

House Study Bill 7 - Introduced

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

A BILL FOR

1 An Act relating to criminal charges for domestic abuse assault.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.2A, subsection 6, Code 2023, is
2 amended to read as follows:

3 ~~6. a. A conviction for, deferred judgment for, or plea of~~
4 ~~guilty to, a violation of this section which occurred more than~~
5 ~~twelve years prior to the date of the violation charged shall~~
6 ~~not be considered in determining that the violation charged is~~
7 ~~a second or subsequent offense.~~

8 ~~b. a.~~ For the purpose of determining if a violation charged
9 is a second or subsequent offense, deferred judgments issued
10 pursuant to section 907.3 for violations of section 708.2 or
11 this section, which were issued on domestic abuse assaults,
12 and convictions or the equivalent of deferred judgments for
13 violations in any other states under statutes substantially
14 corresponding to this section shall be counted as previous
15 offenses. The courts shall judicially notice the statutes of
16 other states which define offenses substantially equivalent
17 to the offenses defined in this section and can therefore be
18 considered corresponding statutes. Each previous violation on
19 which conviction or deferral of judgment was entered prior to
20 the date of the offense charged shall be considered and counted
21 as a separate previous offense.

22 ~~e. b.~~ An offense shall be considered a prior offense
23 regardless of whether it was committed upon the same victim.

24 EXPLANATION

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

27 This bill relates to criminal charges for domestic abuse
28 assault.

29 Current law provides that a conviction for, deferred
30 judgment for, or plea of guilty to, domestic abuse assault
31 which occurred more than 12 years prior to the date of the
32 violation charged shall not be considered in determining that
33 the violation charged is a second or subsequent offense. The
34 bill eliminates this look-back provision in determining whether
35 a violation of domestic abuse assault should be charged as a

H.F. _____

1 second or subsequent offense.