

Sec. 7. NEW SECTION. 236.14 INITIAL APPEARANCE REQUIRED — CONTACT TO BE PROHIBITED.

1. Notwithstanding chapters 804 and 805, a person taken into custody pursuant to section 236.11 or arrested pursuant to section 236.12 may be released on bail or otherwise only after an initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure or section 236.11, whichever is applicable.

2. When a person arrested for a domestic abuse assault, or taken into custody for contempt proceedings pursuant to section 236.11, is brought before a magistrate and the magistrate finds probable cause to believe that domestic abuse or a violation of an order or consent agreement has occurred and that the presence of the alleged abuser in the victim's residence poses a threat to the victim's safety, the magistrate shall enter an order which shall require the alleged abuser to have no contact with the alleged victim and to refrain from harassing the alleged victim or the victim's relatives in addition to any other conditions of release determined and imposed by the magistrate under section 811.2.

The court order shall contain the court's directives restricting the defendant from having contact with the victim or the victim's relatives.

The clerk of the court or other person designated by the court shall provide a copy of this order to the victim pursuant to chapter 910A. The order has force and effect until it is modified or terminated by subsequent court action in the contempt proceeding or the criminal or juvenile court action and is reviewable in the manner prescribed in section 811.2.

Violation of this no-contact order is punishable by summary contempt proceedings.

Sec. 8. Section 708.2, Code 1987, is amended by adding the following new subsection 3: NEW SUBSECTION. 3. A person who commits an assault, as defined in section 708.1, and uses or displays a dangerous weapon in connection with the assault, is guilty of an aggravated misdemeanor. This subsection does not apply if section 708.6 or 708.8 applies.

Sec. 9. NEW SECTION. 708.2A DOMESTIC ABUSE ASSAULT — PENALTY ENHANCED.

An assault, as defined in section 708.1 which is domestic abuse as defined in section 236.2 and which would otherwise be punishable as a simple misdemeanor under section 708.2, is a serious misdemeanor if the person who commits the assault was previously convicted of a prior domestic abuse assault within the two years prior to the date of the instant offense.

Approved May 28, 1987

CHAPTER 155

PAYMENTS TO SUBCONTRACTORS UNDER PUBLIC IMPROVEMENT CONTRACTS

H.F. 244

AN ACT relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 573.12, Code 1987, is amended to read as follows:

573.12 PAYMENTS AND RETENTION FROM PAYMENTS ON CONTRACTS.

1. RETENTION. Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered, as determined by the project architect or engineer. The public corporation shall retain from each monthly payment five percent of that amount which is determined to be due according to the estimate of the architect or engineer.

The contractor may retain from each payment to a subcontractor not more than the lesser of five percent or the amount specified in the contract between the contractor and the subcontractor.

2. PROMPT PAYMENT. A progress payment or final payment to a subcontractor for satisfactory performance of the subcontractor's work shall be made no later than:

a. Seven days after the contractor receives payment for that subcontractor's work.

b. A reasonable time after the contractor could have received payment for the subcontractor's work, if the reason for nonpayment is not the subcontractor's fault.

A contractor's acceptance of payment for one subcontractor's work is not a waiver of claims, and does not prejudice the rights of the contractor, as to any other claim related to the contract or project.

3. INTEREST PAYMENTS. If the contractor receives an interest payment under section 573.14, the contractor shall pay the subcontractor a share of the interest payment proportional to the payment for that subcontractor's work.

Approved May 28, 1987

CHAPTER 156

URBAN REVITALIZATION TAX EXEMPTIONS

S.F. 519

AN ACT relating to the time for claiming urban revitalization tax exemptions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 404.4, unnumbered paragraph 2, Code 1987, is amended to read as follows:

An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the governing body of the city in which the property is located by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, unless, upon the request of the owner at any time, the governing body of the city provides by resolution that the owner may file an application by February 1 of any other assessment year selected by the governing body. The application shall contain, but not be limited to, the following information: The nature of the improvement, its cost, the estimated or actual date of completion, the tenants that occupied the owner's building on the date the city adopted the resolution referred to in section 404.2, subsection 1, and which exemption in section 404.3 or in the different schedule, if one has been adopted, will be elected.

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