

FILED MAR 14 2005

SENATE FILE 370
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1152)

Passed Senate, Date 3-23-05 Passed House, Date 4-19-05
Vote: Ayes 50 Nays 0 Vote: Ayes 97 Nays 0
Approved 4-27-05

A BILL FOR

1 An Act relating to the duration of a no-contact order in a
2 criminal case.

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

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SF 370

1 Section 1. Section 901.5, subsection 7A, paragraph b,
2 unnumbered paragraph 1, Code 2005, is amended to read as
3 follows:

4 The duration of the no-contact order may extend for a
5 period of five years from the date the judgment is entered or
6 the deferred judgment is granted, or up to the maximum term of
7 confinement plus one additional year, whichever is greater.

8 The court may order the no-contact order regardless of whether
9 the defendant is placed on probation.

10 EXPLANATION

11 This bill relates to the duration of a no-contact order
12 when a deferred judgment or conviction is entered in a
13 criminal case.

14 The bill provides the duration of a no-contact order may
15 extend from the date a deferred judgment or conviction is
16 entered up to the maximum term of confinement plus one
17 additional year. Current law provides the duration of the no-
18 contact order may extend up to the maximum term of
19 confinement.

20 A violation of the no-contact order by the defendant is
21 punishable by summary contempt proceedings as provided in Code
22 section 901.5, subsection 7A, paragraph "d".

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Kreiman Co-chair
McKibben Co-chair
Hancock
Larson

Succeeded By
⑤/HF 370

SSB# 1152
Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO-CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring a no-contact order when a defendant is convicted
2 of a forcible felony.

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

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1 Section 1. Section 901.5, subsection 7A, paragraph a, Code
2 2005, is amended to read as follows:

3 a. The court may order the defendant to have no contact
4 with the victim of the offense, persons residing with the
5 victim, members of the victim's immediate family, or witnesses
6 to the offense if the court finds that the presence of or
7 contact with the defendant poses a threat to the safety of the
8 victim, persons residing with the victim, members of the
9 victim's immediate family, or witnesses to the offense. If
10 the defendant is convicted of an offense which is a forcible
11 felony, the court shall order the defendant to have no contact
12 with the victim of the offense, persons residing with the
13 victim, members of the victim's immediate family, or any
14 witnesses to the offense.

15 Sec. 2. Section 901.5, subsection 7A, paragraph b,
16 unnumbered paragraph 1, Code 2005, is amended to read as
17 follows:

18 The duration of the no-contact order may extend for a
19 period of five years from the date the judgment is entered or
20 the deferred judgment is granted, or up to the maximum term of
21 confinement, whichever is greater. The duration of the no-
22 contact order in a forcible felony case shall extend for a
23 period equal to the maximum term of confinement for the
24 forcible felony. The court may order the no-contact order
25 regardless of whether the defendant is placed on probation.

26 EXPLANATION

27 This bill relates to providing a no-contact order when a
28 defendant is convicted of a forcible felony.

29 The bill requires a no-contact order when a defendant is
30 convicted of a forcible felony as defined in Code section
31 702.11. The duration of the no-contact order under the bill
32 equals the maximum term of confinement for the forcible
33 felony.

34 The bill provides the court shall order the defendant to
35 have no contact with the victim, persons residing with the

1 victim, members of the victim's immediate family, or any
2 witnesses to the offense.

3 A violation of the no-contact order by the defendant is
4 punishable by summary contempt proceedings as provided in Code
5 section 901.5, subsection 7A, paragraph "e".

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The court may order the no-contact order regardless of whether the defendant is placed on probation.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

SENATE FILE 370

AN ACT

RELATING TO THE DURATION OF A NO-CONTACT ORDER IN A CRIMINAL CASE.

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

Section 1. Section 901.5, subsection 7A, paragraph b, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The duration of the no-contact order may extend for a period of five years from the date the judgment is entered or the deferred judgment is granted, or up to the maximum term of confinement plus one additional year, whichever is greater.

I hereby certify that this bill originated in the Senate and is known as Senate File 370, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/27, 2005

THOMAS J. VILSACK
Governor