

2. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:

a. The other participant is suffering from a mental defect or incapacity which precludes giving consent.

b. The other participant is twelve or thirteen years of age.

c. The other participant is fourteen or fifteen years of age and any of the following are true:

(1) The person is a member of the same household as the other participant.

(2) The person is related to the other participant by blood or affinity to the fourth degree.

(3) The person is in a position of authority over the other participant and uses that authority to coerce the other participant to submit.

(4) The person is six or more years older than the other participant.

Sexual abuse in the third degree is a class "C" felony.

Sec. 4. Section 811.1, subsection 1, Code 1989, is amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony, murder, felonious assault, sexual abuse in the second degree, sexual abuse in the third degree in violation of section 709.4, subsections 1 and 3, kidnapping, robbery in the first degree, arson in the first degree, or burglary in the first degree.

Sec. 5. Section 811.1, subsection 2, Code 1989, is amended to read as follows:

2. A defendant appealing a conviction of a class "A" felony, murder, felonious assault, sexual abuse in the second degree, sexual abuse in the third degree in violation of section 709.4, subsections 1 and 3, kidnapping, robbery in the first degree, arson in the first degree, or burglary in the first degree.

Approved May 8, 1989

CHAPTER 139

EXCURSION BOAT GAMBLING AMENDMENTS

S.F. 525

AN ACT relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty.

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

Section 1. Section 99F.4, as enacted by 1989 Iowa Acts, Senate File 124, section 4, is amended by adding the following new subsections:

NEW SUBSECTION. 16. To set the payout rate for all slot machines.

NEW SUBSECTION. 17. To define the duration of an excursion which shall be at least three hours during the excursion season. For the off season, the commission shall adopt rules limiting times of admission to excursion gambling boats consistent with maximum loss per player per gambling excursion specified in subsection 4.

NEW SUBSECTION. 18. To provide for the continuous videotaping of all gambling activities on an excursion boat. The videotaping shall be performed under guidelines set by rule of the division of criminal investigation and the rules may be required that all or part of the original tapes be submitted to the division on a timely schedule.

NEW SUBSECTION. 19. To provide for adequate security aboard each excursion gambling boat.

NEW SUBSECTION. 20. To provide that gambling games shall be conducted only during the same hours when alcoholic beverages are lawfully sold or dispensed as provided in section 123.49.

NEW SUBSECTION. 21. To establish minimum charges for admission to excursion gambling boats and regulate the number of free admissions.

NEW SUBSECTION. 22. Drug testing, as permitted by section 730.5, shall be required periodically, not less than every sixty days, of persons employed as captains, pilots, or physical operators of excursion gambling boats under the provisions of this bill.

Sec. 2. Section 99F.7, subsection 1, as enacted by 1989 Iowa Acts, Senate File 124, section 7, is amended by striking the subsection and inserting in lieu thereof the following:

1. If the commission is satisfied that this chapter and its rules adopted under this chapter applicable to licensees have been or will be complied with, the commission shall issue a license for a period of not more than three years to an applicant to own a gambling game operation and to an applicant to operate an excursion gambling boat. The commission shall decide which of the gambling games authorized under this chapter it will permit. The commission shall decide the number, location, and type of excursion gambling boats licensed under this chapter for operation on the rivers, lakes, and reservoirs of this state. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and the off season when gambling may be conducted by the licensee. The commission shall not allow a licensee to conduct gambling games on an excursion gambling boat while docked during the off season if the licensee does not operate gambling excursions for a minimum number of days during the excursion season.

Sec. 3. Section 99F.7, subsection 5, paragraph c, as enacted by 1989 Iowa Acts, Senate File 124, section 7, is amended by striking the paragraph and inserting in lieu thereof the following:

c. A section is reserved solely for activities and interests of persons under the age of twenty-one and is staffed to provide adequate supervision.

Sec. 4. Section 99F.7, subsection 8, as enacted by 1989 Iowa Acts, Senate File 124, section 7, is amended by striking the subsection and inserting in lieu thereof the following:

8. A license shall not be granted if there is substantial evidence that the applicant is not of good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony.

Sec. 5. Section 99F.7, subsection 10, paragraph b, as enacted by 1989 Iowa Acts, Senate File 124, section 7, is amended by striking the paragraph and inserting in lieu thereof the following:

b. If licenses to conduct gambling games and to operate an excursion gambling boat are in effect, pursuant to a referendum as set forth in this section and are subsequently disapproved by a referendum of the county electorate, the licenses issued by the commission after a referendum approving gambling games on excursion gambling boats shall remain valid and are subject to renewal for a total of nine years from the date of original issue unless the commission revokes a license at an earlier date as provided in this chapter.

c. If, after the effective date of 1989 Iowa Acts, Senate File 124, section 99F.1, subsection 5, 99F.4, subsection 4, or 99F.9, subsection 2 is amended, the board of supervisors of a county in which excursion boat gambling has been approved, shall submit to the county electorate a proposition to approve or disapprove the conduct of gambling games on excursion gambling boats at a special election at the earliest practicable time. If excursion boat gambling is not approved at the election, paragraph "b" does not apply to the licenses and the commission shall cancel the licenses issued for the county within sixty days of the unfavorable referendum.

Sec. 6. Section 99F.9, subsection 6, as enacted by 1989 Iowa Acts, Senate File 124, section 9, is amended by striking the subsection and inserting in lieu thereof the following:

6. A person under the age of twenty-one years shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted.

Sec. 7. Section 99F.11, subsection 3, as enacted by 1989 Iowa Acts, Senate File 124, section 11, is amended by striking the subsection and inserting in lieu thereof the following:

3. Three percent of the adjusted gross receipts shall be deposited in the gamblers assistance fund specified in section 99E.10, subsection 1, paragraph "a".

Sec. 8. Section 99F.12, unnumbered paragraph 2, as enacted by 1989 Iowa Acts, Senate File 124, section 12, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The licensee shall furnish to the commission reports and information as the commission may require with respect to its activities. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat. The commission may designate a representative to board a licensed excursion gambling boat, who shall have full access to all places within the enclosure of the boat, who shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling, and who shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 9. Section 99F.15, subsection 2, as enacted by 1989 Iowa Acts, Senate File 124, section 15, is amended by striking the subsection and inserting in lieu thereof the following:

2. A person knowingly permitting a person under the age of twenty-one years to make a wager is guilty of a simple misdemeanor.

Sec. 10. **APPLICABILITY.** This Act shall take effect only if Senate File 124 is enacted by the Seventy-third General Assembly.

Approved May 8, 1989

CHAPTER 140

ADOPTION INFORMATION FORMS

H.F. 196

AN ACT relating to the collection of certain adoption information according to federal regulations.

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

Section 1. Section 600.6, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 5.** An adoption information form completed by the petitioner containing the data specified under federal regulations adopted pursuant to Pub. L. No. 99-509, as codified in 42 U.S.C. § 679 and 679A.

Sec. 2. Section 600.13, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 6.** The clerk of the district court shall attach to the certified copy of the decree delivered to the department, a copy of the adoption information form required to be attached to the adoption petition under section 600.6, subsection 5.

Approved May 8, 1989