

**House File 263 - Reprinted**

HOUSE FILE 263

BY NUNN

(As Amended and Passed by the House March 27, 2017)

**A BILL FOR**

1 An Act relating to the criminal offenses of domestic abuse and  
2 unauthorized placement of a global positioning device, and  
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.2A, subsection 7, paragraph b, Code  
2 2017, is amended by striking the paragraph and inserting in  
3 lieu thereof the following:

4 b. A person convicted of a violation referred to in  
5 subsection 4 shall be sentenced as provided under section  
6 902.13.

7 Sec. 2. Section 708.11, subsection 1, paragraph b, Code  
8 2017, is amended to read as follows:

9 b. "*Course of conduct*" means repeatedly maintaining a visual  
10 or physical proximity to a person without legitimate purpose,  
11 repeatedly utilizing a technological device to locate, listen  
12 to, or watch a person without legitimate purpose, or repeatedly  
13 conveying oral or written threats, threats implied by conduct,  
14 or a combination thereof, directed at or toward a person.

15 Sec. 3. Section 708.11, subsection 2, Code 2017, is amended  
16 to read as follows:

17 2. A person commits stalking when all of the following  
18 occur:

19 a. The person purposefully engages in a course of conduct  
20 directed at a specific person that would cause a reasonable  
21 person to feel terrorized, frightened, intimidated, or  
22 threatened or to fear that the person intends to cause bodily  
23 injury to, or the death of, that specific person or a member of  
24 the specific person's immediate family.

25 b. The person has knowledge or should have knowledge  
26 that ~~the specific person will be placed in reasonable fear~~  
27 ~~of~~ a reasonable person would feel terrorized, frightened,  
28 intimidated, or threatened or fear that the person intends to  
29 cause bodily injury to, or the death of, that specific person  
30 or a member of the specific person's immediate family by the  
31 course of conduct.

32 ~~c. The person's course of conduct induces fear in the~~  
33 ~~specific person of bodily injury to, or the death of, the~~  
34 ~~specific person or a member of the specific person's immediate~~  
35 ~~family.~~

1     Sec. 4. NEW SECTION. 708.11A Unauthorized placement of  
2 global positioning device.

3     1. A person commits unauthorized placement of a global  
4 positioning device when the person, without the consent of the  
5 other person, places a global positioning device on the other  
6 person or an object in order to track the movements of the  
7 other person without a legitimate purpose.

8     2. A person who commits a violation of this section commits  
9 a serious misdemeanor.

10    Sec. 5. NEW SECTION. 902.13 Minimum sentence for certain  
11 domestic abuse assault offenses.

12    1. A person who has been convicted of a third or subsequent  
13 offense of domestic abuse assault under section 708.2A,  
14 subsection 4, shall be denied parole or work release until the  
15 person has served between one-fifth of the maximum term and the  
16 maximum term of the person's sentence as provided in subsection  
17 2.

18    2. The sentencing court shall determine, after receiving  
19 and examining all pertinent information referred to in section  
20 901.5, the minimum term of confinement, within the parameters  
21 set forth in subsection 1, required to be served before a  
22 person may be paroled or placed on work release.

23    Sec. 6. Section 903A.2, subsection 1, paragraph a,  
24 subparagraph (1), unnumbered paragraph 1, Code 2017, is amended  
25 to read as follows:

26    Category "A" sentences are those sentences which are not  
27 subject to a maximum accumulation of earned time of fifteen  
28 percent of the total sentence of confinement under section  
29 902.12 or 902.13. To the extent provided in subsection 5,  
30 category "A" sentences also include life sentences imposed  
31 under section 902.1. An inmate of an institution under the  
32 control of the department of corrections who is serving a  
33 category "A" sentence is eligible for a reduction of sentence  
34 equal to one and two-tenths days for each day the inmate  
35 demonstrates good conduct and satisfactorily participates in

1 any program or placement status identified by the director to  
2 earn the reduction. The programs include but are not limited  
3 to the following:

4 Sec. 7. Section 903A.2, subsection 1, paragraph b, Code  
5 2017, is amended to read as follows:

6 b. (1) Category "B" sentences are those sentences which  
7 are subject to a maximum accumulation of earned time of  
8 fifteen percent of the total sentence of confinement under  
9 section 902.12 or 902.13. An inmate of an institution under  
10 the control of the department of corrections who is serving a  
11 category "B" sentence is eligible for a reduction of sentence  
12 equal to fifteen eighty-fifths of a day for each day of good  
13 conduct by the inmate.

14 (2) An inmate required to participate in a domestic abuse  
15 treatment program shall not be eligible for a reduction of  
16 sentence unless the inmate participates in and completes a  
17 domestic abuse treatment program established by the director.

18 Sec. 8. Section 904A.4, subsection 8, Code 2017, is amended  
19 to read as follows:

20 8. a. The board of parole shall implement a risk assessment  
21 program which shall provide risk assessment analysis for the  
22 board.

23 b. The board of parole shall also develop a risk assessment  
24 validated for domestic abuse-related offenses in consultation  
25 with the department of corrections. The board may adopt rules  
26 pursuant to chapter 17A relating to the use of the domestic  
27 abuse risk assessment.

28 Sec. 9. NEW SECTION. 905.16 Electronic tracking and  
29 monitoring system — domestic abuse assault — felony.

30 1. A person placed on probation, parole, work release,  
31 or any other type of conditional release for domestic abuse  
32 assault in violation of section 708.2A, subsection 4, may be  
33 supervised by an electronic tracking and monitoring system in  
34 addition to any other conditions of supervision.

35 2. When considering whether to order the use of an

1 electronic tracking and monitoring system the court shall  
2 consider the safety of the victim and other legitimate factors  
3 that may impact all of the parties.

4 Sec. 10. Section 907.3, subsection 1, paragraph a, Code  
5 2017, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (013) The offense is a violation referred  
7 to in section 708.2A, subsection 4.

8 Sec. 11. Section 907.3, subsection 2, paragraph a, Code  
9 2017, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (8) The offense is a violation referred  
11 to in section 708.2A, subsection 4.

12 Sec. 12. Section 907.3, subsection 3, Code 2017, is amended  
13 by adding the following new paragraph:

14 NEW PARAGRAPH. *0a.* The sentence imposed under section  
15 902.13 for a violation referred to in section 708.2A,  
16 subsection 4.