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JUDICIARY

HOUSE FILE 2420  
BY MURPHY

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

**A BILL FOR**

1 An Act relating to the issuance of a no-contact order against a  
2 defendant convicted of a sexual offense upon the defendant's  
3 release from jail or prison.

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

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HF 2420

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

3 1. Upon the filing of an affidavit by a victim, or a  
4 parent or guardian on behalf of a minor who is a victim, of a  
5 crime of a sexual offense in violation of section 709.2,  
6 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14, 709.15, or  
7 709.16, which states that the presence of or contact with the  
8 defendant whose release from jail or prison is imminent or who  
9 has been released from jail or prison continues to pose a  
10 threat to the safety of the victim, persons residing with the  
11 victim, or members of the victim's immediate family, the court  
12 shall enter a temporary no-contact order which shall require  
13 the defendant to have no contact with the victim, persons  
14 residing with the victim, or members of the victim's immediate  
15 family.

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

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

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

33 5. The court shall set the duration of the no-contact  
34 order for the period it determines is necessary to protect the  
35 safety of the victim, persons residing with the victim, or

1 members of the victim's immediate family, but the duration  
2 shall not be set for a period in excess of one year from the  
3 date of the issuance of the order. The victim, at any time  
4 within ninety days before the expiration of the order, may  
5 apply for a new no-contact order under this section.

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

9 EXPLANATION

10 This bill relates to the issuance of a no-contact order  
11 against a defendant convicted of a sexual offense upon the  
12 defendant's release from jail or prison.

13 The bill provides that upon a filing of an affidavit by a  
14 victim or a parent or guardian on behalf of a minor who is a  
15 victim, which states that upon the defendant's release from  
16 jail or prison, the presence of or contact with the defendant  
17 continues to pose a threat to the safety of the victim,  
18 persons residing with the victim, or members of the victim's  
19 immediate family, the court shall enter a temporary no-contact  
20 order which shall require the defendant to have no contact  
21 with the victim, persons residing with the victim, or members  
22 of the victim's family.

23 The bill further allows the court to issue a no-contact  
24 order for up to one year from the date of the issuance of the  
25 order if the court, after a hearing, finds by a preponderance  
26 of the evidence, that the defendant poses a threat to the  
27 safety of the victim, persons residing with the victim, or  
28 members of the victim's immediate family.

29 The bill applies to a victim of a crime of first, second,  
30 or third degree sexual abuse, a victim of a crime of  
31 lascivious acts with a child, a victim of a crime of assault  
32 with intent to commit sexual abuse, a victim of a crime of  
33 indecent contact with a child, a victim of a crime of  
34 lascivious contact with a minor, a victim of a crime of sexual  
35 exploitation by a counselor or therapist, or a victim of a

1 crime of sexual misconduct with offenders and juveniles.

2 The bill further provides that violation of a no-contact  
3 order constitutes contempt of court and may be punished by  
4 contempt proceedings.

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