

Senate Study Bill 3214 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

1 An Act relating to the time period a no-contact order is in
2 effect for a defendant subject to a special sentence.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 664A.5, Code 2009, is amended to read as
2 follows:

3 **664A.5 Modification — entry of permanent no-contact order.**

4 1. If Except as provided in subsection 2, if a defendant
5 is convicted of, receives a deferred judgment for, or pleads
6 guilty to a public offense referred to in section 664A.2,
7 subsection 1, or is held in contempt for a violation of a
8 no-contact order issued under section 664A.3 or for a violation
9 of a protective order issued pursuant to chapter 232, 236,
10 598, or 915, the court shall either terminate or modify the
11 temporary no-contact order issued by the magistrate. The court
12 may enter a no-contact order or continue the no-contact order
13 already in effect for a period of five years from the date
14 the judgment is entered or the deferred judgment is granted,
15 regardless of whether the defendant is placed on probation.

16 2. If a defendant is convicted of, receives a deferred
17 judgment for, or pleads guilty to a public offense referred to
18 in section 664A.2, subsection 1, or is held in contempt for a
19 violation of a no-contact order issued under section 664A.3,
20 and is sentenced to a special sentence under section 903B.1 or
21 903B.2, the court shall continue a no-contact order already in
22 effect for a period equal to the term of the special sentence.

23 EXPLANATION

24 The bill provides that if a defendant is convicted of,
25 receives a deferred judgment for, or pleads guilty to a public
26 offense for which there is a victim under Code chapter 664A
27 or is held in contempt for a violation of a no-contact order
28 under Code chapter 664A, and is sentenced to a special sentence
29 under Code section 903B.1 or 903B.2, the court shall continue a
30 temporary no-contact order already in effect for a period equal
31 to the term of the special sentence.

32 Under Code section 903B.1, a person convicted of a class "C"
33 felony or greater offense under Code chapter 709 (sexual abuse
34 offenses), or a class "C" felony under Code section 728.12
35 (sexual exploitation of a minor), shall also be sentenced,

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1 in addition to any other punishment provided by law, to a
2 special sentence committing the person into the custody of the
3 director of the department of corrections for the rest of the
4 person's life, with eligibility for parole as provided in Code
5 chapter 906. Under Code section 903B.2, a person convicted of
6 a misdemeanor or a class "D" felony offense under Code chapter
7 709, Code section 726.2 (incest), or Code section 728.12 shall
8 also be sentenced, in addition to any other punishment provided
9 by law, to a special sentence committing the person into the
10 custody of the director of the department of corrections for a
11 period of 10 years, with eligibility for parole as provided in
12 Code chapter 906.