

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 This Act is repealed June 30, 1981.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.

5. The search is conducted by a person of the same sex as the arrested person, unless conducted by a physician.

Subsequent to a strip search a written report shall be prepared which includes the written authorization required by subsection one (1) of this section, the name of the person subjected to the search, the names of the persons conducting the search, the time, date and place of the search and, if required by subsection two (2) of this section, a copy of the search warrant authorizing the search. A copy of the report shall be provided to the person searched.

Approved May 23, 1980

CHAPTER 1189
FRAUDULENT TRANSFER OF PROPERTY
H. F. 685

AN ACT making it a fraudulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible and providing penalties.

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

Section 1. Section seven hundred fourteen point eight (714.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Knowingly transfers or assigns a legal or equitable interest in property, as defined in section seven hundred two point fourteen (702.14) of the Code, for less than fair consideration, with the intent to obtain public assistance under title eleven (XI) of the Code, or accepts a transfer of or an assignment of a legal or equitable interest in property, as defined in section seven hundred two point fourteen (702.14) of the Code, for less than fair consideration, with the intent of enabling the party transferring the property to obtain public assistance under title eleven (XI) of the Code. A transfer or assignment of property for less than fair consideration within one year prior to an application for public assistance benefits shall be evidence of intent to transfer or assign the property in order to obtain public assistance for which a person is not eligible by reason of the amount of the person's assets. If a person is found guilty of a fraudulent practice in the transfer or assignment of property under this subsection the maximum sentence shall be the penalty established for a serious misdemeanor and sections seven hundred fourteen point nine (714.9), seven hundred fourteen point ten (714.10) and seven hundred fourteen point eleven (714.11) of the Code shall not apply.

Approved May 19, 1980