

House Study Bill 523 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to post-arrest release after an initial
2 appearance for persons taken into custody or arrested for
3 certain sexual abuse offenses and no-contact orders.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 664A.3, subsection 2, Code 2022, is
2 amended to read as follows:

3 2. Notwithstanding chapters 804 and 805, a person taken
4 into custody pursuant to section 236.11 or 236A.12 or arrested
5 pursuant to section 236.12, 709.2, 709.3, or 709.4 may be
6 released on bail or otherwise only after initial appearance
7 before a magistrate as provided in chapter 804 and the rules
8 of criminal procedure or section 236.11 or 236A.12, whichever
9 is applicable.

10

EXPLANATION

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

13 This bill relates to post-arrest release after an initial
14 appearance for persons taken into custody or arrested for
15 certain sexual abuse offenses and no-contact orders.

16 Current law under Code section 664A.3 relating to the entry
17 of temporary no-contact orders provides that a person arrested
18 pursuant to Code sections 236.12 and 236A.12 (prevention of
19 future domestic abuse and sexual abuse) may be released on
20 bail or otherwise only after an initial appearance before a
21 magistrate. The bill adds Code sections 709.2 (sexual abuse in
22 the first degree), 709.3 (sexual abuse in the second degree),
23 and 709.4 (sexual abuse in the third degree) to require an
24 initial appearance before a magistrate for persons taken into
25 custody or arrested for such sexual abuse offenses before
26 release on bail or otherwise.

27 Code section 664A.2 provides that Code chapter 664A
28 applies to no-contact orders issued for violations or alleged
29 violations of Code sections 708.2A, 708.7, 708.11, 709.2,
30 709.3, and 709.4, and any other public offense for which there
31 is a victim. The sexual abuse offenses added in the bill
32 requiring an initial appearance before a person arrested for a
33 violation of Code section 709.2, 709.3, or 709.4 is released
34 from custody allow a magistrate to enter a temporary no-contact
35 order before the person is released on bail or otherwise.