

Senate Study Bill 3017 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to criminal identification and criminal history
2 and intelligence data, including fingerprints and palm
3 prints.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 690.2, Code 2024, is amended to read as
2 follows:

3 **690.2 Fingerprints and palm prints — photographs — duty of**
4 **sheriff and chief of police.**

5 1. The sheriff of every county, and the chief of police
6 of each city, regardless of the form of government thereof,
7 shall take the fingerprints of all unidentified dead bodies in
8 their respective jurisdictions and of all persons who are taken
9 into custody, or who have been issued a citation in lieu of
10 continued custody, for the commission of a serious misdemeanor,
11 an aggravated misdemeanor, or a felony and shall forward such
12 fingerprint records, on such forms and in such manner as may be
13 prescribed by the commissioner of public safety, within to the
14 department of public safety as follows:

15 a. Within two working days after the fingerprint records are
16 taken, to the department of public safety an unidentified dead
17 body is fingerprinted or a person is taken into custody.

18 b. Within two working days after the initial court
19 appearance for a person issued a citation in lieu of continued
20 custody.

21 2. Fingerprints may be taken of a person who has been
22 arrested taken into custody or issued a citation in lieu of
23 continued custody for a simple misdemeanor subject to an
24 enhanced penalty for conviction of a second or subsequent
25 offense. Fingerprints taken pursuant to this subsection shall
26 be forwarded to the department of public safety within the
27 time limits established in subsection 1. In addition to the
28 fingerprints as herein provided, any such officer may also take
29 the photograph and palm prints the sheriff or chief of police
30 shall also take the palm prints and may take the photograph
31 of any such person and forward them any such palm prints and
32 photographs to the department of public safety within the time
33 limits established in subsection 1.

34 3. If a defendant is convicted by a court of this state
35 of an offense which that is a simple misdemeanor subject to

1 an enhanced penalty for conviction of a second or subsequent
2 offense, a serious misdemeanor, an aggravated misdemeanor, or a
3 felony, the court shall determine whether such defendant has
4 previously been fingerprinted in connection with the criminal
5 proceedings leading to the conviction and, if not, shall order
6 that the defendant be fingerprinted and those prints submitted
7 to the department of public safety.

8 4. The court shall also order that a juvenile adjudicated
9 delinquent for an offense ~~which~~ that would be an offense
10 other than a simple misdemeanor if committed by an adult,
11 be fingerprinted and the prints submitted to the department
12 of public safety if the juvenile has not previously been
13 fingerprinted in connection with juvenile proceedings. ~~The~~
14 ~~taking of fingerprints for a serious misdemeanor offense under~~
15 ~~chapter 321 or 321A is not required under this section.~~

16 Sec. 2. Section 690.5, subsection 1, Code 2024, is amended
17 to read as follows:

18 1. An agency subject to fingerprinting and disposition
19 requirements under this chapter and chapter 692 shall take
20 all steps necessary to ensure that all agency officials and
21 employees understand the requirements and shall provide for and
22 impose administrative sanctions, as appropriate, for failure
23 to report as required.

24 Sec. 3. Section 692.13, Code 2024, is amended to read as
25 follows:

26 **692.13 Review.**

27 The department shall initiate periodic review procedures
28 designed to determine compliance with the provisions of this
29 chapter and chapter 690 within the department and by criminal
30 or juvenile justice agencies and to determine that data
31 furnished to ~~them~~ those agencies is factual and accurate.

32 Sec. 4. Section 692.15, subsection 3, Code 2024, is amended
33 to read as follows:

34 3. The law enforcement agency making an arrest and securing
35 fingerprints pursuant to section 690.2 or taking a juvenile

1 into custody and securing fingerprints pursuant to section
2 232.148 shall fill out a final disposition report on each
3 arrest or taking into custody on a form and in the manner
4 prescribed by the commissioner of public safety. The final
5 disposition report shall be forwarded to the county attorney,
6 or at the discretion of the county attorney, to the clerk of
7 the district court, in the county where the arrest or taking
8 into custody occurred, or to the juvenile court officer who
9 received the referral, whichever is deemed appropriate under
10 the circumstances, within two working days after fingerprints
11 are taken.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to criminal identification and criminal
16 history and intelligence data, including fingerprints and palm
17 prints.

18 Current law requires the sheriff of every county and the
19 chief of police of each city to take the fingerprints of all
20 unidentified dead bodies in their jurisdictions and all persons
21 who are taken into custody for the commission of a serious
22 misdemeanor, aggravated misdemeanor, or felony. Fingerprint
23 records are required to be forwarded to the commissioner of the
24 department of public safety (department) within two working
25 days after the fingerprint records are taken. Fingerprints
26 may be taken of a person who has been arrested for a simple
27 misdemeanor that is subject to an enhanced penalty for
28 conviction of a second or subsequent offense. An officer may
29 also take the photograph and palm prints of any person required
30 to provide fingerprints and forward them to the department.

31 The bill includes persons who have been issued a citation
32 in lieu of continued custody for the commission of a serious
33 misdemeanor, aggravated misdemeanor, or felony to the list
34 of those persons who are required to be fingerprinted. The
35 fingerprint requirements also apply to serious misdemeanor

1 offenses under chapters 321 and 321A, which are excluded under
2 current law. The bill also authorizes taking the fingerprints
3 of a person taken into custody or issued a citation in lieu of
4 continued custody for the commission of a simple misdemeanor
5 subject to an enhanced penalty for a second or subsequent
6 offense.

7 The bill provides that fingerprint records are required to
8 be forwarded to the commissioner of the department within two
9 working days after an unidentified dead body is fingerprinted
10 or a person is taken into custody, or within two working days
11 after the initial court appearance for a person issued a
12 citation in lieu of continued custody.

13 The bill provides that any officer taking the fingerprints
14 of a person shall also take the palm prints and may take the
15 photograph of any such person and forward any such palm prints
16 and photographs to the department within two days.

17 The bill provides that a court shall require fingerprinting
18 of a juvenile adjudicated delinquent for an offense that would
19 be an offense other than a simple misdemeanor if committed by
20 an adult if the juvenile has not previously been fingerprinted
21 in connection with juvenile proceedings.

22 The bill requires the department to initiate periodic review
23 procedures to determine compliance with the provisions of Code
24 chapter 690 (criminal identification) and Code chapter 692
25 (criminal history and intelligence data) within the department
26 and by criminal or juvenile justice agencies and to determine
27 that data furnished to those agencies is factual and accurate.

28 The bill provides that, within two working days after
29 fingerprints are taken, a final disposition report prepared
30 by a law enforcement agency making an arrest and securing
31 fingerprints or taking a juvenile into custody and securing
32 fingerprints shall be forwarded to the county attorney or to
33 the clerk of the district court, or to the juvenile court
34 officer who received the referral.