

House Study Bill 512 - Introduced

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

A BILL FOR

1 An Act relating to an assault committed by a person against
2 whom a protective order is issued, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 708.2E Assault committed by a
2 person against whom a protective order is issued.

3 1. For purposes of this section:

4 a. "Protective order" means a protective order issued by
5 a court of this state and in effect pursuant to chapter 236
6 or chapter 664A, or a protective order issued by a court of
7 another state under conditions substantially similar to those
8 provided in chapter 236 or chapter 664A if the order would have
9 been issued in this state.

10 b. "Assault" means any offense defined in sections 708.1 or
11 708.2A.

12 2. A person against whom a protective order has been issued
13 who commits an assault against a person protected by the same
14 protective order, if the protective order is in effect at the
15 time of the assault, is guilty of a class "D" felony.

16 3. An offense charged under this section shall constitute a
17 separate and distinct violation from any other offense charged
18 under this chapter or chapter 664A.

19 EXPLANATION

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

22 This bill relates to an assault committed by a person against
23 whom a protective order is issued.

24 Under current law, a violation of a protective order issued
25 under Code chapter 664A (no-contact orders) or Code chapter 236
26 (domestic abuse) is punishable as either contempt of court or
27 as a simple misdemeanor.

28 The bill provides that a person against whom a protective
29 order has been issued who commits an assault, which is defined
30 in the bill as any offense defined in Code sections 708.1
31 (assault defined) or 708.2A (domestic abuse assault), against
32 a person protected by the same protective order, if the
33 protective order is in effect at the time of the assault, is
34 guilty of a class "D" felony.

35 The bill provides that an offense charged under the bill

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1 constitutes a separate and distinct violation from any other
2 offense charged under Code chapters 664A or 708.

3 A class "D" felony is punishable by confinement for no more
4 than five years and a fine of at least \$1,025 but not more than
5 \$10,245.