

House File 160 - Introduced

HOUSE FILE 160

BY WOLFE

A BILL FOR

1 An Act relating to entering or modifying and extending a
2 no-contact order associated with a criminal offense
3 classified as a simple misdemeanor.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 664A.5, Code 2017, is amended to read as
2 follows:

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

4 If a defendant is convicted of, receives a deferred judgment
5 for, or pleads guilty to a public offense referred to in
6 section 664A.2, subsection 1, or is held in contempt for a
7 violation of a no-contact order issued under [section 664A.3](#)
8 or for a violation of a protective order issued pursuant to
9 chapter 232, [235F](#), [236](#), [598](#), or [915](#), the court shall either
10 terminate or modify the temporary no-contact order issued
11 by the magistrate. The court may enter a no-contact order
12 or continue the no-contact order already in effect for a
13 period of five years from the date the judgment is entered or
14 the deferred judgment is granted, regardless of whether the
15 defendant is placed on probation, except that if the public
16 offense associated with the no-contact order is classified as a
17 simple misdemeanor, the court may enter a no-contact order or
18 continue the no-contact order already in effect for a period of
19 one year from the date the judgment is entered or the deferred
20 judgment is granted.

21 Sec. 2. Section 664A.8, Code 2017, is amended to read as
22 follows:

23 **664A.8 Extension of no-contact order.**

24 1. Upon Except as provided in subsection 2, upon the
25 filing of an application by the state or by the victim of any
26 public offense referred to in [section 664A.2, subsection 1](#)
27 which is filed within ninety days prior to the expiration of a
28 modified no-contact order, the court shall modify and extend
29 the no-contact order for an additional period of five years,
30 unless. However, if the public offense associated with the
31 no-contact order is classified as a simple misdemeanor, the
32 no-contact order shall only be modified and extended for an
33 additional period of one year.

34 2. A no-contact order shall not be modified and extended
35 under subsection 1, if the court finds that the defendant no

1 longer poses a threat to the safety of the victim, persons
2 residing with the victim, or members of the victim's family.

3 3. The number of modifications extending the no-contact
4 order permitted by **this section** is not limited.

5

EXPLANATION

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The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8

9 This bill relates to entering or modifying and extending a
10 no-contact order associated with a public offense classified
11 as a simple misdemeanor.

12 Currently, the court may enter a no-contact order or
13 continue the no-contact order already in effect for a period
14 of five years from the date the defendant is convicted or
15 the deferred judgment is granted, regardless of whether the
16 defendant is placed on probation. The bill specifies that if
17 the public offense associated with the no-contact order is
18 classified as a simple misdemeanor, the court shall only enter
19 a no-contact order or continue an existing no-contact order for
20 a period of one year from the date the defendant is convicted
21 or the deferred judgment is granted.

22 Currently, upon the filing of an application by the state or
23 by the victim of any public offense referred to in Code section
24 664A.2, subsection 1, which is filed within 90 days prior
25 to the expiration of a modified no-contact order, the court
26 shall modify and extend the no-contact order for an additional
27 period of five years, unless the court finds the defendant no
28 longer poses a threat to the safety of the victim, persons
29 residing with the victim, or members of the victim's family.
30 The bill specifies that if the public offense associated with
31 the no-contact order is classified as a simple misdemeanor, the
32 no-contact order shall only be modified and extended for an
33 additional period of one year.

34 The bill does not modify current law allowing for multiple
succeeding extensions of a no-contact order.