

FEB 9 2005

JUDICIARY

HOUSE FILE 243
BY FORD

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

A BILL FOR

1 An Act relating to a violation or attempted violation of a court
2 order, a court-approved consent agreement, or a protective
3 order under the Iowa domestic abuse Act.

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

HF 243

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1 Section 1. Section 236.8, Code 2005, is amended to read as
2 follows:

3 236.8 VIOLATION OF ORDER -- CONTEMPT -- PENALTIES --
4 HEARINGS.

5 1. A person commits a simple misdemeanor or the court may
6 hold a person in contempt for a violation or attempted
7 violation of an order or court-approved consent agreement
8 entered under this chapter, including a violation of a valid
9 foreign protective order under section 236.19, subsection 3,
10 for a violation or attempted violation of a temporary or
11 permanent protective order or order to vacate the homestead
12 under chapter 598, for a violation or attempted violation of
13 any order that establishes conditions of release or is a
14 protective order or sentencing order in a criminal prosecution
15 arising from a domestic abuse assault, ~~or~~ for a violation or
16 attempted violation by an adult of a protective order under
17 chapter 232, or for a violation or attempted violation of a
18 statute in another state substantially corresponding to the
19 violations described in this subsection.

20 2. If convicted or held in contempt for a violation or
21 attempted violation of an order or agreement described in this
22 section, the defendant shall serve a jail sentence. Any jail
23 sentence of more than one day imposed under this section shall
24 be served on consecutive days. A defendant who is held in
25 contempt or convicted may be ordered by the court to pay the
26 plaintiff's attorney fees and court costs incurred in the
27 proceedings under this section.

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

32 4. A person shall not be convicted of and held in contempt
33 for the same violation or attempted violation of an order or
34 court-approved consent agreement entered under this chapter
35 including the same violation or attempted violation of a valid

1 foreign protective order under section 236.19, subsection 3,
2 for the same violation or attempted violation of a temporary
3 or permanent protective order or order to vacate the homestead
4 under chapter 598, for a violation or attempted violation of
5 any order that establishes conditions of release or is a
6 protective order or sentencing order in a criminal prosecution
7 arising from a domestic abuse assault, or for a violation or
8 attempted violation of a protective order under chapter 232 or
9 for a violation or attempted violation of a statute in another
10 state substantially corresponding to the violations described
11 in this section.

12 5. For purposes of this section, "attempted violation"
13 means a person does any act by which the person expects to set
14 in motion a force or chain of events which will cause or
15 result in a violation of an order, court-approved consent
16 agreement, or protective order described in this section.

17 EXPLANATION

18 This bill relates to a violation or attempted violation of
19 a court order, court-approved consent agreement, or protective
20 order under the Iowa domestic abuse Act.

21 The bill provides that a person who attempts to violate a
22 court order or court-approved consent agreement entered
23 pursuant to Code chapter 236, Iowa's domestic abuse law; a
24 temporary or permanent protective order or order to vacate the
25 homestead under Code chapter 598, Iowa's dissolution of
26 marriage and domestic relations law; any order that
27 establishes conditions of release or is a protective order or
28 sentencing order in a criminal prosecution arising from a
29 domestic abuse assault; or a protective order issued under
30 Iowa's juvenile justice law commits a simple misdemeanor, or
31 the court may hold such a person in contempt of court.
32 Current law applies such penalties to persons who actually
33 violate the described orders and agreements.

34 The bill further provides a definition of "attempted
35 violation" to mean a person does any act by which the person

1 expects to set in motion a force or chain of events which will
2 cause or result in a violation of an order, court-approved
3 consent agreement, or protective order.

4 A person convicted or held in contempt for a violation of
5 this bill is required to serve a jail sentence. A simple
6 misdemeanor is punishable by confinement for no more than 30
7 days and may include a fine of at least \$50 but not more than
8 \$500. Contempt of court is punishable by confinement for no
9 more than six months and may include a fine of at least \$500.

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