

CHAPTER 147
CRIMINAL CODE AMENDMENTS

S. F. 318

AN ACT making technical changes of a corrective nature to the criminal code revision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), sections one hundred seven (107), two hundred three (203), three hundred four (304), three hundred five (305), four hundred eight (408), five hundred two (502), seven hundred eight (708), seven hundred nine (709), and seven hundred eleven (711), division eight (VIII), sections nine hundred four (904), nine hundred nine (909), one thousand four hundred one (1401), one thousand four hundred two (1402), one thousand four hundred seven (1407), one thousand four hundred eight (1408), division fourteen (XIV), sections one thousand five hundred one (1501), one thousand six hundred seven (1607), one thousand nine hundred one (1901), one thousand nine hundred six (1906), two thousand four hundred eight (2408), two thousand four hundred nine (2409), two thousand six hundred two (2602), two thousand six hundred four (2604), two thousand six hundred six (2606), and two thousand eight hundred one (2801), are amended by sections two (2) through twenty-eight (28) of this Act as follows:

Sec. 2. Section one hundred seven (107):

SEC. 107. NEW SECTION. FELONY DEFINED AND CLASSIFIED. A public offense is a felony of a particular class, when the statute defining the crime declares it to be a felony. Felonies are class A felonies, class B felonies, class C felonies, and class D felonies. Where the statute defining the offense declares it to be a felony, but does not state

what class of felony it is ~~not~~ provide for a specific penalty, ~~such that~~ felony shall be a class D felony.

Sec. 3. Section two hundred three (203):

SEC. 203. NEW SECTION. ANIMAL. An animal is ~~any~~ a nonhuman, vertebrate.

Sec. 4. Section three hundred four (304), unnumbered paragraph one (1):

An employer, or ~~his~~ an employer's agent, officer, director, or employee who supervises or directs the work of other employees, is guilty of the same public offense committed by an employee acting under ~~his~~ the employer's control, supervision, or direction in any of the following cases:

Sec. 5. Section three hundred five (305), unnumbered paragraph one (1):

A public or private corporation, partnership, or other voluntary association shall ~~be guilty of a public offense~~ have the same level of culpability as an individual committing the crime when any of the following is true:

Sec. 6. Section four hundred eight (408):

SEC. 408. NEW SECTION. ESCAPE FROM PLACE OF CONFINEMENT. A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows or should know is confined on a charge or conviction of a any class of misdemeanor.

Sec. 7. Section five hundred two (502):

SEC. 502. NEW SECTION. RENUNCIATION. It is a defense to a prosecution for solicitation that the defendant, after soliciting another person to commit a felony or aggravated misdemeanor, persuaded the person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) the person's belief that circumstances exist which increase the possibility of detection or apprehension of the defendant

or another or which makes more difficult the consummation of the offense or (b) the person's decision to postpone the offense until another time or to substitute another victim or another but similar objective.

Sec. 8. Section seven hundred eight (708), headnote:

~~NONCONSENSUAL~~ NONCONSENSUAL TERMINATION.

Sec. 9. Section seven hundred nine (709), headnote:

~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE.

Sec. 10. Section seven hundred eleven (711):

SEC. 711. NEW SECTION. ATTEMPT TO COMMIT HOMICIDE MURDER.

A person commits a class C felony when, with the intent to cause the death of any person and not under circumstances which would justify the person's actions, the person does any act by which he or she expects to set in motion a force or chain of events which will cause or result in the death of such other person.

It is not a defense to an indictment for attempt to commit homicide murder that the acts proved could not have caused the death of any person, provided that the actor intended to cause the death of some person by so acting, and the actor's expectations were not unreasonable in the light of the facts known to the actor.

Sec. 11. Division eight (VIII), title:

~~ASSAULT AND BATTERY~~

Sec. 12. Section nine hundred four (904), subsection four (4), is amended by striking unnumbered paragraph three (3).

Sec. 13. Section nine hundred nine (909), subsection two (2):

2. The person knows or reasonably should know that his the act is offensive to the viewer.

Sec. 14. Section one thousand four hundred one (1401), subsections six (6), seven (7), and eight (8):

6. Makes, utters, draws, delivers, or gives any check, draft, or written order on any bank, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, draft or written order will not be paid when presented.

Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the

instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.

7. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

§ 7. Any act that is declared to be theft by any provision of the Code.

Sec. 15. Section one thousand four hundred two (1402), subsection two (2):

2. The theft of any property not exceeding five ~~thousand~~ hundred dollars in value by one who has before been twice convicted of theft, or the theft by any other person of property exceeding five hundred dollars but not exceeding five thousand dollars in value or theft of a motor vehicle as defined in chapter three hundred twenty-one (321) of the Code, irrespective of value, is theft in the second degree. Theft in the second degree is a class D felony.

Sec. 16. Section one thousand four hundred seven (1407):

SEC. 1407. NEW SECTION. OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Any person who shall take possession or control of any railroad vehicle, or any self-propelled vehicle, aircraft, or motor boat, the property of another, without the consent of the owner of such, but without the intent to permanently deprive the owner thereof, shall be guilty of an aggravated misdemeanor. A violation of this section may be proved as a lesser included offense on an indictment or information charging theft.

Sec. 17. Section one thousand four hundred eight (1408), subsection seven (7):

7. Manufactures, sells, or keeps for sale any token or device suitable for the operation of a coin-operated device or vending machine, with the intent that such token or device may be so used, or with the representation that they can be so used; provided, that the owner or operator of any coin-operated device or vending machine may sell slugs or tokens for use in his or her own devices.

Sec. 18. Division fourteen (XIV) is amended by adding the following new section:

NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

1. Except as provided in subsection three (3), it is unlawful for a person knowingly to:

a. Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article without the consent of the owner; or

b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

2. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

3. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

4. A person who violates the provisions of this section is guilty of theft.

Sec. 19. Section one thousand five hundred one (1501), subsection one (1):

1. A check, bill note, draft, bond receipt, or any writing which ostensibly evidences an obligation of, or surrender of right or claim by, the person who has purportedly executed it or authorized its execution. ~~Writing~~ Writing includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

Sec. 20. Section one thousand six hundred seven (1607), subsection two (2), paragraph a:

a. Entering upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, ~~without justification, or without the implied or actual permission of the owner, lessee, or person in lawful possession.~~

Sec. 21. Section one thousand nine hundred one (1901):

SECTION 1901. NEW SECTION. INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. If a person commits an interference with official acts, as defined in this section, and in so doing he purposely inflicts or attempts to inflict serious injury, or displays a dangerous weapon, or is armed with a firearm, he that person commits an aggravated misdemeanor.

Sec. 22. Section one thousand nine hundred six (1906), unnumbered paragraph one (1):

Any person who introduces into any detention facility or correctional institution any weapon, explosive or incendiary substance, rope, ladder, or any instrument or device by which he that person intends to facilitate the escape of any prisoner, or any person who, not being authorized by law, knowingly causes any such weapon, explosive or incendiary substance, rope, ladder, instrument or device to come into the possession of any prisoner, commits the crime of assisting a prisoner to escape which is subject to the following penalties:

Sec. 23. Section two thousand four hundred eight (2408), subsections five (5) and six (6):

5. The issuing officer reasonably determines from competent evidence that the applicant does not constitute a danger to ~~himself or others~~ any person.

6. He The person has never been convicted of any crime defined in division eight (VIII) of this Act chapter, except "assault" as defined in section eight hundred one (801) of this Act chapter and "harrassment" as defined in section eight hundred ~~eight-(808)~~ seven (807) of this Act chapter.

Sec. 24. Section two thousand four hundred nine (2409):

SEC. 2409. NEW SECTION. APPLICATION. No person shall be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state the full name, social security number, residence, and age of the applicant, and shall state whether the applicant has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, and whether he the person has any history of mental illness or repeated acts of violence. Any person who knowingly makes a false statement on such application commits an aggravated misdemeanor.

Sec. 25. Section two thousand six hundred two (2602):

SEC. 2602. NEW SECTION. INCEST. A person, except a child as defined in this Aet chapter, who has sexual intercourse with any person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class D felony.

Sec. 26. Section two thousand six hundred four (2604):

SEC. 2604. NEW SECTION. HUSBAND OR WIFE MAY BE WITNESS. In all prosecutions under ~~section~~ sections two thousand six hundred three (2603), two thousand six hundred five (2605), or two thousand six hundred six (2606) of this Aet chapter, the husband or wife shall be a competent witness for the state and may testify to any relevant acts or communications between them, anything in previous statutes to the contrary notwithstanding, provided, however, that no husband or wife shall be called or compelled to testify against the other under section two thousand six hundred three (2603), two thousand six hundred five (2605), or two thousand six hundred six (2606) of this Aet chapter except upon consent of such witness.

Sec. 27. Section two thousand six hundred six (2606):

SEC. 2606. NEW SECTION. WANTON NEGLECT OF A CHILD MINOR. A person who is the parent or adoptive parent or any person having custody of any child-under-the-age-of-eighteen-years minor commits wanton neglect of a child minor when the person does any of the following:

1. The person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of such ~~child~~ minor.

A parent or adoptive parent or person having custody who provides his or her minor child exclusively with nonmedical treatment by a religious method of healing permitted under the laws of this state shall not, for this reason alone, be considered in violation of this subsection.

2. The person abandons such ~~child~~ minor to fend for himself or herself, knowing that the ~~child~~ minor is unable to do so.

Wanton neglect of a ~~child~~ minor is a serious misdemeanor.

Sec. 28. Section two thousand eight hundred one (2801), subsection seven (7):

7. "Sex act" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia ~~or~~ of another person or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 29. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), sections one hundred four (104), three hundred one (301), three hundred three (303), four hundred two (402), four hundred six (406), four hundred eight (408), four hundred nine (409), four hundred twenty-two (422), four hundred twenty-five (425), four hundred twenty-six (426), five hundred five (505), seven hundred two (702), seven hundred five (705), eight hundred one (801), eight hundred three (803), and eight hundred four (804), division ten (X), sections one thousand one hundred two (1102), one thousand one hundred three (1103), one thousand one hundred six (1106), one thousand one hundred eight (1108), one thousand two hundred two (1202), and one thousand two hundred three (1203), section one thousand three hundred two (1302), Rule fifty-three (53), division fourteen (XIV), sections one thousand four hundred one (1401), one thousand four hundred two (1402), one thousand four hundred three (1403), one thousand four hundred four (1404), one thousand four hundred five (1405), one thousand four hundred six (1406), one thousand four hundred seven (1407), one thousand four hundred nine (1409), one thousand four hundred ten (1410), one thousand four hundred eleven (1411), one

thousand four hundred fifteen (1415), one thousand four hundred seventeen (1417), one thousand four hundred nineteen (1419), one thousand four hundred twenty (1420), one thousand four hundred twenty-two (1422), one thousand four hundred twenty-three (1423), one thousand four hundred twenty-four (1424), one thousand four hundred twenty-five (1425), one thousand four hundred twenty-six (1426), one thousand four hundred twenty-seven (1427), one thousand five hundred seven (1507), one thousand six hundred four (1604), and one thousand nine hundred one (1901), are amended by sections thirty (30) through seventy-eight (78) of this Act as follows:

Sec. 30. Section one hundred four (104), subsection seven (7), paragraphs b, c, and f:

b. Marshals and policemen of cities ~~and towns~~.

c. ~~Special agents appointed by the commissioner of public safety and~~ Peace officer members of the department of public safety, ~~except members of the clerical force,~~ as defined in ~~section ninety-seven-A-point-one-(97A.1), subsection two-(2) chapter eighty (80)~~ of the Code.

~~f. Employees of the director of the department of general services pursuant to section eighteen-point-twelve-(18.12) subsection two-(2) of the Code.~~

Sec. 31. Section one hundred four (104), by adding the following new subsection:

NEW SUBSECTION. "Indictable offense" means an offense other than a simple misdemeanor.

Sec. 32. Section three hundred one (301), subsection one (1), unnumbered paragraph one (1), and subsection two (2):

1. A person is subject to prosecution in this state for an offense which the person commits within or outside this state, by the person's own conduct or that of another for which he or she is legally accountable, if:

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a homicide murder victim is found within the state, the death is presumed to have occurred within the state.

Sec. 33. Section three hundred three (303), by striking subsection five (5) and inserting in lieu thereof the following:

5. If the offense is a traffic offense or a scheduled offense under section seven hundred fifty-three point fifteen

(753.15) of the Code, section seven hundred fifty-three point twenty (753.20) of the Code shall apply.

Sec. 34. Section four hundred two (402):

SEC. 402. NEW SECTION. CONTENTS OF ARREST WARRANT. The warrant must be directed to any peace officer in the state; give the name of the defendant, if known, to the magistrate; if unknown, may designate "name unknown"; and must state by name or general description an offense which authorizes a warrant to issue, the date of issuing it, the county, or city or town where issued, and be signed by the magistrate with the magistrate's name of office.

Sec. 35. Section four hundred six (406):

SEC. 406. NEW SECTION. PERSONS AUTHORIZED TO MAKE AN ARREST. An arrest pursuant to a warrant may shall be made only by a peace officer; in other cases, an arrest may be made by a peace officer or by a private person as provided in this division.

Sec. 36. Section four hundred eight (408), unnumbered paragraph two (2):

At the time of the ~~arrest~~ arrest, the law enforcement officer shall inform the person of:

Sec. 37. Section four hundred nine (409):

SEC. 409. NEW SECTION. INITIAL APPEARANCE OF ARRESTED MATERIAL WITNESS BEFORE MAGISTRATE--~~ARREST-OF-MATERIAL-WITNESS~~. The officer shall, without unnecessary delay, take the person arrested pursuant to section four hundred eight (408) of this chapter before the nearest and or most accessible magistrate to the place where the arrest occurred.

At the appearance before the magistrate, the law enforcement officer shall make a showing to the magistrate, by sworn affidavit, that probable cause exists to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena. The magistrate may order the person released pursuant to chapter two (2), section one thousand one hundred two (1102) of this Act.

Sec. 38. Section four hundred twenty-two (422):

SEC. 422. NEW SECTION. INITIAL APPEARANCE BEFORE MAGISTRATE--ARREST BY WARRANT.

1. Any person arrested in obedience to a warrant shall, without unnecessary delay, be taken before the nearest and or most accessible magistrate to the place where the arrest occurred, and the officer must at the same time deliver to

the magistrate the warrant, with the officer's return thereon endorsed and subscribed by the officer with his or her official title.

2. Where the offense ~~be~~ is bailable, the magistrate shall fix bail giving due consideration to the bail endorsed on the warrant or other conditions stipulated on the warrant for the defendant's appearance in the court which issued the warrant; if such person is not released on bail, the magistrate must redeliver the warrant to the officer, ~~the warrant~~ and the officer shall retain custody of the arrested person until his or her removal to appear before the magistrate who issued the warrant.

3. If the magistrate who issued the warrant is absent or unable to act, the arrested person shall be taken to the nearest ~~and~~ or most accessible magistrate in the judicial district where the offense occurred, and all documents on which the warrant was issued must be sent to such magistrate, or if they cannot be procured, the informant and his or her witnesses must be subpoenaed to make new affidavits.

Sec. 39. Section four hundred twenty-five (425):

SEC. 425. NEW SECTION. BAIL--DISCHARGE. Any magistrate ~~or clerk~~ who receives bail as provided for in sections four hundred twenty-two (422), subsection two (2), and four hundred twenty-three (423), subsection two (2), of this division shall endorse, on the order of commitment or on the warrant, an order for the discharge from custody of the arrested person, who shall forthwith be discharged, and shall transmit by mail, or otherwise, as soon as it can be conveniently done, to the court at which the person is bound to appear, the affidavits, order of commitment or warrant, and discharge, together with the undertaking of bail.

Sec. 40. Section four hundred twenty-six (426):

SEC. 426. NEW SECTION. OFFICER'S RETURN. In all cases, the peace officer, when he or she takes a person committed to the officer under an order as provided in this division before a magistrate ~~or clerk of the district court~~, either for the purpose of giving bail, if bail be taken, or for trial or preliminary examination, must make his or her return on such order, and sign such return with his or her name of office, and deliver the same to the magistrate ~~or clerk~~.

Sec. 41. Section five hundred five (505):

SEC. 505. NEW SECTION. FAILURE TO APPEAR.

4. Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the original citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously. ~~This subsection shall not apply in any case in which the citation alleges a simple misdemeanor and in which the person cited has submitted bond as provided in subsection two (2) of this section.~~

~~2. In the case of a citation which alleges the commission of a simple misdemeanor and in which the person cited has submitted an appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty one point one (321.1) of the Code, the court shall not issue an arrest warrant for failure to appear, but shall order a forfeiture of the bond as provided in subsection four (4) of section one thousand one hundred six (1106) of chapter two (2) of this Act.~~

Sec. 42. Section seven hundred two (702):

SEC. 702. NEW SECTION. FORM OF THE SUMMONS. The summons may be in substantially the following form:

County of _____ (as the case may be.)

"In the name of the people of the State of Iowa:

"To the (naming the corporation) _____.

"You are hereby summoned to appear before me, at (naming the place) on (specifying the day and hour) _____, to answer a charge made against you, upon the complaint of A.B., for (designating the offense, generally.)

"Dated at the city (or town) of _____, the _____ day of _____, _____.

G. H. Magistrate"

(or as the case may be.)

Sec. 43. Section seven hundred five (705), subsection one (1):

1. The clerk of the court wherein such indictment is found or the information filed, or the judge, must issue a summons signed by him or her with his or her name of office, requiring such corporation to appear and plead to the indictment, at a time and place to be specified in such summons, such time to be not less than twenty days after the issue thereof.

The summons may be substantially in the following form:

District Court, _____ County.

The People of the State of Iowa

vs.

The A. B. Company,

You are hereby summoned to appear in this court at (naming the place) on (stating the day and hour), and plead to an indictment filed against you by the grand jury of this county, on the ____ day of _____, charging you with the crime of (Designating the offense, generally), and in case of your failure to so appear and answer, judgment will be pronounced against you.

Dated at the city ~~(or-town)~~ of _____,
the ____ day of _____, _____.

C.D.,

Clerk of the District Court.

(or by order of the court)

Sec. 44. Section eight hundred one (801), subsection one (1):

1. "Search warrant" means an order in writing pursuant to the requirements of section eight hundred three (803) of this chapter, in the name of the state, signed by a magistrate, and directed to a peace officer commanding him or her to search a person, premises, or thing.

Sec. 45. Section eight hundred three (803):

SEC. 803. NEW SECTION. APPLICATION FOR SEARCH WARRANTS. Any person may make application for the issuance of a search warrant by submitting before any magistrate a written application, supported by the person's oath or affirmation, and setting forth therein facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that such grounds exist. The application shall describe the person, place, or thing to be searched and the property to be

seized with such specificity so as to enable an independent reasonable man with reasonable effort to ascertain and identify such person, place, or thing. If the magistrate thereafter issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue such warrant together with the abstract of each witness' testimony, or his or her affidavit. However, if the grounds for issuance ~~is~~ are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given. The magistrate may in his or her discretion require that any witness upon whom the applicant relies for information ~~to~~ appear personally and be examined concerning such information.

Sec. 46. Section eight hundred four (804):

SEC. 804. NEW SECTION. ISSUANCE. Upon a finding of probable cause for grounds to issue a search warrant, the magistrate shall issue a warrant, signed by the magistrate with his or her name of office, directed to any authorized person peace officer, ~~commanding the person that~~ peace officer forthwith to search the named person, place, or thing within the state for the property specified, and to bring any property seized before the magistrate.

Sec. 47. Division ten (X), title:

~~LINEUP-AND~~ NONTESTIMONIAL IDENTIFICATION

Sec. 48. Section one thousand one hundred two (1102), subsection six (6), paragraphs a and b:

a. A defendant who is detained, or whose release on a condition requiring the defendant to return to custody after specified hours is continued, after review of the defendant's application pursuant to subsections three (3) or five (5) of this section, by a magistrate, other than a district ~~court~~ judge or district associate judge having original jurisdiction of the offense with which ~~he~~ the defendant is charged, may make application to a district ~~court~~ judge or district associate judge having jurisdiction to amend the order. Said motion shall be promptly set for hearing and a record made thereof.

b. In any case in which a court denied a motion under paragraph a of this subsection to amend an order imposing conditions of release, or a defendant is detained after conditions of release have been imposed or amended upon such a motion, an appeal may be taken ~~to the supreme court~~ from the district court. The appeal shall be determined summarily,

without briefs, on the record made. However, the defendant may elect to file briefs and may be heard in oral argument, in which case the prosecution shall have a right to respond as in an ordinary appeal from a criminal conviction. The supreme appellate court may, on its own motion, order the parties to submit briefs and set the time in which such briefs shall be filed. Any order so appealed shall be affirmed if it is supported by the proceeding below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the defendant released pursuant to subsection one (1) of this section.

Sec. 49. Section one thousand one hundred three (1103), subsection one (1):

1. Insurance companies doing business in this state under the provisions of section five hundred fifteen point forty-eight (515.48), subsection two (2) of the Code, may act as surety. Resident property owners of property which is located within the state, and which is worth the amount specified in the undertaking, may act as surety, and must in all cases justify by an affidavit taken before an officer authorized to administer oaths that such surety possesses such qualifications.

Sec. 50. Section one thousand one hundred six (1106), subsections one (1), three (3), and four (4):

1. A defendant released pursuant to this division shall appear at arraignment, trial, judgment, or such other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when his or her personal appearance is lawfully required, or to surrender himself or herself in execution of the judgment, the court must direct an entry of such failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of such entry, except as provided in rule ~~forty-three-(43)~~ fifty-three (53), rules of criminal procedure, the court shall direct the sheriff of the county to give ten days' notice in writing to the defendant and his or her sureties to appear and show cause, if any, why judgment should not be entered for the amount of such bail. If such appearance is not made, judgment shall be entered by the court. If such appearance is made, the court shall set the case down for immediate hearing as an ordinary action.

3. The court may, upon application, set aside such judgment if, within sixty days from the date thereof, the defendant shall voluntarily surrender himself or herself to the sheriff of the county, or his or her bondsmen sureties shall, at their own expense, deliver the defendant to the custody of the sheriff. Such judgment shall not be set aside, however, unless as a condition precedent thereto, the defendant and the defendant's sureties shall have paid all costs and expenses incurred in connection therewith.

~~4. The provisions of subsections one (1), two (2) and three (3) of this section shall not apply to a case in which a simple misdemeanor is charged by police citation pursuant to section five hundred five (505) of chapter two (2) of this Act or by uniform citation and complaint pursuant to section seven hundred fifty-three point fifteen (753.15) of the Code, and in which the defendant has submitted appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code. Where a defendant fails to appear as required in such a case, the court shall enter a judgment of forfeiture of the bond which shall be final upon entry and shall not be set aside.~~

Sec. 51. Section one thousand one hundred eight (1108):

SEC. 1108. NEW SECTION. SURRENDER OF DEFENDANT.

1. At any time before the forfeiture of ~~the defendant's~~ the undertaking, the ~~bail~~ surety may surrender the defendant, or the defendant may surrender himself or herself, to the officer to whose custody the defendant was committed at the time of giving bail, and such officer shall detain the defendant as upon a commitment and must, upon such surrender and the receipt of a certified copy of the undertaking of bail, acknowledge the surrender by a certificate in writing.

2. Upon the filing of the undertaking and the certificate of the officer, or the certificate of the officer alone if money has been deposited instead of bail, the court or clerk shall immediately order return of the money deposited to the person who deposited the same, or order an exoneration of the bondsmen surety.

3. For the purpose of surrendering the defendant, the ~~bail~~ surety, at any time before finally charged and at any place within the state, may arrest the defendant, or, by a written authority endorsed on a certified copy of the

undertaking, may empower any person of suitable age and discretion to do so.

Sec. 52. Section one thousand two hundred two (1202), subsection three (3):

3. The person shall be entitled to representation by counsel, including appointed counsel for indigent persons, and shall be entitled to the right of cross-examination and to present information, to testify, and to present witnesses in his or her own behalf.

Sec. 53. Section one thousand two hundred three (1203):

SECTION 1203. NEW SECTION. MENTAL INCOMPETENCY OF ACCUSED. If at any stage of a criminal proceeding it reasonably appears that the defendant is suffering from a mental disorder which prevents him or her from appreciating the charge ~~against him~~, understanding the proceedings, or assisting effectively in ~~his~~ the defense, further proceedings must be suspended and a hearing had upon that question.

Sec. 54. Section one thousand three hundred two (1302), Rule fifty-three (53):

Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE. In a specified simple misdemeanor other than one charged upon a uniform citation and complaint a court may accept a forfeiture of collateral security in lieu of appearance, as a proper disposition of a case, ~~except for nonscheduled traffic violations~~. Each judicial district, by action of a majority of the district judges, may determine the misdemeanors subject to such disposition and promulgate by rule a list of same and disseminate to all magistrates in the district. A copy of such rule shall be transmitted to the clerk of the supreme court. Prior to termination of the case by forfeiture under this rule, the defendant must execute a written request for same. Unless vacated upon application within thirty days of the forfeiture, such forfeiture shall constitute a conviction in satisfaction.

In the event a simple misdemeanor is charged upon the uniform citation and complaint defined in section seven hundred fifty-three point thirteen (753.13) of the Code and the defendant either has submitted unsecured appearance bond as provided in that section or has submitted bail as provided in subsection three (3) of section seven hundred fifty-three point sixteen (753.16) of the Code, the court may enter a conviction pursuant to his or her written appearance and may enter a judgment of forfeiture of the collateral in

satisfaction of the judgment and sentence; provided that if the defendant submitted unsecured appearance bond or if bail remains uncollected, execution may issue upon the judgment of the court at any time after entry of the judgment.

Sec. 55. Division fourteen (XIV), title:

APPEALS IN-THE-SUPREME-COURT FROM THE DISTRICT COURT

Sec. 56. Section one thousand four hundred one (1401):

SECTION 1401. NEW SECTION. DEFINITION OF APPEAL AND DISCRETIONARY REVIEW. For the purposes of this division, unless the context otherwise requires:

1. "Appeal" is the right of both the defendant and the state to have specified actions of the ~~lower~~ district court considered by ~~the-supreme~~ an appellate court.

2. "Discretionary review" is the process by which ~~the supreme~~ an appellate court may exercise its discretion, in like manner as under the rules pertaining to interlocutory appeals and certiorari in civil cases, to review specified matters not subject to appeal as a matter of right. The supreme court may adopt additional rules to control access to discretionary review.

Sec. 57. Section one thousand four hundred two (1402):

SEC. 1402. NEW SECTION. PARTIES--HOW DESIGNATED ON APPEAL. The party seeking review shall be known as the appellant and the adverse party as the appellee, but the title of the action shall not be changed from that in the district court ~~below~~.

Sec. 58. Section one thousand four hundred three (1403):

SEC. 1403. NEW SECTION. APPEALS IN CASES INVOLVING MORE THAN ONE DEFENDANT. When defendants are tried jointly, they may seek discretionary review or may appeal separately or ~~they~~ may join. The ~~supreme~~ appellate court may, in the interest of justice, consolidate appeals or applications for discretionary review.

Sec. 59. Section one thousand four hundred four (1404):

SEC. 1404. NEW SECTION. PERFECTION OF AN APPEAL AND APPLICATION FOR DISCRETIONARY REVIEW. An appeal is perfected by filing a written notice within sixty days after judgment or order with the clerk of the district court wherein the judgment or order was issued. Application for discretionary review is made by filing a written notice within ten days after judgment or order with the clerk of the district court wherein the judgment or order was issued.

Sec. 60. Section one thousand four hundred five (1405), subsection one (1), unnumbered paragraph one (1):

Appeal Right of appeal is granted the state from:

Sec. 61. Section one thousand four hundred six (1406), subsection one (1), unnumbered paragraph one (1) and paragraph b:

Appeal Right of appeal is granted the defendant from:

b. An order for the commitment of the defendant for insanity or drug addiction, ~~or an order for the indeterminate commitment of the defendant as a mentally disordered sex offender.~~

Sec. 62. Section one thousand four hundred seven (1407):

SEC. 1407. NEW SECTION. DUTY OF CLERK WHEN APPEAL IS PERFECTED OR APPLICATION MADE. When an appeal or an application for discretionary review is filed, the clerk of the court in which the judgment or order was rendered shall:

1. Immediately prepare and transmit to the adverse party and his or her attorney of record, and if the defendant is the moving party, to the attorney general and the clerk of the supreme appellate court, a true copy of the notice of appeal or application, together with the date of filing.

2. Immediately prepare and transmit to the clerk of the supreme appellate court and the attorney general a transcript of all record entries relevant to the appeal or application, together with copies of all papers in the case on file in the clerk's office, except those returned by the examining magistrate on the preliminary examination, all duly certified under seal of his or her court.

Sec. 63. Section one thousand four hundred nine (1409):

SEC. 1409. NEW SECTION. INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a defendant in a criminal cause has perfected an appeal from a judgment against him or her and shall satisfy the judge of the ~~lower~~ district court that he or she is indigent, such judge may order the transcript made at the expense of the county where the defendant was tried. When an attorney of record is representing such indigent, said attorney shall make application to the ~~lower~~ district court for the transcript.

Sec. 64. Section one thousand four hundred ten (1410):

SEC. 1410. NEW SECTION. INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause has been granted discretionary review from an action of a ~~lower the~~ district court ~~by the supreme court~~ and the supreme appellate court deems a transcript or portions thereof are necessary to proper review of the question or questions raised, the ~~judge of the lower~~ district court shall order the

transcript made at the expense of the county where the defendant was tried, if the defendant is indigent.

Sec. 65. Section one thousand four hundred eleven (1411):

SEC. 1411. NEW SECTION. INDIGENT'S RIGHT TO COUNSEL.

An indigent defendant is entitled to appointed counsel on the appeal of all indictable offenses. Such appointment is subject to ~~the rules and regulations which are or may be promulgated by~~ of the supreme court ~~of the state~~.

Sec. 66. Section one thousand four hundred fifteen (1415):

SEC. 1415. NEW SECTION. APPEALS AND APPLICATIONS, WHEN

DOCKETED, WHEN DETERMINED. When a proper appeal is perfected in a criminal case and the clerk's transcript of the record as required by section one thousand four hundred seven (1407) of this division is filed in the supreme appellate court, the cause shall be docketed. Such causes shall take precedence over other business, and the supreme appellate court shall hear and determine appeals in criminal actions at the earliest time it may be done considering the rights of parties and proper administration of justice. A similar rule shall apply to applications for discretionary review.

Sec. 67. Section one thousand four hundred seventeen (1417):

SEC. 1417. NEW SECTION. PERSONAL APPEARANCE OF THE

DEFENDANT. The personal appearance of the defendant in the supreme appellate court on the trial of an appeal, or upon the hearing of a matter of discretionary review, is in no case necessary.

Sec. 68. Section one thousand four hundred nineteen (1419):

SEC. 1419. NEW SECTION. HEARING IN THE SUPREME APPELLATE

COURT, RULES OF PROCEDURE. The record and case shall be presented to the supreme appellate court as provided ~~by its rules in the rules of appellate procedure;~~ and the provisions of law in civil procedure relating to the filing of decisions and opinions of the supreme appellate court shall apply in such cases.

Sec. 69. Section one thousand four hundred twenty (1420):

SEC. 1420. NEW SECTION. DECISIONS ON APPEALS OR

APPLICATIONS BY DEFENDANT. An appeal or application taken by the defendant shall not be dismissed for an informality or defect in taking it if corrected as directed by the supreme appellate court. The supreme appellate court, after an examination of the entire record, may dispose of the case by affirmation, reversal or modification of the ~~lower~~ district

court judgment. It may also dismiss the appeal or application if it determines that there has been no substantial miscarriage of justice, and no violation of the rights of the accused, and that the arguments do not present definite grounds for a hearing. The supreme appellate court may also order a new trial, or reduce the punishment, but cannot increase it.

Sec. 70. Section one thousand four hundred twenty-two (1422):

SEC. 1422. NEW SECTION. REVERSAL--EFFECT. If a judgment against the defendant is reversed, such reversal shall be deemed an order for a new trial, unless the supreme appellate court shall direct a different disposition. In reversing the case, the supreme appellate court may direct that the defendant be discharged and the defendant's bail exonerated, or if money is deposited instead, that it be returned to the defendant.

Sec. 71. Section one thousand four hundred twenty-three (1423):

SEC. 1423. NEW SECTION. AFFIRMANCE--EFFECT. On a judgment of affirmance against the defendant, the original judgment shall be carried into execution as the supreme appellate court shall direct.

Sec. 72. Section one thousand four hundred twenty-four (1424):

SEC. 1424. NEW SECTION. DECISION RECORDED AND TRANSMITTED. The decision of the supreme appellate court with any opinion filed or judgment rendered must be recorded by its clerk. After the expiration of the period allowed for a rehearing, or as ordered by the court or provided by its rules, a certified copy of the decision and opinion shall be transmitted to the clerk of the trial district court, filed and entered of record by the clerk.

Sec. 73. Section one thousand four hundred twenty-five (1425):

SEC. 1425. NEW SECTION. JURISDICTION OF APPELLATE COURT CEASES AFTER JUDGMENT. The jurisdiction of the supreme appellate court shall cease after the certified copy of the decision and opinion is transmitted to the clerk of the trial district court. All proceedings for executing the judgment shall be had in the trial district court or by its clerk.

Sec. 74. Section one thousand four hundred twenty-six (1426):

SEC. 1426. NEW SECTION. JUDGMENT ENFORCED. Unless some proceeding in the district court is directed, ~~a copy~~ copies of the judgment of the ~~trial~~ district court and of the decision on appeal or review, or a copy of the judgment and decision on appeal or review, certified by the clerk of the ~~trial~~ district court, shall be delivered to the sheriff or proper officer as an execution. He shall be authorized to execute the judgment of the court, or take any legal measures required to bring the action to a conclusion.

Sec. 75. Section one thousand four hundred twenty-seven (1427):

SEC. 1427. NEW SECTION. TIME OF CONFINEMENT DEDUCTED. A defendant, confined during the pendency of an unsuccessful review or appeal, or convicted at a new trial ordered by the supreme appellate court, shall have the period of his or her former confinement deducted from the period of confinement fixed on the last verdict of conviction by the district court.

Sec. 76. Section one thousand five hundred seven (1507):

SEC. 1507. NEW SECTION. FEES TO ATTORNEYS. An attorney appointed by the court to represent any person charged with a crime in this state shall be entitled to a reasonable compensation which shall be the ordinary and customary charges for like services in the community to be decided in each case by the district ~~court~~ judge, including such sum or sums as the court may determine are necessary for investigation in the interests of justice and in the event of appeal the cost of obtaining the transcript of the trial and the printing of the trial record and necessary briefs in behalf of the defendant. Such attorney need not follow the case into another county or into the supreme appellate court unless so directed by the court at the request of the defendant, where grounds for further litigation are not capricious or unreasonable, but if such attorney does so his or her fee shall be determined accordingly. Only one attorney fee shall be so awarded in any one case except that in class A felony cases, two may be authorized.

Sec. 77. Section one thousand six hundred four (1604):

SEC. 1604. NEW SECTION. TRIAL OF FORMER JEOPARDY ISSUE. When the defendant's only plea to the indictment is a former conviction or acquittal, the order of trial prescribed in rule eighteen (18), rules of criminal procedure, shall be reversed, and the defendant shall first offer ~~his~~ the evidence in support of ~~his~~ the defense.

Sec. 78. Section one thousand nine hundred one (1901), subsection two (2):

2. A judge of a court of record in the other state certifies under the seal of such court that there is a criminal action pending in such court or that a grand jury investigation has commenced; that a person residing or physically present within this state is a material witness in such action or grand jury investigation; and that ~~his~~ the person's presence will be required for a number of days which shall be specified in such certification.

Sec. 79. Chapter two (2) is amended by adding the following new section to division five (V):

SEC. ____ . NEW SECTION. OTHER CITATION FORMS. The provisions of sections three hundred twenty-one point four hundred eighty-five (321.485) through three hundred twenty-one point four hundred eighty-seven (321.487) of the Code shall govern with respect to offenses charged in the manner provided in section three hundred twenty-one point four hundred eighty-five (321.485) of the Code. The provisions of chapter seven hundred fifty-three (753) of the Code shall govern with respect to offenses chargeable upon a uniform citation and complaint.

Sec. 80. Chapter two (2) is amended by adding the following new section to division eleven (XI):

SEC. ____ . NEW SECTION. FORFEITURE OF APPEARANCE BOND. Sections one thousand one hundred six (1106), one thousand one hundred seven (1107), and one thousand one hundred eight (1108) of this chapter shall not apply in a case where a scheduled offense is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section seven hundred fifty-three point twenty-one (753.21) of the Code, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code. When a defendant fails to appear as required in such cases, the court shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside.

Sec. 81. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), sections one hundred two (102), one hundred five (105), three hundred three (303), six hundred four (604), six hundred eight (608), six hundred fourteen (614), seven hundred two (702), seven hundred three (703), seven hundred

seven (707), seven hundred eight (708), eight hundred five (805), eight hundred six (806), and eight hundred eight (808), are amended by sections eighty-two (82) through ninety-four (94) of this Act as follows:

Sec. 82. Section one hundred two (102), unnumbered paragraph one (1):

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any public offense may be rendered, the court shall receive from the state and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources, ~~and if the offense is a felony, shall order that a presentence investigation be made. If the offense is not a felony, the court may, in its discretion, order that a presentence investigation be made whenever the maximum period of confinement which may be imposed is in excess of thirty days.~~ The court shall order a presentence investigation when the offense is a class B, class C, or class D felony. The court may order a presentence investigation when the offense is an aggravated or serious misdemeanor.

Sec. 83. Section one hundred five (105), subsection two (2):

2. If the defendant is ~~neither a dangerous offender nor an incorrigible~~ not an habitual offender as defined by ~~sections section~~ section two hundred eight (208) ~~and two hundred ten (210)~~ of this chapter, the court may pronounce judgment and impose a fine.

Sec. 84. Section three hundred three (303):

SEC. 303. NEW SECTION. WORK-RELEASE. The court may direct that a prisoner, sentenced to confinement for ninety days or less, or a prisoner who has served all but ninety days or less of his or her sentence, be released from custody during specified hours, as provided by sections three hundred fifty-six point twenty-six (356.26) through three hundred fifty-six point ~~thirty-six (356.36)~~ thirty-five (356.35) of the Code.

Sec. 85. Section six hundred four (604):

SEC. 604. NEW SECTION. PAROLE PROCEDURE. Within one year after the commitment of any person other than a class A felon to the custody of the director of the division of adult corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one

year, the board shall interview the person and consider his or her prospects for parole. At such time, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of such person, the person's conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of his or her sentence. Every person while on parole shall be under the supervision of the department of social services, which shall prescribe regulations for governing persons on parole. The board may adopt ~~such~~ other rules not inconsistent with the above as it may deem proper or necessary for the performance of its functions.

Sec. 86. Section six hundred eight (608), headnote:
CLOTHING, TRANSPORTATION, AND MONEY.

Sec. 87. Section six hundred fourteen (614):

SEC. 614. NEW SECTION. PAROLE TIME COUNTED. The time when a prisoner is on parole from the institution shall be held to apply upon the sentence against the parolee even if the parole is subsequently revoked, except that the time when the parolee is in violation of the terms of ~~his~~ the parole agreement shall not apply upon the sentence.

The time when a prisoner is absent from the institution by reason of an escape shall not apply upon the sentence against the prisoner.

Sec. 88. Section seven hundred two (702), subsection one (1), is amended by striking paragraph b.

Sec. 89. Section seven hundred three (703):

SEC. 703. NEW SECTION. DEFERRED JUDGMENT DOCKET. Any deferment of judgment under ~~this-subsection~~ section seven hundred two (702) of this chapter shall be reported promptly to the supreme court administrator who shall maintain a permanent record thereof including the name of the defendant, the district court docket number, the nature of the offense, and the date of the deferment. Before granting deferment in any case, the court shall request of the supreme court

administrator a search of the deferred judgment docket and shall consider any prior record of a deferment of judgment against the defendant. The permanent record provided for in this ~~subsection~~ section shall constitute a confidential record exempted from public access under section sixty-eight A point seven (68A.7) of the Code and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges, and judicial magistrates requesting information pursuant to this ~~subsection~~ section.

Sec. 90. Section seven hundred seven (707), subsection three (3), unnumbered paragraph two (2):

In each case wherein the court shall order said person committed to the custody, care, and supervision of the probation and parole service, the clerk of the district court shall at once furnish the chief parole officer with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the chief parole officer, by letter, that the defendant has been placed under the supervision of the probation and parole service and give to the chief parole officer a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the probation and parole service for the defendant's employment and he or she has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to his or her whereabouts.

Sec. 91. Section seven hundred eight (708):

SEC. 708. NEW SECTION. DISCHARGE FROM PROBATION. At any time that the court determines that the purposes of probation have been fulfilled, the court may order the discharge of any person from probation. At the expiration of the period of probation, in cases where the court fixes the term of probation, the court shall order the discharge of such person from probation, and the court shall forward to the governor a recommendation for or against restoration of citi-

zenship rights to such person. A person who has been discharged from probation shall no longer be held to answer for his or her offense. Upon discharge from probation, if judgment has been deferred under section seven hundred two (702) of this division, the court's criminal record with reference to the deferred judgment shall be expunged. The record maintained by the supreme court administrator as required by section seven hundred three (703) of this division shall not be expunged. The court's record shall never not be expunged in any other circumstances except-as-provided in-section-six-hundred-two-point-fifteen-(692-15)-of-the-Code.

Sec. 92. Section eight hundred five (805):

SEC. 805. NEW SECTION. WAIVER OF PROBABLE CAUSE HEARING. The alleged parole violator may waive the probable cause hearing, in which event the magistrate shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the magistrate shall inform the alleged violator of the charge against-him-or-her, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that he-or-she-has-violated-his-or-her parole has been violated, and that if the alleged-violator-waives the hearing that-he-or-she is waived, the alleged violator will be committed to the custody of the department of social services without further proceedings, to await the determination of his-future-status-by the parole board. The magistrate shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 93. Section eight hundred six (806):

SEC. 806. NEW SECTION. DISPOSITION BY MAGISTRATE. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of his-or-her parole, the magistrate shall order the arrested person to be released from custody and continued on parole. If it appears that there is probable cause to believe that the arrested person has violated the conditions of his-or-her parole, the magistrate shall commit the arrested person to the custody of the department of social services, and the procedure prescribed in section one hundred seven (107) of this chapter shall apply to such commitment; or the magistrate may admit the arrested person to bail as provided in section eight hundred two (802) of this chapter. The magistrate shall make a summary of the testimony and other evidence considered by-the-liaison-officer and a statement of the facts relied

on ~~by-the-liaison-officer~~ as a basis for ~~his-or-her~~ the finding of probable cause or no probable cause, and shall without delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged parole violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 94. Section eight hundred eight (808):

SEC. 808. NEW SECTION. PROCEEDING WITHOUT ARREST. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on such charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the magistrate on a finding of no probable cause. The presence of the alleged violator at such hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and ~~his-or-her~~ the parole officer shall give the alleged violator such assistance as ~~he-or-she-may-need~~ is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If ~~he-or-she~~ the alleged violator fails without good cause to appear as commanded by the summons, such failure shall be considered a violation of the parole, and the board may proceed to revoke ~~his-or-her~~ parole. If the parole is revoked, the board shall issue a warrant for ~~his-or-her~~ the person's arrest and return to the custody of the department of social services. Upon his or her return to custody, the board shall, upon request, give ~~him-or-her~~ the person an opportunity to present any matters in defense or mitigation of ~~his~~ the conduct ~~if-he-so-requests~~.

Sec. 95. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections seventy-eight (78), one hundred forty (140), two hundred thirty-one (231), two hundred forty-two (242), two hundred eighty-one (281), three hundred twenty-nine (329), three hundred seventy-eight (378), four hundred ninety-one (491), five hundred sixteen (516), five hundred seventeen (517), five hundred eighteen (518), five hundred nineteen (519), and five hundred twenty-five (525), are amended by sections ninety-seven (97) through one hundred three (103), and sections one hundred five (105) through one hundred eleven (111) of this Act as follows:

Sec. 96. Section ninety-nine B point eleven (99B.11), subsection two (2), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. Cribbage, bridge, chess, checkers, dominoes, pinochle and similar contests, leagues or tournaments. The provisions of this paragraph are retroactive to August 15, 1975.

Sec. 97. Section seventy-eight (78), amending section one hundred three A point twenty-one (103A.21), subsection two (2), unnumbered paragraph two (2) of the 1975 Code:

Violations of this section shall be simple misdemeanors, ~~and magistrates¹ and district associate judges¹ courts shall have exclusive jurisdiction to originally hear and determine charges of violations.~~

Sec. 98. Section one hundred forty (140), amending section one hundred thirty-five C point twenty-one (135C.21) of the 1975 Code is amended by striking the section and inserting in lieu thereof the following:

SEC. 140. Section one hundred thirty-five C point twenty-one (135C.21), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Any person establishing, conducting, managing, or operating any health care facility without a license shall be guilty of a serious misdemeanor ~~and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not more than six months, or both.~~ Each day of continuing violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. Any such person establishing, conducting, managing or operating any health care facility without a license may be by any court of competent jurisdiction temporarily or permanently restrained therefrom in any action brought by the state.

2. Any person who prevents or interferes with or attempts to impede in any way any duly authorized representative of the department or of any of the agencies referred to in section 135C.17 in the lawful enforcement of this chapter or of the rules adopted pursuant to it is guilty of a simple misdemeanor ~~and upon conviction shall be subject to a fine of not less than fifty nor more than five hundred dollars or imprisonment in the county jail for not more than ninety days or both.~~

As used in this subsection, lawful enforcement includes but is not limited to:

Sec. 99. Section two hundred thirty-one (231), amending section two hundred four point four hundred ten (204.410) of the 1975 Code:

SEC. 231. Section two hundred four point four hundred ten (204.410), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver a controlled substance, if the prosecution proves that the defendant violated the provisions of section two hundred four point four hundred one (204.401), subsection one (1), of the Code, but fails to prove that the defendant delivered or possessed with intent to deliver the controlled substance for the purpose of making a profit, the defendant shall be guilty of an accommodation offense and shall be sentenced as if ~~he had been~~ convicted of a violation of section two hundred four point four hundred one (204.401), subsection three (3) of the Code. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver a controlled ~~substance~~ substance in violation of section two hundred four point four hundred one (204.401), subsection one (1), of the Code.

The effective date of this section shall be July 1, 1976.

Sec. 100. Section two hundred forty-two (242), amending section two hundred seventeen point fourteen (217.14), subsection seven (7), unnumbered paragraph two (2) of the 1975 Code:

SEC. 242. Section two hundred seventeen point fourteen (217.14), subsection seven (7), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The commissioner of social services may establish for any inmate sentenced pursuant to chapter three (3), section two hundred ~~two-(202)~~ three (203) of this Act a furlough program under which inmates sentenced to and confined in an institution under the jurisdiction of the department of social services may be temporarily released. Furloughs for a period not to exceed fourteen days may be granted when an immediate member of the inmate's family is seriously ill or has died, when an inmate is to be interviewed by a prospective employer, or when an inmate is authorized to participate in a training program not available within the institution. Furloughs for

a period not to exceed fourteen days may also be granted in order to allow the inmate to participate in programs or activities that serve rehabilitative objectives. The commissioner of social services shall promulgate rules and regulations to carry out the provisions of this paragraph.

Sec. 101. Section two hundred eighty-one (281), amending section three hundred twenty-one point two hundred eighteen (321.218) of the 1975 Code:

SEC. 281. Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended to read as follows:

321.218 DRIVING WHILE LICENSE DENIED, SUSPENDED OR REVOKED. Any person whose operator's or chauffeur's license or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a simple misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of chapter three (3), section ~~789A-4~~ seven hundred two (702) of this Act or any other provision of statute. The department, upon receiving the record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was suspended or revoked, shall extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during such additional period.

Sec. 102. Section three hundred twenty-nine (329), amending section three hundred fifty-six A point three (356A.3) of the 1975 Code:

SEC. 329. Section three hundred fifty-six A point three (356A.3), Code 1975, is amended to read as follows:

356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any ~~municipal-or~~ district court judge may sentence and commit a person to a facility established and maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A district court judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon his or her own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the ~~detention~~ detention

or commitment; that the detained or committed person shall abide by the terms and conditions of this chapter and the rules ~~and regulations~~ of the facility to which committed or transferred. The order shall be read to the detained, committed or transferred person in open court. The committing court or a district ~~court~~ judge may order any person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines such person has been refractory, or disorderly, has willfully destroyed or injured any property in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules ~~and regulations~~ of the facility wherein the person was detained or committed. Any violations of the order of detention, commitment, or transfer shall further be punished as contempt of court pursuant to chapter 665. The provisions of chapter one (1), section one thousand nine hundred four (1904) of this Act shall be applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged shall be liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining such person in the facility. The county's expense shall be levied and paid out of the court expense fund pursuant to section 444.10.

Sec. 103. Section three hundred seventy-eight (378), amending section four hundred seventy-seven point fifteen (477.15) of the 1975 Code, is amended by striking section three hundred seventy-eight (378) and inserting in lieu thereof the following:

SEC. 378. Section three hundred twenty-seven F point nine (327F.9), Code 1977, is amended to read as follows:

327F.9 VIOLATIONS. Any railroad corporation operating a train or engine using any freight car, caboose, or other car contrary to the provisions of sections 327F.6 and 327F.7 shall be guilty of a public offense and shall be subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense, and moneys so collected shall be credited to the railroad assistance fund.

Sec. 104. Section six hundred two point forty-two (602.42), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. A member of a judicial magistrate nominating commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements shall be payable out of the court expense fund of the county in which the member serves, upon certification of such expenses to the county auditor by the district court clerk. Each judicial district may make rules under rule three hundred seventy-two (372) of the rules of civil procedure to provide for the administration of this subsection.

Sec. 105. Section four hundred ninety-one (491), amending section six hundred seven point two (607.2) of the 1975 Code:

SEC. 491. Section six hundred seven point two (607.2), Code 1975, is amended by striking ~~subsections-three-(3),-four-(4),-five-(5),-and~~ subsection six (6).

Sec. 106. Chapter four (4) is amended by striking section five hundred sixteen (516) and inserting in lieu thereof the following:

SEC. 516. Section seven hundred fifty-three point thirteen (753.13), Code 1977, and the division title immediately preceding that section are amended by striking those provisions and inserting in lieu thereof the following:

TRAFFIC AND SCHEDULED VIOLATIONS

753.13 UNIFORM CITATION AND COMPLAINT.

1. a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section seven hundred fifty-three point fifteen (753.15) of the Code to be scheduled violations. This subsection shall not be deemed to prevent the charging of any of those violations by information, by private complaint filed under the provisions of division four (IV) of chapter two (2) of this Act, or by a simple notice of fine where permitted by subsection one (1) of section three hundred twenty-one point two hundred thirty-six (321.236) of the Code. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of

the uniform citation and complaint in accordance with section three hundred twenty-one point two hundred seven (321.207) of the Code when applicable. The uniform citation and complaint shall contain spaces for the parties names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section five hundred two (502) of chapter two (2) of this Act; a promise to appear as provided in section five hundred three (503) of chapter two (2) of this Act and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section seven hundred fifty-three point fifteen (753.15) of the Code, either separately or by group, and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, shall be five dollars; a brief explanation of sections seven hundred fifty-three point sixteen (753.16) and seven hundred fifty-three point seventeen (753.17) of the Code; a space where the defendant may sign an admission of the violation when permitted by section seven hundred fifty-three point sixteen (753.16) of the Code; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine.

b. The uniform citation and complaint shall contain the following statement with a space immediately below it for the signature of the person being charged:

"I hereby give my unsecured appearance bond in the amount of _____ dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty plus court costs."

c. Unless the officer issuing the citation arrests the alleged offender, or permits admission or requires submission of bail as provided in subsection three (3) of section seven hundred fifty-three point sixteen (753.16) of the Code, the officer shall enter in the blank contained in the statement required by paragraph a of this subsection one of the following

amounts and shall require the person to sign the written appearance:

(1) If the offense is one to which a scheduled fine is applicable, an amount equal to one and one-half times the scheduled fine plus five dollars costs; or

(2) If the offense is one for which a court appearance is mandatory, the amount of one hundred dollars plus five dollars costs.

d. The written appearance defined in paragraph b of this subsection shall not be used for any offense other than a simple misdemeanor.

2. In addition to those violations which are required by subsection one (1) of this section to be charged upon a uniform citation and complaint, a violation of chapter three hundred twenty-one (321) of the Code which is punishable as a simple, serious, or aggravated misdemeanor may be charged upon a uniform citation and complaint, whether or not the alleged offender is arrested by the officer making the charge.

3. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the court expense fund of the county. Supplies of the uniform citation and complaint for all other agencies shall be paid for out of the budget of the agency concerned.

4. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified before the chief officer of the law enforcement agency, or his or her designee, and the chief officer of each law enforcement agency of the state is authorized to designate specific individuals to administer oaths and certify verifications.

5. The commissioner of public safety and the state conservation director, acting jointly, shall design and publish a compendium of scheduled violations and scheduled fines, containing other information which they deem appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the department of public safety and out of the budget of the state conservation commission, each budget being liable for half of those costs. Copies shall be made available to individuals upon request, and a charge may be collected which does not exceed the cost of printing.

6. Nothing contained in this section shall be deemed to invalidate forms of uniform citation and complaint in existence prior to January 1, 1978. Existing forms may be used until supplies are exhausted.

Sec. 107. Section five hundred seventeen (517), amending section seven hundred fifty-three point fourteen (753.14), subsection two (2) of the 1975 Code:

2. COLLECTION BOXES. The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations. Such boxes shall be used solely for the deposit of fines and costs received upon written admissions of those scheduled violations applicable to commercial carriers. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or his or her designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

Sec. 108. Section five hundred eighteen (518), amending section seven hundred fifty-three point fifteen (753.15) of the 1975 Code, is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

SEC. 518. Section seven hundred fifty-three point fifteen (753.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

Sec. 109. Section five hundred eighteen (518), subsection one (1) and subsection two (2), paragraphs b, k, l and n, amending section seven hundred fifty-three point fifteen (753.15) of the 1975 Code:

1. Except as otherwise indicated, violations of sections of the Code specified in this section shall be scheduled violations, and the scheduled fine for each of those violations shall be as provided in this section, whether the violation is of state law or of county resolution or city ordinance.

b. For registration violations under sections three hundred twenty-one point seventeen (321.17), three hundred twenty-one point thirty-two (321.32), three hundred twenty-one point thirty-four (321.34), three hundred twenty-one point thirty-seven (321.37), three hundred twenty-one point thirty-eight (321.38), three hundred twenty-one point forty-one (321.41), ~~three-hundred-twenty-one-point-ninety-eight-(321.98)~~ and three hundred twenty-one point one hundred ninety (321.190) of the Code, the scheduled fine is five dollars. For violations of section three hundred twenty-one point one hundred ninety

(321.190) of the Code, the case shall be dismissed without imposition of fine or costs if a license valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

k. For violations of traffic signs and signals, and for failure to obey an officer under sections three hundred twenty-one point two hundred twenty-nine (321.229), three hundred twenty-one point two hundred thirty-six (321.236), subsections two (2), and six (6), three hundred twenty-one point two hundred fifty-six (321.256), three hundred twenty-one point two hundred fifty-seven (321.257), subsections two (2) and three (3), three hundred twenty-one point two hundred fifty-eight (321.258), three hundred twenty-one point two hundred ninety-four (321.294), three hundred twenty-one point three hundred four (321.304), subsection three (3), three hundred twenty-one point three hundred twenty-two (321.322), three hundred twenty-one point three hundred forty-one (321.341), three hundred twenty-one point three hundred forty-two (321.342), three hundred twenty-one point three hundred forty-three (321.343), and three hundred twenty-one point three hundred forty-five (321.345) of the Code, the scheduled fine is twenty dollars.

l. For height, weight, length, width and load violations and towed vehicle violations under sections three hundred twenty-one point three hundred nine (321.309), three hundred twenty-one point three hundred ten (321.310), three hundred twenty-one point three hundred eighty-one (321.381), three hundred twenty-one point three hundred ninety-four (321.394), three hundred twenty-one point four hundred thirty-seven (321.437), three hundred twenty-one point four hundred fifty-four (321.454), three hundred twenty-one point four hundred fifty-five (321.455), three hundred twenty-one point four hundred fifty-six (321.456), three hundred twenty-one point four hundred fifty-seven (321.457), three hundred twenty-one point four hundred fifty-eight (321.458), three hundred twenty-one point four hundred sixty-one (321.461), three hundred twenty-one point four hundred sixty-two (321.462), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code, the scheduled fine is twenty-five dollars. For weight violations under sections three hundred twenty-one point four hundred fifty-nine (321.459) and three hundred twenty-one point four hundred sixty-six (321.466) of the Code,

the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

n. For violation of intrastate hauling on foreign registration under sections three hundred twenty-one point fifty-four (321.54) and three hundred twenty-one point fifty-five (321.55) of the Code; use of registration under section three hundred twenty-one point ninety-nine (321.99) of the Code; and display of registration or plates under section three hundred twenty-one point ninety-eight (321.98) of the Code, the scheduled fine is twenty dollars.

For no evidence or improper evidence of intrastate authority carried or displayed under section three hundred twenty-five point thirty-four (325.34); operation of vehicle by an unqualified driver under sections three hundred twenty-five point thirty-four (325.34) and three hundred twenty-seven point twenty-two (327.22); and operating a vehicle in violation of maximum hours of service or failure to maintain and display evidence of hours of service under sections three hundred twenty-five point thirty-four (325.34) and three hundred twenty-seven point twenty-two (327.22) of the Code, the scheduled fine is twenty-five dollars.

For no or improper carrier identification markings under section three hundred twenty-seven B point one (327B.1) of the Code, the scheduled fine is fifteen dollars.

For no or improper evidence of interstate authority carried or displayed under section three hundred twenty-seven B point one (327B.1) of the Code, the scheduled fine is one hundred dollars.

Sec. 110. Section five hundred nineteen (519), amending section seven hundred fifty-three point sixteen (753.16) of the Code is amended by striking the section and inserting in lieu thereof the following:

SEC. 519. Section seven hundred fifty-three point sixteen (753.16), subsections one (1), two (2), and three (3), Code 1977, are amended to read as follows:

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, plus five dollars costs, to a ~~traffic~~ scheduled violations office in the county. The office shall, if the offense is a moving violation under chapter three hundred twenty-one

(321) of the Code, forward a copy of the citation and complaint and admission to the ~~commissioner-of-public-safety~~ department of transportation as required by section 321.207. Thereupon the defendant shall not be required to appear before the court. The admission shall constitute a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time he or she is required to appear before the court, deliver or mail such copies, together with his or her admission, fine, and five dollars costs, to the traffic scheduled violations office in the county. The procedure, fine, and costs shall be the same as when the charge is by citation and complaint, with the admission and the number of the defendant's operator's or chauffeur's license placed upon the information when the violation involves the use of a motor vehicle.

3. When section 753.15 and this section are applicable but the officer does not deem it advisable to release the defendant and no court in the county is in session:

a. If the defendant wishes to admit the violation, the officer may release the defendant upon observing ~~him~~ the person mail the citation and complaint, admission, and minimum fine, together with five dollars costs, to a traffic violations office in the county, in an envelope furnished by the officer. The admission shall constitute a conviction and judgment in the amount of the scheduled fine plus five dollars costs. The officer may allow the defendant to use a credit card pursuant to rules adopted pursuant to section 753.21 by the department of public safety or to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

b. If the defendant does not comply with paragraph "a" of this subsection, the officer may release the defendant upon observing him mail to a court in the county the citation and complaint and one and one-half times the minimum fine together with five dollars costs, or in lieu of one and one-half times the fine and the costs, a guaranteed arrest bond certificate as provided in section 321.1, subsection 71, as bail together with the following statement signed by the defendant:

"I agree that either (1) I will appear pursuant to this citation or (2) if I do not ~~so~~ appear ~~the-amount-deposited as-bail-will-be- forfeited~~ in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of one and one-half times the scheduled fine plus five dollars costs."

c. If the defendant does not comply with paragraph "a" or "b", or in any event when section ~~755.4~~ four hundred seven (407) of chapter two (2) of this Act is applicable, the officer may arrest and confine the defendant if authorized by the latter section, and proceed with him according to ~~chapter 757-or-758~~ division four (IV) of chapter two (2) of this Act.

Sec. 111. Section five hundred twenty-five (525):

SEC. 525. Sections one hundred point thirty-seven (100.37), two hundred forty-five point fourteen (245.14), two hundred forty-six point nine (246.9), two hundred forty-six point ten (246.10), two hundred forty-six point twenty-three (246.23), two hundred forty-six point forty-four (246.44), two hundred forty-seven point one (247.1), two hundred forty-seven point two (247.2), two hundred forty-seven point three (247.3), two hundred forty-seven point four (247.4), two hundred forty-seven point five (247.5), two hundred forty-seven point six (247.6), two hundred forty-seven point seven (247.7), two hundred forty-seven point eight (247.8), two hundred forty-seven point nine (247.9), two hundred forty-seven point ten (247.10), two hundred forty-seven point eleven (247.11), two hundred forty-seven point twelve (247.12), two hundred forty-seven point thirteen (247.13), two hundred forty-seven point fourteen (247.14), two hundred forty-seven point fifteen (247.15), ~~two-hundred-forty-seven-point-sixteen (247.16)~~, two hundred forty-seven point seventeen (247.17), two hundred forty-seven point eighteen (247.18), two hundred forty-seven point nineteen (247.19), two hundred forty-seven point twenty-four (247.24), two hundred forty-seven point twenty-five (247.25), two hundred forty-seven point twenty-six (247.26), two hundred forty-seven point twenty-seven (247.27), two hundred forty-seven point twenty-eight (247.28), two hundred forty-seven point thirty-three (247.33), two hundred forty-seven A point six (247A.6), two hundred fifty-two point nineteen (252.19), two hundred eighty-seven point four (287.4), two hundred ninety-nine point twelve (299.12), three hundred twenty-one point seventy-six (321.76), three

hundred twenty-one point seventy-seven (321.77), three hundred twenty-one point eighty (321.80), three hundred twenty-one point eighty-two (321.82), three hundred twenty-one point eighty-three (321.83), three hundred thirty-four point four (334.4), three hundred thirty-eight point ten (338.10), three hundred forty-three point six (343.6), three hundred fifty-six point thirty-six (356.36), four hundred forty-one point fifty-three (441.53), four hundred fifty-four point twenty-seven (454.27), four hundred seventy-four point forty-one (474.41), ~~four-hundred-seventy-seven-point-fifty-eight (477.58)}~~, ~~four-hundred-seventy-seven-point-fifty-nine-(477.59)}~~, ~~four-hundred-seventy-seven-point-sixty-(477.60)}~~, ~~four-hundred-seventy-nine-point-nineteen-(479.19)}~~, ~~four-hundred-seventy-nine-point-one-hundred-nine-(479.109)}~~, ~~four-hundred-seventy-nine-point-one-hundred-ten-(479.110)}~~, ~~four-hundred-seventy-nine-point-one-hundred-eleven-(479.111)}~~, ~~four-hundred-seventy-nine-point-one-hundred-twelve-(479.112)}~~, ~~four-hundred-seventy-nine-point-one-hundred-thirteen-(479.113)}~~, ~~four-hundred-seventy-nine-point-one-hundred-fourteen-(479.114)}~~, ~~four-hundred-seventy-nine-point-one-hundred-fifteen-(479.115)}~~, five hundred eleven point nineteen (511.19), five hundred fifty-two point three (552.3), six hundred two point fifteen (602.15), seven hundred thirteen point one (713.1), seven hundred thirteen point two (713.2), seven hundred thirteen point three (713.3), seven hundred thirteen point four (713.4), seven hundred thirteen point five (713.5), seven hundred thirteen point six (713.6), seven hundred thirteen point seven (713.7), seven hundred thirteen point eight (713.8), seven hundred thirteen point nine (713.9), seven hundred thirteen point ten (713.10), seven hundred thirteen point eleven (713.11), seven hundred thirteen point twelve (713.12), seven hundred thirteen point thirteen (713.13), seven hundred thirteen point fourteen (713.14), seven hundred thirteen point fifteen (713.15), seven hundred thirteen point sixteen (713.16), seven hundred thirteen point twenty-two (713.22), seven hundred thirteen point twenty-three (713.23), seven hundred thirteen point twenty-six (713.26), seven hundred thirteen point twenty-seven (713.27), seven hundred thirteen point twenty-eight (713.28), seven hundred thirteen point twenty-nine (713.29), seven hundred thirteen point thirty (713.30), seven hundred thirteen point thirty-one (713.31), seven hundred thirteen point thirty-two (713.32), seven hundred thirteen point thirty-three (713.33), seven hundred thirteen point thirty-four (713.34), seven

hundred thirteen point thirty-five (713.35), seven hundred thirteen point thirty-six (713.36), seven hundred thirteen point thirty-seven (713.37), seven hundred thirteen point thirty-eight (713.38), seven hundred thirteen point thirty-nine (713.39), seven hundred thirteen point forty (713.40), seven hundred thirteen point forty-one (713.41), seven hundred thirteen point forty-two (713.42), seven hundred thirteen point forty-three (713.43), seven hundred forty point one (740.1), seven hundred forty point two (740.2), seven hundred forty point three (740.3), seven hundred forty point four (740.4), seven hundred forty point five (740.5), seven hundred forty point six (740.6), seven hundred forty point seven (740.7), seven hundred forty point eight (740.8), seven hundred forty point nine (740.9), seven hundred forty point ten (740.10), seven hundred forty point eleven (740.11), seven hundred forty point twelve (740.12), seven hundred forty point nineteen (740.19), seven hundred forty point twenty (740.20), seven hundred fifty-three point one (753.1), seven hundred fifty-three point two (753.2), seven hundred fifty-three point three (753.3), seven hundred fifty-three point four (753.4), seven hundred fifty-three point five (753.5), seven hundred fifty-three point six (753.6), seven hundred fifty-three point seven (753.7), seven hundred fifty-three point eight (753.8), and seven hundred fifty-three point nine (753.9), Code 1975, are repealed.

Sec. 112. Chapter four (4) is amended by adding the following section after section four (4):

SEC. _____. Section eighteen point five (18.5), Code 1977, is amended to read as follows:

18.5 PROHIBITED INTERESTS. The director shall not have any pecuniary interest, directly or indirectly, in any contract for supplies furnished to the state, or in any business enterprise involving any expenditure by the state. A violation of the provisions of this section shall be a serious misdemeanor, and on conviction thereof the director shall be ~~fined-in-a-sum-not-exceeding-one-thousand-dollars-and~~ removed from office in addition to any other penalty.

Sec. 113. Chapter four (4) is amended by adding the following section after section twenty-five (25):

SEC. _____. Section fifty-six point twenty-nine (56.29), subsection five (5), Code 1977, is amended to read as follows:

5. Any person convicted of a violation of any of the provisions of this section shall be ~~subject-to-imprisonment~~

~~in-the-county-jail-for-not-more-than-one-year-and-by-a-fine
not-to-exceed-one-thousand-dollars~~ guilty of a serious
misdemeanor.

Sec. 114. Chapter four (4) is amended by adding the following section after section twenty-eight (28):

SEC. ____ . Section sixty-eight B point eight (68B.8), Code 1977, is amended to read as follows:

68B.8 ADDITIONAL PENALTY. In addition to any penalty contained in any other provision of law, any a person who knowingly and intentionally violates the provisions of section 68B.3 through 68B.6 and this section shall be guilty of a serious misdemeanor and may be suspended from his or her position.

Sec. 115. Chapter four (4) is amended by adding the following section after section thirty-eight (38):

SEC. ____ . Section eighty-three A point thirteen (83A.13), subsection four (4), Code 1977, is amended to read as follows:

4. A person who falsifies information required to be submitted under this section shall be guilty of a simple misdemeanor ~~and-upon-conviction-shall-be-punished-by-a-fine
not-to-exceed-one-hundred-dollars-or-by-imprisonment-for-a
period-not-to-exceed-thirty-days-or-be-punished-by-both-such
fine-and-imprisonment.~~

Sec. 116. Chapter four (4) is amended by adding the following sections after section sixty-nine (69):

SEC. ____ . Section ninety-nine B point two (99B.2), subsection three (3), Code 1977, is amended to read as follows:

3. Each licensee required by subsection 2 to maintain records shall submit quarterly reports to the department on forms furnished by the department. The reports shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the three-month period for which the report is submitted. Failure to submit the quarterly reports shall constitute grounds for revocation of the license. Willful failure to submit quarterly reports is a serious misdemeanor.

SEC. ____ . Section ninety-nine B point six (99B.6), subsection one (1), paragraph k, Code 1977, is amended to read as follows:

k. No person under the age of eighteen years may participate in the gambling except pursuant to sections 99B.3, 99B.4, 99B.5 and 99B.7. Any licensee knowingly allowing a person under the age of eighteen to participate in the gambling

prohibited by this paragraph or any person knowingly participating in such gambling with a person under the age of eighteen, shall be guilty of a simple misdemeanor and ~~upon conviction, be punished by imprisonment in the county jail for not more than thirty days and a fine of not more than one hundred dollars or both.~~

SEC. ____ . Section ninety-nine B point six (99B.6), subsection four (4), Code 1977, is amended to read as follows:

4. The holder of a license issued pursuant to this section and every agent of that licensee who is required by the licensee to exercise control over the use of the premises who knowingly permits or engages in acts or omissions which constitute a violation of subsection 1 commits a serious misdemeanor. A licensee has knowledge of acts or omissions if any agent of the licensee has knowledge of those acts or omissions.

SEC. ____ . Section ninety-nine B point nine (99B.9), subsection four (4), Code 1977, is amended to read as follows:

4. The holder of a license issued pursuant to this section and every agent of that licensee who is required by the licensee to exercise control over the use of the premises who knowingly permits acts or omissions which constitute a violation of subsection 1 commits a serious misdemeanor. A licensee has knowledge of acts or omissions if any agent of the licensee has knowledge of those acts or omissions.

SEC. ____ . Section ninety-nine B point fifteen (99B.15), Code 1977, is amended to read as follows:

99B.15 APPLICABILITY OF CHAPTER. It is the intent and purpose of this chapter to authorize gambling in this state only to the extent specifically permitted by a section of this chapter. Except as otherwise provided in this chapter, the knowing failure of any person to comply with the limitations imposed by this chapter constitutes unlawful gambling, a serious misdemeanor, ~~which is punishable as provided in chapter 726.~~

SEC. ____ . Section ninety-nine B point sixteen (99B.16), Code 1977, is amended to read as follows:

99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS. A licensee who willfully fails to maintain the records when required by section 99B.2, or who willfully fails to submit records when required by that section commits a serious misdemeanor ~~punishable by imprisonment in the county jail for not more~~

~~than one year, or by a fine of not more than one thousand dollars, or by both imprisonment and fine.~~

Sec. 117. Chapter four (4) is amended by adding the following section after section ninety (90):

SEC. _____. Section one hundred nine A point ten (109A.10), Code 1977, is amended to read as follows:

109A.10 PENALTIES. Whoever violates any of the provisions of this chapter shall be ~~finned not less than ten dollars nor more than one hundred dollars or be imprisoned in the county jail not more than thirty days~~ guilty of a simple misdemeanor.

Sec. 118. Chapter four (4) is amended by adding the following section after section ninety-four (94):

SEC. _____. Section one hundred ten B point six (110B.6), Code 1977, is amended to read as follows:

110B.6 PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a simple misdemeanor ~~and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 119. Chapter four (4) is amended by adding the following sections after section one hundred ninety (190):

SEC. _____. Section one hundred seventy-two A point ten (172A.10), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person convicted of violating any provision of this chapter shall be ~~punished by a fine of not less than five hundred dollars nor more than two thousand five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment~~ guilty of a serious misdemeanor.

SEC. _____. Section one hundred seventy-two B point six (172B.6), Code 1977, is amended to read as follows:

172B.6 OFFENSES AND PENALTIES.

1. A person who is convicted of violating section 172B.2 ~~may be sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the county jail for a period not to exceed thirty days, or both the fine and imprisonment~~ shall be guilty of a simple misdemeanor.

2. A person who makes or utters a transportation certificate with knowledge that some or all of the information contained in the certificate is false, or a person who alters, forges, or counterfeits a transportation certificate, or the receipt prescribed in section 172B.4, commits a ~~public offense~~

~~and-upon-conviction-may-be-sentenced-to-a-term-in-the-state penitentiary-not-to-exceed-ten-years,-to-a-fine-not-to-exceed five-thousand-dollars,-or-to-both-the-fine-and-imprisonment class C felony.~~

Sec. 120. Chapter four (4) is amended by adding the following section after section two hundred (200):

SEC. _____. Section one hundred eighty-five C point thirty-one (185C.31), Code 1977, is amended to read as follows:

185C.31 PENALTY. It is a simple misdemeanor for any person to willfully violate any provision of this chapter or for any person to willfully render or furnish a false or fraudulent report, statement, or record required by the secretary.

Sec. 121. Chapter four (4) is amended by adding the following section after section two hundred twenty-six (226):

SEC. _____. Section two hundred four point four hundred one (204.401), subsection three (3), Code 1977, is amended to read as follows:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor~~,-and-upon-conviction-shall be-punished-by-imprisonment-in-the-county-jail-for-not-to exceed-one-year,-or-by-a-fine-of-not-more-than-one-thousand dollars,-or-both-such-imprisonment-and-fine.~~ If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. All or any part of a sentence imposed pursuant to this section may be suspended and the person placed upon probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court.

Sec. 122. Chapter four (4) is amended by adding the following section after section two hundred fifty (250):

SEC. _____. Section two hundred thirty-seven A point nineteen (237A.19), Code 1977, is amended to read as follows:

237A.19 PENALTY. A person who establishes, conducts, manages, or operates a center without a license shall be

guilty of a serious misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

Sec. 123. Chapter four (4) is amended by adding the following section after section two hundred fifty-seven (257):

SEC. _____. Section two hundred fifty-two B point ten (252B.10), subsection one (1), Code 1977, is amended to read as follows:

1. Any person who willfully requests, obtains, or seeks to obtain paternity determination and support collection data available under section 252B.9 under false pretenses, or who willfully communicates or seeks to communicate such data to any agency or person except in accordance with this chapter, shall ~~upon conviction, for each such offense be punished by a fine of not more than one thousand dollars or by imprisonment in the state penitentiary for not more than two years, or by both fine and imprisonment~~ be guilty of an aggravated misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate paternity determination and support collection data except in accordance with this chapter shall ~~for each such offense be fined not more than one hundred dollars or be imprisoned not more than ten days~~ be guilty of a simple misdemeanor.

Sec. 124. Chapter four (4) is amended by adding the following section after section two hundred seventy-eight (278):

SEC. _____. Section three hundred twenty-one point one hundred ninety (321.190), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

It is a simple misdemeanor, punishable as provided in section 321.482, for any person:

Sec. 125. Chapter four (4) is amended by adding the following section after section two hundred eighty-one (281):

SEC. _____. Section three hundred twenty-one point two hundred sixty-six (321.266), subsection four (4), Code 1977, is amended to read as follows:

4. Any carrier transporting hazardous materials by rail, air, water, or upon a public highway in this state, in the case of an accident involving the transportation of hazardous materials, shall immediately notify the police radio broadcasting system established by the commissioner of public safety pursuant to section 750.1 or shall notify a peace

officer of the county, township, or municipality in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the Iowa highway safety patrol. For purposes of this section "hazardous substances" shall mean hazardous substances as defined in the federal Transportation Safety Act of 1974 (Public Law 93-633, section 103). A person who violates any provision of this subsection shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 126. Chapter four (4) is amended by adding the following sections after section two hundred ninety (290):

SEC. ____ . Section three hundred twenty-one point four hundred eighty-five (321.485), Code 1977, is amended to read as follows:

321.485 NOTICE TO APPEAR--PROMISE TO APPEAR.

1. Except-as-provided-in-sections-753-43-to-753-207-when-ever Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this chapter punishable as a simple, serious, or aggravated misdemeanor, such officer may:

‡ a. Immediately arrest such person and take him or her before a magistrate; or

‡ b. Without arresting the person, either

a- (1) Prepare a written citation to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number, if any, of his or her vehicle, the offense charged, and the time when and place where such person shall appear in court; or

b- (2) Prepare a memorandum of the alleged traffic violation containing the name and address of such person, the registration number, if any, of his or her vehicle, the offense alleged to have been committed, and such other information as may be prescribed by the commissioner of public safety with the concurrence of the director.

2. If the officer prepares either a citation or a memorandum as provided in this section, the alleged offender shall be requested to sign it. If the person signs, the person may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in the citation. A copy of the citation shall be presented to the person named therein. If a memorandum is prepared, the original shall be retained by

the officer, and a copy shall be sent to the department, and a copy shall be presented to the person named therein.

3. For preparing the summons or memorandum referred to in ~~paragraphs "a" or "b" of this subsection~~ section, there shall be charged to the person named in the summons or memorandum, upon his conviction, a fee of two dollars. The fee shall be assessed as part of the court costs and shall be paid into the general fund of the county.

4. The number of copies and the form of the citations and memorandums authorized by this section shall be as prescribed by the commissioner of public safety with the concurrence of the director.

5. This section shall not apply to a traffic offense which must be charged upon a uniform citation and complaint as provided in section seven hundred fifty-three point thirteen (753.13) of the Code.

SEC. ____ . Section three hundred twenty-one point four hundred eighty-six (321.486), Code 1977, is amended to read as follows:

321.486 ~~PROMISE-TO-APPEAR--GUARANTEED-ARREST-BOND-CERTIFICATE~~ AUTHORIZED BOND FORMS. ~~In-lieu-of-bail-the-magistrate-may-release-the-arraigned-person-upon-his-written-promise-to-appear-in-court-for-trial-at-time-and-place-designated-by-such-magistrate.~~

When bond or bail is required under section one thousand one hundred two (1102) of chapter two (2) of this Act to guarantee appearance for any offense charged under this chapter, the following nonexclusive forms shall be permitted subject to the following limitations:

1. A current guaranteed arrest bond certificate as defined in section 321.1, subsection 71 shall be considered sufficient surety if the defendant is charged with an offense where the penalty does not exceed two hundred dollars.

2. A valid credit card, as defined in section 537.1301, subsection 17, may be used and shall be sufficient surety when the defendant is charged with any scheduled offense under section 753.15. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A.

~~If-the-officer-prepares-either-a-citation-or-a-memorandum as-provided-in-section-321.485,-the-alleged-offender-shall be-requested-to-sign-the-same,-and-if-he-does-sign-may-be released-without-arrest.--In-case-a-citation-is-issued,-the~~

~~signing shall constitute a written promise to appear as stated in said citation. A copy of the citation shall be presented to the person named therein. If memorandum is prepared, the original shall be retained by the officer, a copy sent to the department, and a copy presented to the person named therein.~~

Sec. 127. Chapter four (4) is amended by adding the following section after section three hundred fifty-two (352):

SEC. _____. Section four hundred twenty-five point thirty-six (425.36), Code 1977, is amended to read as follows:

425.36 DISCRIMINATION IN RENTALS OR RENT CHARGES. Discrimination by a landlord in the rental of or in rent charges for a homestead because the tenant has received or is eligible for reimbursement under this division is a simple misdemeanor ~~and the punishment shall be the same as provided in section 425.29.~~

Sec. 128. Chapter four (4) is amended by adding the following section after section three hundred seventy-seven (377):

SEC. _____. Section four hundred seventy-six A point fourteen (476A.14), subsection three (3), Code 1977, is amended to read as follows:

3. Persons convicted of violating any provision of this chapter shall be guilty of a simple misdemeanor ~~and shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.~~

Sec. 129. Chapter four (4) is amended by adding the following section after section four hundred six (406):

SEC. _____. Section five hundred two point six hundred five (502.605), subsection one (1), Code 1977, is amended to read as follows:

1. Any person who willfully and knowingly violates any provision of this chapter, or any rule or order under this chapter, shall ~~upon conviction be fined not more than five thousand dollars or imprisoned not more than three years, or both~~ be guilty of a class D felony.

Sec. 130. Chapter four (4) is amended by adding the following section after section four hundred seventy-one (471):

SEC. _____. Section five hundred fifty-three point fourteen (553.14), Code 1977, is amended to read as follows:

553.14 CRIMINAL PENALTIES. A person or a natural person having substantial control over an enterprise who knowingly

and willfully engages in conduct prohibited by this chapter shall be, ~~upon conviction, fined not to exceed twenty-five thousand dollars, imprisoned in the county jail for not more than six months or both so fined and imprisoned~~ guilty of a serious misdemeanor.

Sec. 131. Chapter four (4) is amended by adding the following sections after section four hundred eighty-three (483):

SEC. _____. Section six hundred point eight (600.8), subsection eleven (11), Code 1977, is amended to read as follows:

11. Any person who assists in or impedes the placement or adoption of a minor person in violation of the provisions of this section shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

SEC. _____. Section six hundred point nine (600.9), subsection two (2), Code 1977, is amended to read as follows:

12. A natural parent shall not receive any thing of value as a result of the natural parent's child or former child being placed with and adopted by another person, unless that thing of value is commensurate with some necessary service provided the natural parent in relation to childbirth, child raising, or delivering the child for adoption. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered. If the natural parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, each such person shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 132. Chapter four (4) is amended by adding the following section after section four hundred eighty-four (484):

SEC. _____. Section six hundred point sixteen (600.16), subsection four (4), Code 1977, is amended to read as follows:

4. Any person, other than the adopting parents or the adopted person, who discloses information in violation of the provisions of this section shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 133. Chapter four (4) is amended by adding the following sections after section five hundred five (505):

SEC. ____ . Section seven hundred twenty-six point one (726.1), Code 1977, is amended to read as follows:

726.1 KEEPING GAMBLING HOUSES. Any person who keeps a house, shop, or place resorted to for the purpose of gambling, or permits any person in any house, shop, or other place under his or her control or care to conduct bookmaking or to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other thing, commits a serious misdemeanor.

SEC. ____ . Section seven hundred twenty-six point three (726.3), Code 1977, is amended to read as follows:

726.3 GAMING AND BETTING--PENALTY. Any person who participates in any game for any sum of money or other property of any value, or who makes any bet or wager for money or other property of value, or who engages in bookmaking commits a serious misdemeanor.

Sec. 134. Chapter four (4) is amended by adding the following sections after section five hundred six (506):

SEC. ____ . Section seven hundred twenty-six point eight (726.8), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If any person make or aid in making or establishing, or advertise or make public any scheme for any lottery; or advertise, offer for sale, sell, negotiate, dispose of, purchase, or receive any ticket or part of a ticket in any lottery or number thereof; or have in his or her possession any ticket, part of a ticket, or paper purporting to be the number of any ticket of any lottery, with the intent to sell or dispose of the same on his or her own account or as the agent of another, the person commits a serious misdemeanor.

SEC. ____ . Section seven hundred twenty-six point fourteen (726.14), Code 1977, is amended to read as follows:

726.14 PENALTY. A person who commits an offense declared in this chapter or chapter 99B to be a misdemeanor shall be ~~subject to imprisonment in the county jail for a period not exceeding one year, or to a fine not exceeding one thousand dollars, or to both fine and imprisonment~~ guilty of a serious misdemeanor.

SEC. ____ . Section seven hundred twenty-six point fifteen (726.15), Code 1977, is amended to read as follows:

726.15 PROTECTION MONEY PROHIBITED. Any officer or employee of this state, or of a county, city, or judicial district who asks for, receives or collects any money or other consideration for and with the understanding that the officer or employee will aid, exempt, or otherwise protect another person from detection, arrest or conviction of any violation of this chapter or chapter 99B commits ~~a felony punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment~~ an aggravated misdemeanor.

SEC. _____. Section seven hundred twenty-six point sixteen (726.16), Code 1977, is amended to read as follows:

726.16 COLLECTION SERVICE PROHIBITED. Any person who knowingly offers, gives or sells his or her services for use in collecting or enforcing any debt arising from gambling, whether or not lawful gambling, commits ~~a felony punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment~~ an aggravated misdemeanor.

Sec. 135. Chapter four (4) is amended by adding the following section after section five hundred seven (507):

SEC. _____. Section seven hundred forty point twenty-two (740.22), Code 1977, is amended to read as follows:

740.22 PUNISHMENT. A violation of section ~~740.20 or~~ 740.21 shall be ~~punishable as a~~ serious misdemeanor.

Sec. 136. Chapter one thousand two hundred forty-two (1242), Acts of the Sixty-sixth General Assembly, 1976 Session, section one (1), codified as section seven hundred thirty-two point twenty-five (732.25) in the 1977 Code, is amended to read as follows:

SECTION 1. NEW SECTION. PAY TOILETS. No person shall make a charge or require any special device, key or slug for the use of a toilet located in a room provided for use of the public. Violation of this Act is a simple misdemeanor.

The Code editor shall codify this section in chapter one hundred thirty-five (135) of the Code.

Sec. 137. Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a simple

~~misdemeanor and-punished-by-a-fine-of-not-less-than-five-nor more-than-fifty-dollars.~~

Sec. 138. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section four hundred twenty-nine (429), is repealed.

Sec. 139. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections forty-six (46), forty-seven (47), three hundred eighty-two (382), four hundred two (402), four hundred three (403), four hundred four (404), four hundred five (405), four hundred six (406), four hundred eighty-three (483), and four hundred eighty-four (484), are repealed.

Sec. 140. Sections three hundred thirty-nine point five (339.5) and seven hundred thirteen point forty-five (713.45), Code 1977, are repealed.

Sec. 141. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 10, 1977

CHAPTER 148

CRIMINAL CODE REVISION

S. F. 349

AN ACT to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States Supreme Court decision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), is amended by adding the following new section after section two hundred nineteen (219):

SEC. __. NEW SECTION. VIABILITY. Viability is that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life support systems. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is a matter of responsible medical judgment.