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JUDICIARY

HOUSE FILE 2396

BY TREMMEL, KREIMAN, and SHEY

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

A BILL FOR

1 An Act providing for the issuance of no-contact orders against
 2 persons who are arrested for the crime of sexual abuse.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2396

1 Section 1. NEW SECTION. 709.19 SEXUAL ABUSE -- NO-
2 CONTACT.

3 1. When a person arrested for sexual abuse in violation of
4 section 709.2, 709.3, or 709.4 is brought before a magistrate
5 for initial appearance under section 804.21, 804.22, or
6 804.24, and the magistrate finds probable cause to believe
7 that a violation of section 709.2, 709.3, or 709.4 has
8 occurred and that the presence of or contact with the
9 defendant poses a threat to the safety of the alleged victim,
10 persons residing with the alleged victim, or members of the
11 alleged victim's immediate family, the magistrate shall enter
12 an order which shall require the defendant to have no contact
13 with the alleged victim, persons residing with the alleged
14 victim, or members of the alleged victim's immediate family,
15 and to refrain from harassing the alleged victim, persons
16 residing with the alleged victim, or members of the alleged
17 victim's immediate family, in addition to any other conditions
18 of release determined and imposed by the magistrate under
19 section 811.2. A no-contact order requiring the defendant to
20 have no contact with the alleged victim's children shall
21 prevail over any existing order which may be in conflict with
22 the no-contact order.

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

29 2. The clerk of the district court or other person
30 designated by the court shall provide a copy of this order to
31 the victim pursuant to this chapter. The order has force and
32 effect until it is modified or terminated by subsequent court
33 action in a contempt proceeding or the criminal or juvenile
34 court action and is reviewable in the manner prescribed in
35 section 811.2. Upon final disposition of the criminal or

1 juvenile court action, the court shall make a determination
2 whether the no-contact order should be modified or terminated.
3 If a defendant is convicted for, receives a deferred judgment
4 for, or pleads guilty to a violation of section 709.2, 709.3,
5 or 709.4, the court shall modify the no-contact order issued
6 by the magistrate to provide that the no-contact order shall
7 continue in effect for a period of five years from the date
8 that the judgment is entered or the deferred judgment is
9 granted, regardless of whether the defendant is placed on
10 probation. Upon the filing of an affidavit by the victim
11 which states that the defendant continues to pose a threat to
12 the safety of the victim, persons residing with the victim, or
13 members of the victim's immediate family within ninety days
14 prior to the expiration of the modified no-contact order, the
15 court shall modify and extend the no-contact order for an
16 additional period of five years, unless the court finds that
17 the defendant no longer poses a threat to the safety of the
18 victim, persons residing with the victim, or members of the
19 victim's immediate family. The number of modifications
20 extending the no-contact order permitted by this subsection is
21 not limited.

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

29 EXPLANATION

30 This bill allows for the issuance of a no-contact order to
31 protect victims of first, second, and third degree sexual
32 abuse, their immediate family members, and other people who
33 may reside with victims of sexual abuse upon the arrest of the
34 person accused of sexually abusing the victim.

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