

Senate Study Bill 3039 - Introduced

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

A BILL FOR

1 An Act relating to the definition of domestic abuse in civil
2 domestic abuse and criminal domestic abuse assault cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.2, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. "*Domestic abuse*" means committing assault as defined in
4 section 708.1 under any of the following circumstances:

5 a. The assault is between family or household members who
6 resided together at the time of the assault.

7 b. The assault is between separated spouses or persons
8 divorced from each other and not residing together at the time
9 of the assault.

10 c. The assault is between persons who are parents of the
11 same minor child, regardless of whether they have been married
12 or have lived together at any time.

13 d. The assault is between persons who have been family or
14 household members ~~residing together within the past year~~ at any
15 time and are not residing together at the time of the assault.

16 e. (1) The assault is between persons who are in an
17 intimate relationship or have been in an intimate relationship
18 and have had contact within the past year of the assault. In
19 determining whether persons are or have been in an intimate
20 relationship, the court may consider the following nonexclusive
21 list of factors:

22 (a) The duration of the relationship.

23 (b) The frequency of interaction.

24 (c) Whether the relationship has been terminated.

25 (d) The nature of the relationship, characterized by either
26 party's expectation of sexual or romantic involvement.

27 (2) A person may be involved in an intimate relationship
28 with more than one person at a time.

29 Sec. 2. Section 236.5, subsection 2, Code 2014, is amended
30 to read as follows:

31 2. An order for counseling, a protective order, or approved
32 consent agreement shall be for a fixed period of time not to
33 exceed one year. The court may amend or extend its order or a
34 consent agreement at any time upon a petition filed by either
35 party and after notice and hearing. The court may extend the

1 order if the court, after hearing at which the defendant has
2 the opportunity to be heard, finds that the defendant continues
3 to pose a threat to the safety of the victim, persons residing
4 with the victim, or members of the victim's immediate family.
5 ~~At the time of the extension, the parties need not meet the~~
6 ~~requirement in section 236.2, subsection 2, paragraph "d",~~
7 ~~that the parties lived together during the last year if the~~
8 ~~parties met the requirements of section 236.2, subsection 2,~~
9 ~~paragraph "d", at the time of the original order. The number of~~
10 extensions that can be granted by the court is not limited.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

14 The bill amends Code section 236.2 relating to the
15 definition of domestic abuse for purposes of filing a civil
16 protective order under Code section 236.3 and for purposes of
17 domestic abuse assault cases under the criminal Code.

18 Current law defines domestic abuse for purposes of filing a
19 civil protective order to mean committing assault as defined
20 in Code section 708.1 if the assault is between family or
21 household members who resided together at the time of the
22 assault, the assault is between separated spouses or persons
23 divorced from each other and not residing together at the time
24 of the assault, the assault is between persons who are parents
25 of the same minor child, regardless of whether they have been
26 married or have lived together at any time, the assault is
27 between persons who have been family or household members
28 residing together within the past year and are not residing
29 together at the time of the assault, or the assault is between
30 persons who are in an intimate relationship or have been in an
31 intimate relationship and have had contact within the past year
32 of the assault. The bill eliminates any residency requirement
33 relating to an assault that occurred between persons who have
34 been family or household members and are not residing together
35 at the time of the assault. "Domestic abuse assault" under

S.F. _____

1 Code section 708.2A incorporates this definition of domestic
2 abuse under Code section 236.2.

3 The bill makes a conforming change to Code section 236.5
4 (court dispositional orders upon a finding of domestic abuse
5 in a civil case).