

CHAPTER 42

SUBSEQUENT CONVICTIONS

AN ACT to amend section nineteen hundred sixty-four (1964), code, 1927; to repeal section nineteen hundred sixty-five (1965), code, 1927, and to enact a substitute therefor, relating to second and subsequent convictions of violations of laws relating to intoxicating liquors; to broaden the present provisions of law relative to such convictions; and to prescribe the duties of county attorneys and of the courts with reference to said subject matter.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section nineteen hundred sixty-four (1964), code, 1927,
2 is amended by striking out the first eight (8) lines thereof and by
3 inserting in lieu thereof the following, to-wit:

4 "Whoever has been convicted, or has entered a plea of guilty, in a
5 criminal action, in any court of record, of a violation:

6 1. Of any provision of this title, or of the laws amendatory of,
7 or supplementary to, this title, or

8 2. Of any provision of the prior laws of this state relating to in-
9 toxicating liquors which were in force prior to the enactment of this
10 title, or

11 3. Of any provision of the laws of the United States or of any
12 other state relating to intoxicating liquors,—and is thereafter con-
13 victed or enters a plea of guilty of a subsequent criminal offense
14 against any provision of this title or of the laws amendatory of, or
15 supplementary to, this title, shall be punished as follows:"

1 SEC. 2. Section nineteen hundred sixty-five (1965), code, 1927,
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1965. **Habitual violators.** Any person who has been twice con-
4 victed of contempt either under the provisions of this title or under
5 the provisions of any former law of this state relating to intoxicating
6 liquors, or who has been once convicted of contempt under the provi-
7 sions of this title and once convicted of contempt under said prior
8 laws, or who has been once convicted of contempt under either this
9 title or under said prior laws and once convicted of a criminal offense
10 under this title or under said prior laws, shall be deemed an habitual
11 violator, and if such person is thereafter convicted in the district
12 court under an indictment or trial information of a violation of this
13 title, he shall be imprisoned in the penitentiary or men's or women's
14 reformatory for a term of not exceeding three (3) years."

1 SEC. 3. **Duty of county attorney.** It is made the specific and spe-
2 cial duty of the county attorney in all criminal prosecutions under
3 title six (6) of the code and under statutes amendatory thereof, or
4 supplementary thereto, to make diligent and careful inquiry, search,
5 and investigation for former convictions in this state, of the accused,
6 and equally the duty of the county attorney properly and adequately
7 to plead in the indictment or trial information all former convictions
8 of the accused of which he has acquired knowledge.

1 SEC. 4. **Duty of court.** When an indictment or trial information
2 contains an allegation of one or more former convictions of the ac-
3 cused, and a plea of guilt is entered to the main offense or offenses

4 only, the court shall require proof of said allegations of former con-
5 victions and the same shall not be dismissed or ignored except on the
6 sworn statement of the county attorney that he is unable to prove
7 and establish the same.

House File No. 227. Approved May 14, 1931.

CHAPTER 43

INSPECTOR IN STATE DEPARTMENT OF HEALTH

AN ACT to amend chapter sixty-four (64), acts of the forty-third (43rd) general assembly, relating to the inspector in the state department of health, and providing for an assistant to said inspector, and compensation and expense of said inspectors.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That chapter sixty-four (64), acts of the forty-third
2 (43rd) general assembly, be amended as follows:
3 1. By inserting in line two (2) of section one (1) after the word
4 "inspector" the words: "and assistant".
5 2. By inserting in line one (1) of section two (2) after the word
6 "inspector" the words: "and assistant".
7 3. By striking from lines one (1) and two (2) of section two (2)
8 the following: "(until June 30, 1931)".
9 4. By striking from line three (3) of section two (2) the words:
10 "until said date".

House File No. 190. Approved April 4, 1931.

CHAPTER 44

LOCAL HEALTH OFFICERS

AN ACT to repeal section twenty-two hundred thirty-six (2236) of the code, 1927, and to enact a substitute therefor, relating to the general duties of health officers of the local board of health.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section twenty-two hundred thirty-six (2236) of the
2 code, 1927, is repealed and the following enacted in lieu thereof:
3 "2236. **General duties of health officer.** The health officer shall
4 be the executive officer of the local board in all matters pertaining to
5 the public health, the control of communicable diseases, disposal of
6 refuse and night soil, and the pollution of wells and other sources of
7 water supply; and he shall recommend to the local board the proper
8 measures to be taken for the abatement of unhealthful conditions and
9 for the preservation of the public health. He shall receive reports
10 of cases of reportable diseases, impose and terminate quarantine. He
11 shall keep a record of cases reported to him (name, age, sex, address,
12 birthplace, occupation, school or place of employment of the person
13 reported to be ill, the name of the person making the report, the date
14 of receipt by him of the report, the date of transmission of the report
15 to the state department of health, the date of quarantine, the date