

NEW SUBSECTION. 35. Develop a model written publications code including reasonable provisions for the regulation of the time, place, and manner of student expression.

Approved May 11, 1989

CHAPTER 156

DNA PROFILING OF CRIMINAL OFFENDERS

S.F. 233

AN ACT providing for DNA profiling of certain criminal offenders.

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

Section 1. NEW SECTION. 13.10 PHYSICAL CRIMINAL EVIDENCE — DNA PROFILING.

The attorney general shall adopt rules in consultation with the division of criminal investigation, department of public safety, for the purpose of classifying felonies and indictable misdemeanors which shall require the offender to submit a physical specimen for DNA profiling as a condition of probation, parole, or work release. Factors to be considered shall include the deterrent effect of DNA profiling, the likelihood of repeated violations, and the seriousness of the offense.

Upon appropriation or receipt of sufficient funds, the division of criminal investigation shall carry out DNA profiling of submitted physical specimens. The division may contract with private entities for DNA profiling. "DNA profiling" means the procedure established by the division of criminal investigation, department of public safety, for determining a person's genetic identity.

Sec. 2. Section 901.2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any a public offense may be rendered, the court shall receive from the state, from the judicial district department of correctional services, 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. Notwithstanding section 13.10, the court may determine if the defendant shall be required to provide a physical specimen to be submitted for DNA profiling if the defendant is to be placed on probation or work release. The court shall consider the deterrent effect of DNA profiling, the likelihood of repeated violations by the defendant, and the seriousness of the offense. When funds have been allocated from the general fund of the state, or funds are provided by other public or private sources, the court shall order DNA profiling. The court shall order a presentence investigation when the offense is a class "B," class "C," or class "D" felony. A presentence investigation for a class "B," class "C," or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty. The court may order a presentence investigation when the offense is an aggravated or serious misdemeanor.

Sec. 3. Section 906.4, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 13.10, the board may determine if the defendant shall be required to provide a physical specimen to be submitted for DNA profiling as a condition of parole or work release. The board shall consider the deterrent effect of DNA profiling, the likelihood of repeated violations by the offender, and the

seriousness of the offense. When funds have been allocated from the general fund of the state, or funds have been provided by other public or private sources, the board shall order DNA profiling if appropriate.

Approved May 11, 1989

CHAPTER 157

TELECOMMUNICATIONS DEVICES FOR THE DEAF

S.F. 428

AN ACT relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area.

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

Section 1. NEW SECTION. 477B.9 TELECOMMUNICATIONS DEVICES FOR THE DEAF.

By January 1, 1990, each county shall provide for the installation and use of at least one telecommunications device for the deaf at a public safety answering point.

Approved May 11, 1989

CHAPTER 158

CONSUMER ADVOCATE DIVISION EMPLOYEES

S.F. 170

AN ACT relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates.

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

Section 1. Section 475A.3, Code 1989, is amended to read as follows:

475A.3 OFFICE — EMPLOYEES — EXPENSES.

1. OFFICE. The office of consumer advocate shall be a separate division of the department of justice and located at the same location as the utilities division of the department of commerce. Administrative support services shall may be provided to the consumer advocate division by ~~the utilities division of the department of commerce.~~

2. EMPLOYEES. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract ~~in any proceeding in which the consumer advocate division is a party as the consumer advocate finds necessary for the full and efficient discharge of the duties of the office.~~ Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment, except as provided in section 19A.3.