

CHAPTER 1040

CIVIL RIGHTS COMMISSION'S RELEASE TO COMMENCE ACTION

S.F. 182

AN ACT relating to the commencement in the district court of certain civil rights actions involving administrative closures.

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

Section 1. Section 601A.16, subsection 1, paragraph b, Code 1989, is amended to read as follows:

b. The complaint has been on file with the commission for at least ~~one hundred twenty~~ sixty days and the commission has issued a release to the complainant pursuant to subsection 2 of this section.

Sec. 2. Section 601A.16, subsection 2, Code 1989, is amended to read as follows:

2. Upon a request by the complainant, and after the expiration of ~~one hundred twenty~~ sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 601A.15, subsection 3, ~~or~~ a conciliation agreement has been executed under section 601A.15, ~~or~~ the commission has served notice of hearing upon the respondent pursuant to section 601A.15, subsection 5, or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

Notwithstanding section 601A.15, subsection 4, a party may obtain a copy of all documents contained in a case file where the commission has issued a release to the complainant pursuant to this subsection.

Approved March 26, 1990

CHAPTER 1041

OBTAINING DEPOSITIONS IN OTHER JURISDICTIONS

S.F. 460

AN ACT relating to obtaining depositions in a foreign jurisdiction.

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

Section 1. Section 622.84, Code 1989, is amended to read as follows:

622.84 SUBPOENAS — ENFORCING OBEDIENCE.

1. When, by the laws of this or any other state or country, testimony may be taken in the form of depositions to be used in any of the courts thereof, the person authorized to take ~~such~~ the depositions may issue subpoenas for witnesses, which must be served by the same officers and returned in the same manner as is required in district court, and obedience ~~thereto~~ to the subpoenas may be enforced in the same way and to the same extent, or the person may report the matter to the district court who may enforce obedience as though the action was pending in ~~said~~ the district court.

2. If a witness is located in any other state or country and refuses to voluntarily submit to the deposition, the court of jurisdiction in this state may, upon the application of any party, petition the court of competent jurisdiction in the foreign jurisdiction where the witness is

located to issue subpoenas or make other appropriate orders to compel the witness' attendance at the deposition.

Approved March 26, 1990

CHAPTER 1042

DISPOSAL OF FORFEITED WEAPONS

S.F. 2137

AN ACT providing for the disposal of forfeited weapons.

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

Section 1. Section 809.21, Code 1989, is amended to read as follows:

809.21 SALE OF CERTAIN AMMUNITION AND FIREARMS.

Ammunition and firearms which are not illegal and which are not offensive weapons as defined by section 724.1 may be sold by the department of public safety at public auction. The department of public safety may sell at public auction forfeited legal weapons received from the director of the department of natural resources, except that rifles and shotguns shall be retained by the department of natural resources for disposal according to its rules. The sale of ammunition or firearms pursuant to this section shall be made only to federally licensed firearms dealers or to persons who have a permit to purchase the firearms. Persons who have not obtained a permit may bid on firearms at the public auction. However, persons who bid without a permit must post a fifty percent of purchase price deposit with the commissioner of public safety on any winning bid. No transfer of firearms may be made to a person bidding without a permit until such time as the person has obtained a permit. If the person is unable to produce a permit within two weeks from the date of the auction, the person shall forfeit the fifty percent deposit to the department of public safety. All proceeds of a public auction pursuant to this section, less department expenses reasonably incurred, shall be deposited in the general fund of the state. The department of public safety shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.

Approved March 26, 1990

CHAPTER 1043

POSTCONVICTION JUDGMENT APPEALS

S.F. 2139

AN ACT relating to the appeal process for certain postconviction procedures.

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

Section 1. Section 663A.9, Code 1989, is amended to read as follows:

663A.9 APPEAL.

An appeal from a final judgment entered under this chapter may be taken, perfected, and prosecuted either by the applicant or by the state in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments