from a domestic abuse assault, or for  
43 violation of a protective order under chapter 232."

44 2. By renumbering as necessary.

By BODDICKER of Cedar  
WITT of Black Hawk

H-1143 FILED MARCH 22, 1999

WITHDRAWN

3/29/99  
(P. 910)

AN ACT  
RELATING TO PROTECTIVE ORDERS FOR DOMESTIC ABUSE.

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

Section 1. Section 236.5, subsection 2, paragraph e, unnumbered paragraph 2, Code 1999, is amended to read as follows:

An order for counseling, a protection order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing, at which the defendant has the opportunity to be heard, finds 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. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

Sec. 2. Section 236.19, subsection 2, Code 1999, is amended to read as follows:

2. A copy of a permanent foreign protective order authenticated in accordance with the statutes of this state may be filed with the clerk of the district court ~~of the in~~

any county in which the person in whose favor the order was entered resides may be present. The clerk shall provide copies of the order as required by section 236.5.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 713, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved *April 23* 1999

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THOMAS J. VILSACK  
Governor

