

3. The department of education shall report to the state board and to the general assembly regarding the success of any ~~pilot programs prior to the completion of the third year of a program~~ character education initiative.

Approved April 5, 2002

CHAPTER 1084

BOARD OF EDUCATIONAL EXAMINERS — LICENSEE DISCIPLINARY INVESTIGATIONS AND PROCEEDINGS

H.F. 2482

AN ACT expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

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

Section 1. Section 272.2, subsection 4, Code Supplement 2001, is amended to read as follows:

4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board of educational examiners. The board shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the board of findings of fact if a majority of the board does not hear the disciplinary proceeding. However, in a case alleging failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with this chapter.

Approved April 5, 2002

CHAPTER 1085

SEX OFFENDERS — ISSUANCE OF NO-CONTACT ORDER UPON DEFENDANT'S RELEASE FROM CONFINEMENT

H.F. 2506

AN ACT relating to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant's release from jail or prison.

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

Section 1. NEW SECTION. 709.19 NO-CONTACT ORDER UPON DEFENDANT'S RELEASE FROM JAIL OR PRISON.

1. Upon the filing of an affidavit by a victim, or a parent or guardian on behalf of a minor

who is a victim, of a crime of a sexual offense in violation of section 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14, 709.15, or 709.16, which states that the presence of or contact with the defendant whose release from jail or prison is imminent or who has been released from jail or prison continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family, the court shall enter a temporary no-contact order which shall require the defendant to have no contact with the victim, persons residing with the victim, or members of the victim's immediate family.

2. A temporary restraining order issued under this section shall expire at such time as the court directs, not to exceed ten days from the date of issuance. The court, for good cause shown before expiration of the order, may extend the expiration date of the order for up to ten days, or for a longer period agreed to by the adverse party.

3. Upon motion of the party, the court shall issue a no-contact order which shall require the defendant to have no contact with the victim, persons residing with the victim, or members of the victim's immediate family if the court, after a hearing, finds by a preponderance of the evidence, that the defendant poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family.

4. A no-contact order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the purpose of the order.

5. The court shall set the duration of the no-contact order for the period it determines is necessary to protect the safety of the victim, persons residing with the victim, or members of the victim's immediate family, but the duration shall not be set for a period in excess of one year from the date of the issuance of the order. The victim, at any time within ninety days before the expiration of the order, may apply for a new no-contact order under this section.

6. Violation of a no-contact order issued under this section constitutes contempt of court and may be punished by contempt proceedings.

Approved April 5, 2002

CHAPTER 1086

TRUSTS AND ESTATES — MEDICAL ASSISTANCE BENEFITS — INTEREST DISCLAIMERS — TOTAL RETURN UNITRUSTS

H.F. 2539

AN ACT relating to trusts and estates and their relationship to medical assistance benefits, the right to disclaim on behalf of a ward, the creation of total return unitrusts, and providing an effective date.

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

Section 1. Section 249A.2, Code 2001, is amended by adding the following new subsection:
NEW SUBSECTION. 11. "Retained life estate" means any of the following:

a. A life estate created by the recipient or recipient's spouse, in which either the recipient or the recipient's spouse held any interest in the property at the time of the creation of the life estate.

b. A life estate created for the benefit of the recipient or the recipient's spouse in property in which either the recipient or the recipient's spouse held any interest in the property within five years prior to the creation of the life estate.