

JUDICIARY  
FILED MAR 6 '01

SENATE FILE 358  
BY SHEARER

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

**A BILL FOR**

1 An Act providing for the issuance of no-contact orders against  
2 persons who are arrested for the crime of sexual abuse.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 358  
JUDICIARY

1 Section 1. NEW SECTION. 709.19 SEXUAL ABUSE -- NO  
2 CONTACT.

3 When a person arrested for any violation under this chapter  
4 is brought before a magistrate for initial appearance under  
5 section 804.21, 804.22, or 804.24, and the magistrate finds  
6 probable cause to believe that a violation under this chapter  
7 has occurred and that the presence of or contact with the  
8 defendant poses a threat to the safety of the alleged victim,  
9 persons residing with the alleged victim, or members of the  
10 alleged victim's family, the magistrate shall enter an order  
11 which shall require the defendant to have no contact with the  
12 alleged victim, persons residing with the alleged victim, or  
13 members of the alleged victim's family. A no-contact order  
14 requiring the defendant to have no contact with the alleged  
15 victim's children shall prevail over any existing order which  
16 may be in conflict with the no-contact order.

17 The court order shall contain the court's directive  
18 restricting the defendant from having contact with the victim,  
19 persons residing with the victim, or the victim's immediate  
20 family. The order shall state that a defendant who violates  
21 the no-contact order shall immediately be arrested.

22 The clerk of the district court shall also provide notice  
23 and copies of the no-contact order to the applicable law  
24 enforcement agencies and the twenty-four-hour dispatcher for  
25 the law enforcement agencies in the same manner as provided  
26 for protective orders under section 236.5. The clerk shall  
27 provide notice and copies of modifications of the judgment in  
28 the same manner.

29 EXPLANATION

30 This bill relates to no-contact orders for victims of  
31 sexual abuse, as defined in Code section 709.1. The bill  
32 provides that when a person is arrested for any sexual abuse  
33 violation pursuant to Code chapter 709, and a magistrate finds  
34 probable cause to believe such a violation has occurred and  
35 that the presence of or contact with the defendant poses a

1 threat to the safety of the alleged victim, persons residing  
2 with the alleged victim, or members of the alleged victim's  
3 family, the magistrate shall enter a no-contact order against  
4 the defendant. A no-contact order requiring the defendant to  
5 have no contact with the alleged victim's children shall take  
6 precedence over any existing order which may be in conflict  
7 with the no-contact order.

8 The bill also provides that the no-contact order shall  
9 include a court directive restricting the defendant's contact  
10 with the victim, persons residing with the victim, or the  
11 victim's immediate family. The order shall also state that if  
12 the defendant violates the no-contact order, he or she shall  
13 immediately be arrested.

14 The bill further directs that the clerk of the district  
15 court shall provide notice and copies of the no-contact order  
16 to the applicable law enforcement agencies and the 24-hour  
17 dispatcher for the law enforcement agencies.

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