SENATE FILE 2341
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1073)

(As Amended and Passed by the Senate March 11, 2020)

_____ = New Language by the Senate

A BILL FOR

An Act relating to older individuals and dependent adults and creating certain criminal offenses and civil actions, and providing penalties.

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

DIVISION I

CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS

Section 1. NEW SECTION. **708.2D Older individual assault — mandatory minimums, penalties enhanced — extension of no-contact order.**

1. For the purposes of this section:

a. "Older individual" means an individual who is sixty years of age or older.

b. "Older individual assault" means an assault, as defined in section 708.1, of an older individual.

2. On a first offense of older individual assault, the person commits:

a. A simple misdemeanor, except as otherwise provided.

b. A serious misdemeanor, if the older individual assault causes bodily injury or mental illness.

c. An aggravated misdemeanor, if the older individual assault is committed with the intent to inflict a serious injury upon an older individual, or if the person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.

d. An aggravated misdemeanor, if the older individual assault is committed by knowingly impeding the normal breathing or circulation of the blood of an older individual by applying pressure to the throat or neck of the older individual or by obstructing the nose or mouth of the older individual.

3. Except as otherwise provided in subsection 2, on a second older individual assault, a person commits:

a. A serious misdemeanor if the first offense was classified as a simple misdemeanor and the second offense would otherwise be classified as a simple misdemeanor.

b. An aggravated misdemeanor if the first offense was classified as a simple or aggravated misdemeanor and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated

misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.

4. On a third or subsequent offense of older individual assault, a person commits a class "D" felony.

5. For an older individual assault committed by knowingly impeding the normal breathing or circulation of the blood of an older individual by applying pressure to the throat or neck of the older individual or by obstructing the nose or mouth of the older individual, and causing bodily injury, the person commits a class "D" felony.

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

b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or 708.2A, or this section, which were issued on older individual assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

7. *a.* A person convicted of violating subsection 2 or 3 shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive

days. The court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence. This section does not prohibit the court from sentencing and the person from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the person has not previously received a deferred sentence or judgment for a violation of section 708.2 or 708.2A, or this section, which was issued on an older individual assault.

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 1, paragraph "*e*", and shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsections 1, 3, and 5, and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

8. If a person is convicted for, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

9. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under chapter 235F. The clerk shall provide notice and copies of modifications of the judgment in the same manner.

Sec. 2. NEW SECTION. **714.2A Theft against an older individual.**

1. If a person commits theft against an individual who was

an older individual at the time the theft was committed and knew or should have known the conduct was directed at an older individual, notwithstanding the penalties specified in section 714.2, all of the following shall apply:

a. If a person commits theft in the first degree pursuant to section 714.2, subsection 1, the person is guilty of a class "B" felony.

b. If a person commits theft in the second degree pursuant to section 714.2, subsection 2, the person is guilty of a class "C" felony.

c. If a person commits theft in the third degree pursuant to section 714.2, subsection 3, the person is guilty of a class "D" felony.

d. If a person commits theft in the fourth degree pursuant to section 714.2, subsection 4, the person is guilty of an aggravated misdemeanor.

e. If a person commits theft in the fifth degree pursuant to section 714.2, subsection 5, the person is guilty of a serious misdemeanor.

2. For the purposes of this section, "*older individual*" means an individual who is sixty years of age or older.

Sec. 3. Section 714.16A, Code 2020, is amended to read as follows:

714.16A Additional civil penalty for consumer frauds committed against ~~elderly~~ older individuals — fund established.

1. *a.* If a person violates section 714.16, and the violation is committed against an older ~~person~~ individual, in an action brought by the attorney general, in addition to any other civil penalty, the court may impose an additional civil penalty not to exceed five thousand dollars for each such violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of section 714.16, regardless of whether an action has been filed pursuant to section 714.16.

b. A civil penalty imposed by a court or determined and accepted by the attorney general pursuant to this section shall be paid to the treasurer of state, who shall deposit the money in the elderly victim fund, a separate fund created in the state treasury and administered by the attorney general for the investigation and prosecution of frauds against the elderly. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. An award of reimbursement pursuant to section 714.16 has priority over a civil penalty imposed by the court pursuant to this subsection.

2. In determining whether to impose a civil penalty under subsection 1, and the amount of any such penalty, the court shall consider the following:

a. Whether the defendant's conduct was in willful disregard of the rights of the older ~~person~~ individual.

b. Whether the defendant knew or should have known that the defendant's conduct was directed to an older ~~person~~ individual.

c. Whether the older ~~person~~ individual was substantially more vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability, than other persons.

d. Any other factors the court deems appropriate.

3. As used in this section, "*older ~~person~~ individual*" means ~~a person who is sixty-five years of age or~~ an individual who is sixty years of age or older.

Sec. 4. NEW SECTION. **726.24 Elder abuse — initiation of charges — penalty.**

1. As used in this section unless the context otherwise requires:

a. "*Abuse*" means the infliction of physical harm or the deprivation of goods or services that are necessary to meet essential needs or to avoid physical harm or psychological harm.

b. "*Caregiver*" means an individual who has the

responsibility for the care or custody of an older individual, whether voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and includes but is not limited to a family member or other individual who provides, whether on the individual's own behalf or on behalf of a public or private entity, compensated or uncompensated care to an older individual.

c. "Elder abuse" means the abuse, emotional abuse, neglect, isolation, or sexual exploitation of an older individual. *"Elder abuse"* does not include any of the following:

(1) Circumstances in which the older individual declines medical treatment if the older individual holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the older individual's caregiver or fiduciary, acting in accordance with the older individual's stated or implied consent, declines medical treatment if the older individual holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from an older individual who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the older individual or at the request of the older individual's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

d. "Emotional abuse" means the willful or reckless infliction of psychological harm, emotional or mental anguish, or the use of physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment or care.

e. "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, attorney in fact, or

any person, whether individual or corporate, acting in any fiduciary capacity for or on behalf of any older individual.

f. (1) *"Isolate"* or *"isolation"* means preventing an older individual from having contact with another person by any of the following:

(a) Intentionally preventing the older individual from receiving visitors, mail, or telephone calls, including, without limitation, communicating to a person who comes to visit the older individual or a person who telephones the older individual that the older individual is not present or does not want to meet with or talk to the visitor or caller while knowing that the statement is false, contrary to the express wishes of the older individual, and intended to prevent the older individual from having contact with the visitor; or

(b) Physically restraining the older individual to prevent the older individual from meeting with a person who comes to visit the older individual.

(c) Permitting any of the acts described in subparagraph division (a) or (b) to be committed against an older individual.

(2) *"Isolate"* or *"Isolation"* does not mean an act intended to protect the property or physical or mental welfare of the older individual or an act performed pursuant to the instructions of a physician of the older individual.

g. *"Neglect"* means the failure of a caregiver or fiduciary to provide adequate food, shelter, clothing, supervision, physical or mental health care, and goods or services necessary to maintain the life, health, or safety of an older individual, which if not provided would constitute denial of critical care.

h. *"Older individual"* means a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person.

i. *"Older individual assault"* means the same as defined in

section 708.2D.

j. "*Physical harm*" means bodily injury, bodily pain, impairment, or disease.

k. "*Psychological harm*" means an injury to the intellectual functioning or emotional state of an older individual as evidenced by an observable or measurable reduction in the older adult's ability to function within that individual's customary range of performance and that individual's behavior.

l. "*Serious injury*" means the same as defined in section 702.18.

m. "*Sexual exploitation*" means any sexual contact against an older individual's will. This includes acts in which the older individual is unable to understand the act or is unable to communicate or is under undue influence and includes coerced nudity; fondling, touching, or kissing; making the person fondle someone else's genitals; forcing the person to observe sexual acts; photographing the person in sexually explicit ways whether for purposes of gratification or degradation; and sexual assault.

n. "*Undue influence*" means when a person uses or knowingly assists or causes another person to use that person's role, relationship, or power to exploit the trust, dependency, or fear of an older individual, or uses or knowingly assists or causes another person to use that person's role, relationship, or power to deceptively gain control over an older individual's decision-making process.

2. It shall be unlawful for any person to abuse, emotionally abuse, neglect, isolate, or sexually exploit any older individual.

3. A charge of elder abuse may be initiated as a result of an investigation by a social services agency, or on the direct initiative of the attorney general, a county attorney, or a law enforcement agency.

4. A person who commits a first offense of elder abuse is guilty of the following, as applicable:

a. A person who intentionally commits elder abuse is guilty of a class "C" felony if the intentional elder abuse results in serious injury.

b. A person who recklessly commits elder abuse is guilty of a class "D" felony if the reckless elder abuse results in serious injury.

c. A person who intentionally commits elder abuse is guilty of a class "D" felony if the intentional elder abuse results in physical injury or psychological harm.

d. A person who recklessly commits elder abuse is guilty of an aggravated misdemeanor if the reckless elder abuse results in physical injury or psychological harm.

e. A person who otherwise intentionally commits elder abuse is guilty of a serious misdemeanor.

5. On a second or subsequent offense of elder abuse under subsection 4, paragraph "*a*", a person commits a class "B" felony.

6. On a second or subsequent offense of elder abuse under subsection 4, paragraph "*b*" or "*c*", a person commits a class "C" felony.

7. On a second or subsequent offense of elder abuse under subsection 4, paragraph "*d*" or "*e*", a person commits a class "D" felony.

8. It does not constitute a defense to a prosecution for any violation of this section that the alleged perpetrator did not know the age of the victim.

9. In a criminal action in which an older individual is a victim, the state may move the court to advance the trial on the docket. The presiding judge, after consideration of the age and health of the victim, may advance the trial on the docket. The motion may be filed and served with the information or charges at any time.

10. *a.* A conviction or deferred judgment for or plea of guilty to a violation of this section which occurred more than twelve years prior to the date of the violation charged shall

not be considered in determining that the violation charged is a second or subsequent offense.

b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of this section, or judgments or deferred judgments issued pursuant to sections 708.2D and 714.2A, and convictions or the equivalent of deferred judgments for violations in any other state under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

11. If a person is convicted or receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

12. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 235F. The clerk shall provide notice and copies of modifications of the judgment in the same manner.

Sec. 5. NEW SECTION. **726.25 Financial exploitation of an older individual.**

1. For the purposes of this section:

a. *"Caregiver"* means an individual who has the responsibility for the care or custody of an older individual,

whether voluntarily, by contract, through employment, or as a result of the operation of law, and includes but is not limited to a family member or other individual who provides compensated or uncompensated care to an older individual.

b. "Coercion" means communication or conduct which compels an older individual to act or refrain from acting against the older individual's will.

c. "Older individual" means an individual who is sixty years of age or older.

d. "Stands in a position of trust or confidence" means the person has any of the following relationships relative to the older individual:

(1) Is a parent, spouse, adult child, or other relative by consanguinity or affinity of the older individual.

(2) Is a joint tenant or tenant in common with the older individual.

(3) Has a legal or fiduciary relationship with the older individual. For the purposes of this paragraph, a legal or fiduciary relationship with the older individual does not include a legal or fiduciary relationship an older individual may have with a bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, or any credit union organized under the provisions of any state or federal law.

(4) Is a financial planning or investment professional providing or offering to provide financial planning or investment advice to the older individual.

(5) Is a beneficiary of the older individual in a governing instrument.

(6) Is a caregiver for the older individual.

(7) Is a person who has otherwise formed a relationship of trust or reliance with the older individual such that the person should reasonably expect that the older individual would likely rely upon the person to act in good faith for the older

individual's interest.

e. "Undue influence" means excessive persuasion by a person that causes an older individual to act or refrain from acting by overcoming an older individual's free will and results in inequity. In determining whether a result was produced by undue influence, all of the following shall be considered:

(1) *The vulnerability of the older individual.* Evidence of vulnerability may include but is not limited to incapacity, illness, disability, injury, age, education, impaired cognitive function, emotional distress, isolation, or dependency, and whether the person knew or should have known of the alleged older individual's vulnerability.

(2) *The person's apparent authority.* Evidence of apparent authority may include but is not limited to status as a fiduciary, family member, care provider, health care professional, legal professional, spiritual advisor, expert, or other qualifications.

(3) *The person's actions or tactics.* Evidence of actions or tactics used may include but is not limited to all of the following:

(a) Controlling necessaries of life, medication, the older individual's interactions with others, access to information, or sleep.

(b) Use of affection, intimidation, or coercion.

(c) Initiation of changes in personal or property rights, use of haste or secrecy in effecting those changes, effecting changes at inappropriate times and places, and claims of expertise in effecting changes.

(4) *The equity of the result.* Evidence of the equity of the result may include but is not limited to the economic consequences to the older individual; any divergence from the older individual's prior intent, course of conduct, or dealing; the relationship of the value conveyed to the value of any services or consideration received; or the appropriateness of the change in light of the length and nature of the

relationship. Evidence of an inequitable result, without more, is not sufficient to prove undue influence.

2. A person commits financial exploitation of an older individual when the person stands in a position of trust or confidence with the older individual and knowingly and by undue influence, deception, coercion, fraud, breach of fiduciary duty, or extortion, obtains control over or otherwise uses the benefits, property, resources, belongings, or assets of the older individual.

3. A person who commits a first offense of financial exploitation of an older individual is guilty of the following, as applicable:

a. A serious misdemeanor if the value of the benefits, property, resources, belongings, or assets is one hundred dollars or less.

b. An aggravated misdemeanor if the value of the benefits, property, resources, belongings, or assets exceeds one hundred dollars but does not exceed one thousand dollars.

c. A class "D" felony if the value of the benefits, property, resources, belongings, or assets exceeds one thousand dollars but does not exceed ten thousand dollars.

d. A class "C" felony if the value of the benefits, property, resources, belongings, or assets exceeds ten thousand dollars but does not exceed fifty thousand dollars.

e. A class "B" felony if the value of the benefits, property, resources, belongings, or assets exceeds fifty thousand dollars, or if the older individual is seventy years of age to eighty years of age and the value of the benefits, property, resources, belongings, or assets is fifteen thousand dollars or more, or if the older individual is eighty years of age or older and the value of the benefits, property, resources, belongings, or assets is five thousand dollars or more.

4. On a second or subsequent offense of financial exploitation of an older individual, a person commits a class

"C" felony if the value of the benefits, property, resources, belongings, or assets does not exceed fifty thousand dollars unless subsection 3, paragraph *"e"* applies.

5. Nothing in this section shall be construed to limit other remedies available to the older individual including those provided under chapters 235F and 236.

6. Nothing in this section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist an older individual in the management of the older individual's benefits, property, resources, belongings, or assets, but through no fault of the person, the person has been unable to provide such assistance.

7. Nothing in this section shall be construed to impose criminal liability on a person based solely on the sale of a product or service.

8. It shall not be a defense to financial exploitation of an older individual that the alleged perpetrator did not know the age of the older individual or reasonably believed that the alleged victim was not an older individual.

9. In a criminal action in which an older individual is a victim, the state may make a motion to the court to advance the trial on the docket. The presiding judge, after consideration of the age and health of the victim, may grant a motion to advance the trial on the docket. The motion may be filed and served with the information or charges at any time.

10. *a.* A conviction or deferred judgment for or plea of guilty to a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining whether the violation charged is a second or subsequent offense.

b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of this section or judgments or deferred judgments issued pursuant to sections 708.2D and 714.2A, and convictions or the equivalent of

deferred judgments for violations in any other state under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

11. If a person is convicted of, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

12. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 235F. The clerk shall provide notice and copies of modifications of the judgment in the same manner.

Sec. 6. NEW SECTION. **726.26 Dependent adult abuse — initiation of charges — penalty.**

1. For the purposes of this section, "*caretaker*", "*dependent adult*", and "*dependent adult abuse*" mean the same as defined in section 235B.2.

2. A charge of dependent adult abuse may be initiated upon the complaint of a private individual, as a result of an investigation by a social service agency, or on the direct initiative of the office of the attorney general, a county attorney, or a law enforcement agency.

3. A caretaker who intentionally commits dependent adult abuse is guilty of a class "C" felony if the intentional

dependent adult abuse results in serious injury.

4. A caretaker who recklessly commits dependent adult abuse is guilty of a class "D" felony if the reckless dependent adult abuse results in serious injury.

5. A caretaker who intentionally commits dependent adult abuse is guilty of a class "C" felony if the intentional dependent adult abuse results in physical injury.

6. A caretaker who commits dependent adult abuse by exploitation of a dependent adult is guilty of a class "D" felony if the value of the property, assets, or resources exceeds one hundred dollars.

7. A caretaker who recklessly commits dependent adult abuse is guilty of an aggravated misdemeanor if the reckless dependent adult abuse results in physical injury.

8. A caretaker who otherwise intentionally or knowingly commits dependent adult abuse is guilty of a serious misdemeanor.

9. A caretaker who commits dependent adult abuse by exploitation of a dependent adult is guilty of a simple misdemeanor if the value of the property, assets, or resources is one hundred dollars or less.

10. A caretaker alleged to have committed dependent adult abuse shall be charged with the respective offense cited, unless a charge may be brought based upon a more serious offense, in which case the charge of the more serious offense shall supersede the less serious charge.

Sec. 7. REPEAL. Section 235B.20, Code 2020, is repealed.

Sec. 8. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Create a new subchapter in chapter 726, entitled "Resident, Dependent Adult, and Older Individual Protection Act" that includes sections 726.24, 726.25, and 726.26, as enacted in this Act.

2. a. Transfer sections 726.7 and 726.8, Code 2020, to the new subchapter and renumber the transferred sections as

follows:

(1) Section 726.7 as section 726.27.

(2) Section 726.8 as section 726.28.

b. Correct internal references as necessary.

3. Amend the title of the chapter to read "Protections for the family, dependent persons, residents of health care facilities, and older individuals".

DIVISION II

CONFORMING CHANGES

Sec. 9. Section 13.2, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *p.* Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of elder abuse, older individual assault, theft against an older individual, consumer frauds committed against an older individual, and financial exploitation of an older individual under sections 708.2D, 714.2A, 714.16A, 726.24, and 726.25.

Sec. 10. Section 664A.1, subsection 2, Code 2020, is amended to read as follows:

2. "*Protective order*" means a protective order issued pursuant to chapter 232, a court order or court-approved consent agreement entered pursuant to this chapter or chapter 235F, a court order or court-approved consent agreement entered pursuant to chapter 236 or 236A, including a valid foreign protective order under section 236.19, subsection 3, or section 236A.19, subsection 3, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault under section 708.2A or older individual assault under section 708.2D, or a civil injunction issued pursuant to section 915.22.

Sec. 11. Section 664A.2, subsection 1, Code 2020, is amended to read as follows:

1. This chapter applies to no-contact orders issued for

violations or alleged violations of sections 708.2A, 708.2D, 708.7, 708.11, 709.2, 709.3, and 709.4, and any other public offense for which there is a victim.

Sec. 12. Section 664A.7, subsection 5, Code 2020, is amended to read as follows:

5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of section 708.2A, the offense or alleged offense of older individual assault in violation of section 708.2D, or a violation of a protective order issued pursuant to chapter 232, 235F, 236, 236A, 598, or 915 constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, the court may hold a person in contempt of court for such a violation, as provided in subsection 3.

Sec. 13. Section 915.22, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The clerk of the district court shall provide notice and copies of restraining orders issued pursuant to this section in a criminal case involving an alleged violation of section 708.2D to the applicable law enforcement agencies and the twenty-four-hour dispatch for the law enforcement agencies, in the manner provided for protective orders under section 235F.6. The clerk shall provide notice and copies of modifications or vacations of these orders in the same manner.