

FILED MAR 2 2005

SENATE FILE 255  
BY KREIMAN and RAGAN

JUDICIARY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to criminal law, including the criminal offense  
2 of harassment and issuing a search warrant.

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

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SC 255 JUDICIARY

1 Section 1. Section 708.7, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. In determining if a violation charged  
4 is a second or subsequent conviction for purposes of criminal  
5 sentencing under this section:

6 a. A deferred judgment entered pursuant to section 907.3  
7 for a violation of this section shall be counted as a previous  
8 conviction.

9 b. A conviction or the equivalent of a deferred judgment  
10 for a violation in any other state under a statute  
11 substantially corresponding to this section shall be counted  
12 as a previous conviction. A court shall judicially notice the  
13 statute of another state which defines an offense  
14 substantially equivalent to the offense defined in this  
15 section and can therefore be considered a corresponding  
16 statute. Each previous violation for which a conviction or  
17 deferral of judgment was entered prior to the date of the  
18 violation charged shall be considered and counted as a  
19 separate previous conviction.

20 Sec. 2. Section 808.2, Code 2005, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 3A. For any property where a person is  
23 located who is subject to arrest or who is a material witness.

24 EXPLANATION

25 This bill relates to the criminal offense of harassment and  
26 issuing a search warrant.

27 The bill provides that in determining whether the criminal  
28 offense of harassment is a second or subsequent conviction for  
29 purposes of sentencing, a deferred judgment shall be counted  
30 as a previous conviction, and each previous violation on which  
31 a conviction or deferral of judgment was entered prior to the  
32 date of the violation shall be counted as a separate previous  
33 conviction.

34 The bill also provides that when a court issues a search  
35 warrant, the court may issue a search warrant for a property

1 where a person is located who is subject to arrest or who is a  
2 material witness.

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