

Sec. 6. Section 811.2, subsection 2, Code Supplement 1999, is amended to read as follows:
2. DETERMINATION OF CONDITIONS. In determining which conditions of release will reasonably assure the defendant's appearance and the safety of another person or persons, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of the defendant's residence in the community, the defendant's record of convictions, including the defendant's failure to pay any fine, surcharge, or court costs, and the defendant's record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

Approved April 21, 2000

CHAPTER 1132

DOMESTIC ABUSE RECORDS AND ELECTRONIC HARRASSMENT

S.F. 2308

AN ACT relating to domestic violence protective orders and harassment via electronic communications and making penalties applicable.

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

Section 1. Section 236.10, Code 1999, is amended to read as follows:
236.10 CONFIDENTIALITY OF RECORDS.

1. ~~The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired as ordered by the court to protect the privacy interest or safety of any person. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit. Support payment records, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. However, a payment record shall not include address or location information.~~

2. Notwithstanding subsection 1, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.

Sec. 2. Section 236.19, Code Supplement 1999, is amended to read as follows:
236.19 FOREIGN PROTECTIVE ORDERS — REGISTRATION — ENFORCEMENT.

1. As used in this section, "foreign protective order" means a protective order entered ~~in a state other than Iowa which~~ by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, 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 if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order authenticated in accordance with the statutes of this state may be filed with the clerk of the district court in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

b. The clerk shall provide copies of the order as required by section 236.5, except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.

3. a. A valid foreign protective order ~~so filed~~ has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.

b. A foreign protective order is valid if it meets all of the following:

(1) The order states the name of the protected individual and the individual against whom enforcement is sought.

(2) The order has not expired.

(3) The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.

(4) The order was issued in accordance with respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.

c. Proof that a foreign protective order failed to meet all of the factors listed in paragraph "b" shall be an affirmative defense in any action seeking enforcement of the order.

4. A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

a. The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

b. A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

5. Filing and service costs in connection with foreign protective orders may be waived or deferred as provided in section 236.3.

Sec. 3. Section 708.7, subsection 1, paragraph a, subparagraph (1), Code 1999, is amended to read as follows:

(1) Communicates with another by telephone, telegraph, ~~or~~ writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

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