

of blood tests or the expert's analysis of inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing. Verified documentation of the chain of custody of the blood specimens is competent evidence to establish the chain of custody. A verified expert's report shall be admitted at trial unless a challenge to the testing procedures or the results of blood analysis has been made before trial. All costs shall be paid by the parties in proportions and at times determined by the court.

Sec. 4. This Act takes effect January first following its enactment.

Approved May 17, 1980

CHAPTER 1187
STATE APPELLATE DEFENDER
S. F. 2229

AN ACT establishing the office of state appellate defender.

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

Section 1. Sections two (2) through six (6) of this Act shall not be codified and are effective only for the fiscal year beginning July 1, 1980 for the purpose of establishing a pilot program contingent upon the receipt of funds other than a direct appropriation for the fiscal year 1980-1981. The first session of the Sixty-ninth General Assembly shall review the operations of the program and determine the feasibility of its continuance.

Sec. 2. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Appellate defender" means the state appellate defender.

2. "Indigent" means a person found by the trial court to be unable to retain legal counsel without prejudicing the person's financial ability to provide economic necessities for the person and the person's dependents.

Sec. 3. CREATION OF OFFICE. The office of state appellate defender is established as a pilot program for the fiscal year beginning July 1, 1980. The governor shall appoint the state appellate defender and establish the appellate defender's salary.

Sec. 4. QUALIFICATIONS OF APPELLATE DEFENDER. Only persons admitted to practice law in this state shall be appointed appellate defender or assistant appellate defender.

Sec. 5. DUTIES OF APPELLATE DEFENDER. The appellate defender shall represent indigents on appeal in criminal cases and in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued and shall not engage in the private practice of law. The court may, upon the application of the indigent or the

indigent's trial attorney, or on its own motion, appoint the appellate defender to represent the indigent on appeal or in postconviction proceedings.

Sec. 6. STAFF. The appellate defender may appoint assistant appellate defenders who, subject to the direction of the appellate defender, shall have the same duties as the appellate defender and shall not engage in the private practice of law. The salaries of the staff shall be fixed by the appellate defender. The appellate defender and his or her staff shall receive actual and necessary expenses, including travel at the state rate set forth in section eighteen point one hundred seventeen (18.117) of the Code.

Sec. 7. This Act is repealed June 30, 1981.

Approved May 26, 1980

CHAPTER 1188

STRIP SEARCHES

H. F. 2495

AN ACT relating to strip searches subsequent to arrest.

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

Section 1. Chapter seven hundred two (702), Code 1979, is amended by adding the following new section:

NEW SECTION. STRIP SEARCH. "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts or undergarments of that person or a physical probe of any body cavity.

Sec. 2. Chapter eight hundred four (804), Code 1979, is amended by adding the following new section:

NEW SECTION. STRIP SEARCHES. A person arrested for a scheduled violation or a simple misdemeanor shall not be subjected to a strip search unless there is probable cause to believe the person is concealing a weapon or contraband. A strip search pursuant to this section shall not be conducted except under all of the following conditions:

1. Written authorization of the supervisor on duty is obtained.
2. A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose.
3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ears or nose shall be performed only by a licensed physician unless voluntarily waived in writing by the arrested person.
4. The search is conducted in a place where it cannot be observed by persons not conducting the search.