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SENATE FILE 518

BY COMMITTEE ON JUDICIARY
approved 4/4 (p. 932)

Passed Senate, Date 4-6-77 (p. 939) Passed House, Date 4-29-77 (P. 1762)
Vote: Ayes 48 Nays 0 Vote: Ayes 76 Nays 2
Approved 7/10/77

A BILL FOR

1 An Act making technical changes of a corrective nature
2 to the criminal code revision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 518

1 Section 1. Chapter one thousand two hundred forty-five
2 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
3 chapter one (1), sections one hundred seven (107), two hundred
4 three (203), three hundred four (304), three hundred five
5 (305), four hundred eight (408), five hundred two (502), seven
6 hundred eight (708), seven hundred nine (709), and seven
7 hundred eleven (711), division eight (VIII), sections nine
8 hundred four (904), nine hundred nine (909), one thousand
9 four hundred one (1401), one thousand four hundred two (1402),
10 one thousand four hundred seven (1407), one thousand four
11 hundred eight (1408), one thousand five hundred one (1501),
12 one thousand six hundred seven (1607), one thousand nine
13 hundred one (1901), one thousand nine hundred six (1906),
14 two thousand four hundred eight (2408), two thousand four
15 hundred nine (2409), two thousand six hundred two (2602),
16 two thousand six hundred four (2604), two thousand six hundred
17 six (2606), and two thousand eight hundred one (2801), are
18 amended by sections two (2) through twenty-seven (27) of this
19 Act as follows:

20 Sec. 2. Section one hundred seven (107):

21 SEC. 107. NEW SECTION. FELONY DEFINED AND CLASSIFIED.

22 A public offense is a felony of a particular class, when the
23 statute defining the crime declares it to be a felony.

24 Felonies are class A felonies, class B felonies, class C
25 felonies, and class D felonies. Where the statute defining
26 the offense declares it to be a felony, but does not state
27 what class of felony it is ~~not provides~~ or provide for a
28 specific penalty, ~~such that~~ that felony shall be a class D felony.

29 Sec. 3. Section two hundred three (203):

30 SEC. 203. NEW SECTION. ANIMAL. An animal is any a
31 nonhuman, vertebrate.

32 Sec. 4. Section three hundred four (304), unnumbered
33 paragraph one (1):

34 An employer, or ~~his~~ an employer's agent, officer, director,
35 or employee who supervises or directs the work of other

1 employees, is guilty of the same public offense committed
2 by an employee acting under his the employer's control,
3 supervision, or direction in any of the following cases:

4 Sec. 5. Section three hundred five (305), unnumbered
5 paragraph one (1):

6 A public or private corporation, partnership, or other
7 voluntary association shall ~~be-guilty-of-a-public-offense~~
8 have the same level of culpability as an individual commit-
9 ting the crime when any of the following is true:

10 Sec. 6. Section four hundred eight (408):

11 SEC. 408. NEW SECTION. ESCAPE FROM PLACE OF CONFINEMENT.

12 A correctional officer or peace officer is justified in using
13 reasonable force, including deadly force, which is necessary
14 to prevent the escape of any person from any jail, penal
15 institution, correctional facility, or similar place of
16 confinement, or place of trial or other judicial proceeding,
17 or to prevent the escape from custody of any person who is
18 being transported from any such place of confinement, trial
19 or judicial proceeding to any other such place, except that
20 deadly force may not be used to prevent the escape of one
21 who the correctional officer or peace officer knows or should
22 know is confined on a charge or conviction of a any class
23 of misdemeanor.

24 Sec. 7. Section five hundred two (502):

25 SEC. 502. NEW SECTION. RENUNCIATION. It is a defense
26 to a prosecution for solicitation that the defendant, after
27 soliciting another person to commit a felony or aggravated
28 misdemeanor, persuaded the person not to do so or otherwise
29 prevented the commission of the offense, under circumstances
30 manifesting a complete and voluntary renunciation of the
31 defendant's criminal intent. A renunciation is not "voluntary
32 and complete" if it is motivated in whole or in part by (a)
33 the person's belief that circumstances exist which increase
34 the possibility of detection or apprehension of the defendant
35 or another or which makes more difficult the consummation

1 of the offense or (b) the person's decision to postpone the
2 offense until another time or, to substitute another victim
3 or another but similar objective.

4 Sec. 8. Section seven hundred eight (708), headnote:
5 ~~NONCONSENSUAL~~ NONCONSENSUAL TERMINATION.

6 Sec. 9. Section seven hundred nine (709), headnote:
7 ~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE.

8 Sec. 10. Section seven hundred eleven (711):
9 SEC. 711. NEW SECTION. ATTEMPT TO COMMIT ~~HOMICIDE~~ MURDER.

10 A person commits a class C felony when, with the intent to
11 cause the death of any person and not under circumstances
12 which would justify the person's actions, the person does
13 any act by which he or she expects to set in motion a force
14 or chain of events which will cause or result in the death
15 of such other person.

16 It is not a defense to an indictment for attempt to commit
17 ~~homicide~~ murder that the acts proved could not have caused
18 the death of any person, provided that the actor intended
19 to cause the death of some person by so acting, and the actor's
20 expectations were not unreasonable in the light of the facts
21 known to the actor.

22 Sec. 11. Division eight (VIII), title:
23 ASSAULT AND-BATTERY

24 Sec. 12. Section nine hundred four (904), subsection four
25 (4), is amended by striking unnumbered paragraph three (3).

26 Sec. 13. Section nine hundred nine (909), subsection
27 two (2):

28 2. The person knows or reasonably should know that ~~his~~
29 the act is offensive to the viewer.

30 Sec. 14. Section one thousand four hundred one (1401),
31 subsections six (6), seven (7), and eight (8):

32 6. Makes, utters, draws, delivers, or gives any check,
33 draft, or written order on any bank, person or corporation,
34 and obtains property or service in exchange therefor, if the
35 person knows that such check, draft or written order will

1 not be paid when presented.

2 Whenever the drawee of such instrument has refused payment
3 because of insufficient funds, and the maker has not paid
4 the holder of the instrument the amount due thereon within
5 ten days of the maker's receipt of notice from the holder
6 that payment has been refused by the drawee, the court or
7 jury may infer from such facts that the maker knew that the
8 instrument would not be paid on presentation. Notice of
9 refusal of payment shall be by certified mail, or by personal
10 service in the manner prescribed for serving original notices.

11 7. Whenever the drawee of such instrument has refused
12 payment because the maker has no account with the drawee,
13 the court or jury may infer from such fact that the maker
14 knew that the instrument would not be paid on presentation.

15 8 7. Any act that is declared to be theft by any provision
16 of the Code.

17 Sec. 15. Section one thousand four hundred two (1402),
18 subsection two (2):

19 2. The theft of any property not exceeding five ~~thousand~~
20 hundred dollars in value by one who has before been twice
21 convicted of theft, or the theft by any other person of
22 property exceeding five hundred dollars but not exceeding
23 five thousand dollars in value or theft of a motor vehicle
24 as defined in chapter three hundred twenty-one (321) of the
25 Code, irrespective of value, is theft in the second degree.
26 Theft in the second degree is a class D felony.

27 Sec. 16. Section one thousand four hundred seven (1407):

28 SEC. 1407. NEW SECTION. OPERATING VEHICLE WITHOUT OWNER'S
29 CONSENT. Any person who shall take possession or control
30 of any railroad vehicle, or any self-propelled vehicle, air-
31 craft, or motor boat, the property of another, without the
32 consent of the owner of such, but without the intent to
33 permanently deprive the owner thereof, shall be guilty of
34 an aggravated misdemeanor. A violation of this section may
35 be proved as a lesser included offense on an indictment or

1 information charging theft.

2 Sec. 17. Section one thousand four hundred eight (1408),
3 subsection seven (7):

4 7. Manufactures, sells, or keeps for sale any token or
5 device suitable for the operation of a coin-operated device
6 or vending machine, with the intent that such token or device
7 may be so used, or with the representation that they can be
8 so used; provided, that the owner or operator of any coin-
9 operated device or vending machine may sell slugs or tokens
10 for use in his or her own devices.

11 Sec. 18. Section one thousand five hundred one (1501),
12 subsection one (1):

13 1. A check, bill note, draft, bond receipt, or any writ-
14 ing which ostensibly evidences an obligation of, or surrender
15 of right or claim by, the person who has purportedly executed
16 it or authorized its execution. ~~Writing~~ Writing includes
17 printing or any other method of recording information, money,
18 coins, tokens, stamps, seals, credit cards, badges, trademarks,
19 and other symbols of value, right, privilege, or
20 identification.

21 Sec. 19. Section one thousand six hundred seven (1607),
22 subsection two (2), paragraph a:

23 a. Entering upon or in property without justification
24 or without the implied or actual permission of the owner,
25 lessee, or person in lawful possession with the intent to
26 commit a public offense or to use, remove therefrom, alter,
27 damage, harass, or place thereon or therein anything animate
28 or inanimate, ~~without-justification, or without the implied~~
29 ~~or-actual-permission-of-the-owner, lessee, or person in lawful~~
30 possession.

31 Sec. 20. Section one thousand nine hundred one (1901):

32 SECTION 1901. NEW SECTION. INTERFERENCE WITH OFFICIAL
33 ACTS. A person who knowingly resists or obstructs anyone
34 known by the person to be a peace officer in the performance
35 of any act which is within the scope of the officer's lawful

1 duty or authority, or who knowingly resists or obstructs the
2 service or execution by any authorized person of any civil
3 or criminal process or order of any court, commits a simple
4 misdemeanor. If a person commits an interference with official
5 acts, as defined in this section, and in so doing he purposely
6 inflicts or attempts to inflict serious injury, or displays
7 a dangerous weapon, or is armed with a firearm, he that person
8 commits an aggravated misdemeanor.

9 Sec. 21. Section one thousand nine hundred six (1906),
10 unnumbered paragraph one (1):

11 Any person who introduces into any detention facility or
12 correctional institution any weapon, explosive or incendiary
13 substance, rope, ladder, or any instrument or device by which
14 he that person intends to facilitate the escape of any
15 prisoner, or any person who, not being authorized by law,
16 knowingly causes any such weapon, explosive or incendiary
17 substance, rope, ladder, instrument or device to come into
18 the possession of any prisoner, commits the crime of assisting
19 a prisoner to escape which is subject to the following
20 penalties:

21 Sec. 22. Section two thousand four hundred eight (2408),
22 subsections five (5) and six (6):

23 5. The issuing officer reasonably determines from com-
24 petent evidence that the applicant does not constitute a
25 danger to ~~himself-or-others~~ any person.

26 6. ~~He~~ The person has never been convicted of any crime
27 defined in division eight (VIII) of this ~~Aet~~ chapter, except
28 "assault" as defined in section eight hundred one (801) of
29 this ~~Aet~~ chapter and "harrassment" as defined in section eight
30 hundred ~~eight-(808)~~ seven (807) of this ~~Aet~~ chapter.

31 Sec. 23. Section two thousand four hundred nine (2409):

32 SEC. 2409. NEW SECTION. APPLICATION. No person shall
33 be issued a permit to carry weapons unless the person has
34 completed and signed an application on a form to be prescribed
35 and published by the commissioner of public safety. The

1 application shall state the full name, social security number,
2 residence, and age of the applicant, and shall state whether
3 the applicant has ever been convicted of a felony, whether
4 the person is addicted to the use of alcohol or any controlled
5 substance, and whether ~~he~~ the person has any history of mental
6 illness or repeated acts of violence. Any person who knowingly
7 makes a false statement on such application commits an
8 aggravated misdemeanor.

9 Sec. 24. Section two thousand six hundred two (2602):

10 SEC. 2602. NEW SECTION. INCEST. A person, except a child
11 as defined in this ~~Act~~ chapter, who has sexual intercourse
12 with any person whom he or she knows to be related to him
13 or her, either legitimately or illegitimately, as an ancestor,
14 descendant, brother or sister of the whole or half blood,
15 aunt, uncle, niece, or nephew, commits incest. Incest is
16 a class D felony.

17 Sec. 25. Section two thousand six hundred four (2604):

18 SEC. 2604. NEW SECTION. HUSBAND OR WIFE MAY BE WITNESS.
19 In all prosecutions under ~~section~~ sections two thousand six
20 hundred three (2603), two thousand six hundred five (2605),
21 or two thousand six hundred six (2606) of this ~~Act~~ chapter,
22 the husband or wife shall be a competent witness for the state
23 and may testify to any relevant acts or communications between
24 them, anything in previous statutes to the contrary
25 notwithstanding, provided, however, that no husband or wife
26 shall be called or compelled to testify against the other
27 under section two thousand six hundred three (2603), two thou-
28 sand six hundred five (2605), or two thousand six hundred
29 six (2606) of this ~~Act~~ chapter except upon consent of such
30 witness.

31 Sec. 26. Section two thousand six hundred six (2606):

32 SEC. 2606. NEW SECTION. WANTON NEGLECT OF A ~~CHILD~~ MINOR.
33 A person who is the parent or adoptive parent or any person
34 having custody of any ~~child-under-the-age-of-eighteen-years~~
35 minor commits wanton neglect of a ~~child~~ minor when the person

1 does any of the following:

2 1. The person knowingly acts in a manner likely to be
3 injurious to the physical, mental or moral welfare of such
4 ~~child~~ minor.

5 A parent or adoptive parent or person having custody who
6 provides his or her minor child exclusively with nonmedical
7 treatment by a religious method of healing permitted under
8 the laws of this state shall not, for this reason alone, be
9 considered in violation of this subsection.

10 2. The person abandons such ~~child~~ minor to fend for himself
11 or herself, knowing that the ~~child~~ minor is unable to do so.

12 Wanton neglect of a ~~child~~ minor is a serious misdemeanor.

13 Sec. 27. Section two thousand eight hundred one (2801),
14 subsection seven (7):

15 7. "Sex act" means any sexual contact, actual or simulated,
16 either natural or deviate, between two or more persons, or
17 between a person and an animal, by penetration of the penis
18 into the vagina or anus, or by contact between the mouth or
19 tongue and genitalia or anus, or by contact between a finger
20 of one person and the genitalia ~~or~~ of another person or by
21 use of artificial sexual organs or substitutes therefor in
22 contact with the genitalia or anus.

23 Sec. 28. Chapter one thousand two hundred forty-five
24 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
25 chapter two (2), sections one hundred four (104), three hundred
26 one (301), three hundred three (303), four hundred two (402),
27 four hundred six (406), four hundred eight (408), four hundred
28 nine (409), four hundred twenty-two (422), four hundred twenty-
29 five (425), four hundred twenty-six (426), five hundred five
30 (505), seven hundred two (702), seven hundred five (705),
31 eight hundred one (801), eight hundred three (803), and eight
32 hundred four (804), division ten (X), sections one thousand
33 one hundred two (1102), one thousand one hundred three (1103),
34 one thousand one hundred six (1106), one thousand one hundred
35 eight (1108), one thousand two hundred two (1202), and one

1 thousand two hundred three (1203), division fourteen (XIV),
2 sections one thousand four hundred one (1401), one thousand
3 four hundred two (1402), one thousand four hundred three
4 (1403), one thousand four hundred four (1404), one thousand
5 four hundred five (1405), one thousand four hundred six (1406),
6 one thousand four hundred seven (1407), one thousand four
7 hundred nine (1409), one thousand four hundred ten (1410),
8 one thousand four hundred eleven (1411), one thousand four
9 hundred fifteen (1415), one thousand four hundred seventeen
10 (1417), one thousand four hundred nineteen (1419), one thousand
11 four hundred twenty (1420), one thousand four hundred twenty-
12 two (1422), one thousand four hundred twenty-three (1423),
13 one thousand four hundred twenty-four (1424), one thousand
14 four hundred twenty-five (1425), one thousand four hundred
15 twenty-six (1426), one thousand four hundred twenty-seven
16 (1427), one thousand five hundred seven (1507), one thousand
17 six hundred four (1604), and one thousand nine hundred one
18 (1901), are amended by sections twenty-nine (29) through
19 seventy-six (76) of this Act as follows:

20 Sec. 29. Section one hundred four (104), subsection seven
21 (7), paragraphs b and f:

- 22 b. Marshals and policemen of cities and towns.
- 23 ~~f.--Employees-of-the-director-of-the-department-of-general~~
24 ~~services-pursuant-to-section-eighteen-point-twelve-(18-12),~~
25 ~~subsection-two-(2)-of-the-Code.~~

26 Sec. 30. Section one hundred four (104), by adding the
27 following new subsection:

28 NEW SUBSECTION. "Indictable offense" means an offense
29 other than a simple misdemeanor.

30 Sec. 31. Section three hundred one (301), subsection one
31 (1), unnumbered paragraph one (1), and subsection two (2):

32 1. A person is subject to prosecution in this state for
33 an offense which the person commits within or outside this
34 state, by the person's own conduct or that of another for
35 which he or she is legally accountable, if:

1 2. An offense may be committed partly within this state
2 if conduct which is an element of the offense, or a result
3 which constitutes an element of the offense, occurs within
4 this state. If the body of a ~~homicide~~ murder victim is found
5 within the state, the death is presumed to have occurred
6 within the state.

7 Sec. 32. Section three hundred three (303), by striking
8 subsection five (5) and inserting in lieu thereof the
9 following:

10 5. If the offense is a traffic offense or a scheduled
11 offense under section seven hundred fifty-three point fifteen
12 (753.15) of the Code, section seven hundred fifty-three point
13 twenty (753.20) of the Code shall apply.

14 Sec. 33. Section four hundred two (402):

15 SEC. 402. NEW SECTION. CONTENTS OF ARREST WARRANT. The
16 warrant must be directed to any peace officer in the state;
17 give the name of the defendant, if known, to the magistrate;
18 if unknown, may designate "name unknown"; and must state by
19 name or general description an offense which authorizes a
20 warrant to issue, the date of issuing it, the county, or city,
21 ~~or town~~ where issued, and be signed by the magistrate with
22 the magistrate's name of office.

23 Sec. 34. Section four hundred six (406):

24 SEC. 406. NEW SECTION. PERSONS AUTHORIZED TO MAKE AN
25 ARREST. An arrest pursuant to a warrant ~~may~~ shall be made
26 only by a peace officer; in other cases, an arrest may be
27 made by a peace officer or by a private person as provided
28 in this division.

29 Sec. 35. Section four hundred eight (408), unnumbered
30 paragraph two (2):

31 At the time of the ~~arrest~~ arrest, the law enforcement
32 officer shall inform the person of:

33 Sec. 36. Section four hundred nine (409):

34 SEC. 409. NEW SECTION. INITIAL APPEARANCE OF ARRESTED
35 MATERIAL WITNESS BEFORE MAGISTRATE--ARREST-OF-MATERIAL-WITNESS.

1 The officer shall, without unnecessary delay, take the person
2 arrested pursuant to section four hundred eight (408) of this
3 chapter before the nearest and or most accessible magistrate
4 to the place where the arrest occurred.

5 At the appearance before the magistrate, the law enforce-
6 ment officer shall make a showing to the magistrate, by sworn
7 affidavit, that probable cause exists to believe that a person
8 is a necessary and material witness to a felony and that such
9 person might be unavailable for service of a subpoena. The
10 magistrate may order the person released pursuant to chapter
11 two (2), section one thousand one hundred two (1102) of this
12 Act.

13 Sec. 37. Section four hundred twenty-two (422):

14 SEC. 422. NEW SECTION. INITIAL APPEARANCE BEFORE
15 MAGISTRATE--ARREST BY WARRANT.

16 1. Any person arrested in obedience to a warrant shall,
17 without unnecessary delay, be taken before the nearest and
18 or most accessible magistrate to the place where the arrest
19 occurred, and the officer must at the same time deliver to
20 the magistrate the warrant, with the officer's return thereon
21 endorsed and subscribed by the officer with his or her official
22 title.

23 2. Where the offense ~~be~~ is bailable, the magistrate shall
24 fix bail giving due consideration to the bail endorsed on
25 the warrant or other conditions stipulated on the warrant
26 for the defendant's appearance in the court which issued the
27 warrant; if such person is not released on bail, the magistrate
28 must redeliver the warrant to the officer, ~~the-warrant~~ and
29 the officer shall retain custody of the arrested person until
30 his or her removal to appear before the magistrate who issued
31 the warrant.

32 3. If the magistrate who issued the warrant is absent
33 or unable to act, the arrested person shall be taken to the
34 nearest and or most accessible magistrate in the judicial
35 district where the offense occurred, and all documents on

1 which the warrant was issued must be sent to such magistrate,
2 or if they cannot be procured, the informant and his or her
3 witnesses must be subpoenaed to make new affidavits.

4 Sec. 38. Section four hundred twenty-five (425):

5 SEC. 425. NEW SECTION. BAIL--DISCHARGE. Any magistrate
6 ~~or-clerk~~ who receives bail as provided for in sections four
7 hundred twenty-two (422), subsection two (2), and four hundred
8 twenty-three (423), subsection two (2), of this division shall
9 endorse, on the order of commitment or on the warrant, an
10 order for the discharge from custody of the arrested person,
11 who shall forthwith be discharged, and shall transmit by mail,
12 or otherwise, as soon as it can be conveniently done, to the
13 court at which the person is bound to appear, the affidavits,
14 order of commitment or warrant, and discharge, together with
15 the undertaking of bail.

16 Sec. 39. Section four hundred twenty-six (426):

17 SEC. 426. NEW SECTION. OFFICER'S RETURN. In all cases,
18 the peace officer, when he or she takes a person committed
19 to the officer under an order as provided in this division
20 before a magistrate ~~or-clerk-of-the-district-court~~, either
21 for the purpose of giving bail, if bail be taken, or for trial
22 or preliminary examination, must make his or her return on
23 such order, and sign such return with his or her name of
24 office, and deliver the same to the magistrate ~~or-clerk~~.

25 Sec. 40. Section five hundred five (505):

26 SEC. 505. NEW SECTION. FAILURE TO APPEAR.

27 4. Any person who willfully fails to appear in court as
28 specified by the citation shall be guilty of a simple
29 misdemeanor. Where a defendant fails to make a required court
30 appearance, the court shall issue an arrest warrant for the
31 offense of failure to appear, and shall forward the warrant
32 and the original citation to the clerk. The clerk shall enter
33 a transfer to the issuing agency on the docket, and shall
34 return the warrant with the original citation attached to
35 the law enforcement agency which issued the original citation

1 for enforcement of the warrant. Upon arrest of the defendant,
2 the warrant and the original citation shall be returned to
3 the court, and the offenses shall be heard and disposed of
4 simultaneously. ~~This subsection shall not apply in any case~~
5 ~~in which the citation alleges a simple misdemeanor and in~~
6 ~~which the person cited has submitted bond as provided in~~
7 ~~subsection two (2) of this section.~~

8 ~~2.--In the case of a citation which alleges the commission~~
9 ~~of a simple misdemeanor and in which the person cited has~~
10 ~~submitted an appearance bond in the form of cash, check, or~~
11 ~~guaranteed arrest bond certificate as defined in section three~~
12 ~~hundred twenty one point one (321.1) of the Code, the court~~
13 ~~shall not issue an arrest warrant for failure to appear, but~~
14 ~~shall order a forfeiture of the bond as provided in subsection~~
15 ~~four (4) of section one thousand one hundred six (1106) of~~
16 ~~chapter two (2) of this Act.~~

17 Sec. 41. Section seven hundred two (702):

18 SEC. 702. NEW SECTION. FORM OF THE SUMMONS. The summons
19 may be in substantially the following form:

20 County of _____ (as the case may be.)
21 "In the name of the people of the State of Iowa:
22 "To the (naming the corporation).
23 "You are hereby summoned to appear before me, at
24 (naming the place) on (specifying the day and hour),
25 to answer a charge made against you, upon the com-
26 plaint of A.B., for (designating the offense, gen-
27 erally.)
28 "Dated at the city (or town) of _____, the
29 _____ day of _____,
30 G. H. Magistrate"
31 (or as the case may be.)

32 Sec. 42. Section seven hundred five (705), subsection
33 one (1):

34 1. The clerk of the court wherein such indictment is found
35 or the information filed, or the judge, must issue a summons

1 signed by him or her with his or her name of office, requiring
2 such corporation to appear and plead to the indictment, at
3 a time and place to be specified in such summons, such time
4 to be not less than twenty days after the issue thereof.

5 The summons may be substantially in the following form:

6 District Court, _____ County.

7 The People of the State of Iowa

8 vs.

9 The A. B. Company,

10 You are hereby summoned to appear in this
11 court at (naming the place) on (stating the day
12 and hour), and plead to an indictment filed
13 against you by the grand jury of this county,
14 on the ____ day of _____,
15 charging you with the crime of (designating
16 the offense, generally), and in case of your
17 failure to so appear and answer, judgment will
18 be pronounced against you.

19 Dated at the city ~~(or-town)~~ of _____,
20 the ____ day of _____, _____.

21 C.D.,

22
23 Clerk of the District Court.

24 (or by order of the court)

25 Sec. 43. Section eight hundred one (801), subsection one
26 (1):

27 1. "Search warrant" means an order in writing pursuant
28 to the requirements of section eight hundred three (803) of
29 this chapter, in the name of the state, signed by a magistrate,
30 and directed to a peace officer commanding him or her to
31 search a person, premises, or thing.

32 Sec. 44. Section eight hundred three (803):

33 SEC. 803. NEW SECTION. APPLICATION FOR SEARCH WARRANTS.

34 Any person may make application for the issuance of a search
35 warrant by submitting before any magistrate a written

1 application, supported by the person's oath or affirmation,
2 and setting forth therein facts, information, and circum-
3 stances tending to establish sufficient grounds for grant-
4 ing the application, and probable cause for believing that
5 such grounds exist. The application shall describe the per-
6 son, place, or thing to be searched and the property to be
7 seized with such specificity so as to enable an independent
8 reasonable man with reasonable effort to ascertain and identify
9 such person, place, or thing. If the magistrate thereafter
10 issues the search warrant, the magistrate shall endorse on
11 the application the name and address of all persons upon whose
12 sworn testimony the magistrate relied to issue such warrant
13 together with the abstract of each witness' testimony, or
14 his or her affidavit. However, if the grounds for issuance
15 ~~is~~ are supplied by an informant, the magistrate shall identify
16 only the peace officer to whom the information was given.
17 The magistrate may in his or her discretion require that any
18 witness upon whom the applicant relies for information ~~to~~
19 appear personally and be examined concerning such information.

20 Sec. 45. Section eight hundred four (804):

21 SEC. 804. NEW SECTION. ISSUANCE. Upon a finding of
22 probable cause for grounds to issue a search warrant, the
23 magistrate shall issue a warrant, signed by the magistrate
24 with his or her name of office, directed to any authorized
25 person peace officer, commanding ~~the-person~~ that peace officer
26 forthwith to search the named person, place, or thing within
27 the state for the property specified, and to bring any property
28 seized before the magistrate.

29 Sec. 46. Division ten (X), title:

30 LINEUPS-AND NONTESTIMONIAL IDENTIFICATION

31 Sec. 47. Section one thousand one hundred two (1102),
32 subsection six (6), paragraphs a and b:

33 a. A defendant who is detained, or whose release on a
34 condition requiring the defendant to return to custody after
35 specified hours is continued, after review of the defendant's

1 application pursuant to subsections three (3) or five (5)
2 of this section, by a magistrate, other than a district court
3 judge or district associate judge having original jurisdiction
4 of the offense with which he the defendant is charged, may
5 make application to a district court judge or district
6 associate judge having jurisdiction to amend the order. Said
7 motion shall be promptly set for hearing and a record made
8 thereof.

9 b. In any case in which a court denied a motion under
10 paragraph a of this subsection to amend an order imposing
11 conditions of release, or a defendant is detained after con-
12 ditions of release have been imposed or amended upon such
13 a motion, an appeal may be taken ~~to the supreme court~~ from
14 the district court. The appeal shall be determined summarily,
15 without briefs, on the record made. However, the defendant
16 may elect to file briefs and may be heard in oral argument,
17 in which case the prosecution shall have a right to respond
18 as in an ordinary appeal from a criminal conviction. The
19 supreme appellate court may, on its own motion, order the
20 parties to submit briefs and set the time in which such briefs
21 shall be filed. Any order so appealed shall be affirmed if
22 it is supported by the proceeding below. If the order is
23 not so supported, the court may remand the case for a further
24 hearing, or may, with or without additional evidence, order
25 the defendant released pursuant to subsection one (1) of this
26 section.

27 Sec. 48. Section one thousand one hundred three (1103),
28 subsection one (1):

29 1. Insurance companies doing business in this state un-
30 der the provisions of section five hundred fifteen point
31 forty-eight (515.48), subsection two (2) of the Code, may
32 act as surety. Resident property owners of property which
33 is located within the state, and which is worth the amount
34 specified in the undertaking, may act as surety, and must
35 in all cases justify by an affidavit taken before an officer

1 authorized to administer oaths that such surety possesses
2 such qualifications.

3 Sec. 49. Section one thousand one hundred six (1106),
4 subsections one (1), three (3), and four (4):

5 1. A defendant released pursuant to this division shall
6 appear at arraignment, trial, judgment, or such other proceed-
7 ings where the defendant's appearance is required. If the
8 defendant fails to appear at the time and place when his or
9 her personal appearance is lawfully required, or to surrender
10 himself or herself in execution of the judgment, the court
11 must direct an entry of such failure to be made of record,
12 and the undertaking of the defendant's bail, or the money
13 deposited, is thereupon forfeited. As a part of such entry,
14 except as provided in rule ~~forty-three-(43)~~ fifty-three (53),
15 rules of criminal procedure, the court shall direct the sheriff
16 of the county to give ten days' notice in writing to the
17 defendant and his or her sureties to appear and show cause,
18 if any, why judgment should not be entered for the amount
19 of such bail. If such appearance is not made, judgment shall
20 be entered by the court. If such appearance is made, the
21 court shall set the case down for immediate hearing as an
22 ordinary action.

23 3. The court may, upon application, set aside such judg-
24 ment if, within sixty days from the date thereof, the defen-
25 dant shall voluntarily surrender himself or herself to the
26 sheriff of the county, or his or her ~~bondsmen~~ sureties shall,
27 at their own expense, deliver the defendant to the custody
28 of the sheriff. Such judgment shall not be set aside, however,
29 unless as a condition precedent thereto, the defendant and
30 the defendant's sureties shall have paid all costs and expenses
31 incurred in connection therewith.

32 ~~4.---The-provisions-of-subsections-one-(1),-two-(2)-and~~
33 ~~three-(3)-of-this-section-shall-not-apply-to-a-case-in-which~~
34 ~~a-simple-misdemeanor-is-charged-by-police-citation-pursuant~~
35 ~~to-section-five-hundred-five-(505)-of-chapter-two-(2)-of-this~~

1 Act or by uniform citation and complaint pursuant to section
2 seven hundred fifty three point fifteen (753.15) of the Code,
3 and in which the defendant has submitted appearance bond in
4 the form of cash, check, or guaranteed arrest bond certificate
5 as defined in section three hundred twenty one point one
6 (321.1) of the Code.--Where a defendant fails to appear as
7 required in such a case, the court shall enter a judgment
8 of forfeiture of the bond which shall be final upon entry
9 and shall not be set aside.

10 Sec. 50. Section one thousand one hundred eight (1108):

11 SEC. 1108. NEW SECTION. SURRENDER OF DEFENDANT.

12 1. At any time before the forfeiture of ~~the defendant's~~
13 the undertaking, the ~~bail~~ surety may surrender the defendant,
14 or the defendant may surrender himself or herself, to the
15 officer to whose custody the defendant was committed at the
16 time of giving bail, and such officer shall detain the
17 defendant as upon a commitment and must, upon such surrender
18 and the receipt of a certified copy of the undertaking of
19 bail, acknowledge the surrender by a certificate in writing.

20 2. Upon the filing of the undertaking and the certificate
21 of the officer, or the certificate of the officer alone if
22 money has been deposited instead of bail, the court or clerk
23 shall immediately order return of the money deposited to the
24 person who deposited the same, or order an exoneration of
25 the bondsman surety.

26 3. For the purpose of surrendering the defendant, the
27 ~~bail~~ surety, at any time before finally charged and at any
28 place within the state, may arrest the defendant, or, by a
29 written authority endorsed on a certified copy of the
30 undertaking, may empower any person of suitable age and
31 discretion to do so.

32 Sec. 51. Section one thousand two hundred two (1202),
33 subsection three (3):

34 3. The person shall be entitled to representation by
35 counsel, including appointed counsel for indigent persons,

1 and shall be entitled to the right of cross-examination and
2 to present information, to testify, and to present witnesses
3 in his or her own behalf.

4 Sec. 52. Section one thousand to hundred three (1203):

5 SECTION 1203. NEW SECTION. MENTAL INCOMPETENCY OF ACCUSED.

6 If at any stage of a criminal proceeding it reasonably appears
7 that the defendant is suffering from a mental disorder which
8 prevents him or her from appreciating the charge ~~against-him~~,
9 understanding the proceedings, or assisting effectively in
10 ~~his~~ the defense, further proceedings must be suspended and
11 a hearing had upon that question.

12 Sec. 53. Division fourteen (XIV), title:

13 ~~APPEALS IN-THE-SUPREME-COURT~~ FROM THE DISTRICT COURT

14 Sec. 54. Section one thousand four hundred one (1401):

15 SECTION 1401. NEW SECTION. DEFINITION OF APPEAL AND

16 DISCRETIONARY REVIEW. For the purposes of this division,
17 unless the context otherwise requires:

18 1. "Appeal" is the right of both the defendant and the
19 state to have specified actions of the ~~lower~~ district court
20 considered by ~~the-supreme~~ an appellate court.

21 2. "Discretionary review" is the process by which ~~the~~
22 ~~supreme~~ an appellate court may exercise its discretion, in
23 like manner as under the rules pertaining to interlocutory
24 appeals and certiorari in civil cases, to review specified
25 matters not subject to appeal as a matter of right. The
26 supreme court may adopt additional rules to control access
27 to discretionary review.

28 Sec. 55. Section one thousand four hundred two (1402):

29 SEC. 1402. NEW SECTION. PARTIES--HOW DESIGNATED ON APPEAL.

30 The party seeking review shall be known as the appellant and
31 the adverse party as the appellee, but the title of the action
32 shall not be changed from that in the district court ~~below~~.

33 Sec. 56. Section one thousand four hundred three (1403):

34 SEC. 1403. NEW SECTION. APPEALS IN CASES INVOLVING MORE
35 THAN ONE DEFENDANT. When defendants are tried jointly, they

1 may seek discretionary review or may appeal separately or
2 they may join. The supreme appellate court may, in the
3 interest of justice, consolidate appeals or applications for
4 discretionary review.

5 Sec. 57. Section one thousand four hundred four (1404):

6 SEC. 1404. NEW SECTION. PERFECTION OF AN APPEAL AND AP-
7 PPLICATION FOR DISCRETIONARY REVIEW. An appeal is perfected
8 by filing a written notice within sixty days after judgment
9 or order with the clerk of the district court wherein the
10 judgment or order was issued. Application for discretionary
11 review is made by filing a written notice within ten days
12 after judgment or order with the clerk of the district court
13 wherein the judgment or order was issued.

14 Sec. 58. Section one thousand four hundred five (1405),
15 subsection one (1), unnumbered paragraph one (1):

16 Appeal Right of appeal is granted the state from:

17 Sec. 59. Section one thousand four hundred six (1406),
18 subsection one (1), unnumbered paragraph one (1) and paragraph
19 b:

20 Appeal Right of appeal is granted the defendant from:

21 b. An order for the commitment of the defendant for insan-
22 ity or drug addiction, ~~or an order for the indeterminate com-~~
23 ~~mitment of the defendant as a mentally disordered sex offender.~~

24 Sec. 60. Section one thousand four hundred seven (1407):

25 SEC. 1407. NEW SECTION. DUTY OF CLERK WHEN APPEAL IS

26 PERFECTED OR APPLICATION MADE. When an appeal or an
27 application for discretionary review is filed, the clerk of
28 the court in which the judgment or order was rendered shall:

29 1. Immediately prepare and transmit to the adverse party
30 and his or her attorney of record, and if the defendant is
31 the moving party, to the attorney general and the clerk of
32 the supreme appellate court, a true copy of the notice of
33 appeal or application, together with the date of filing.

34 2. Immediately prepare and transmit to the clerk of the
35 supreme appellate court and the attorney general a transcript

1 of all record entries relevant to the appeal or application,
2 together with copies of all papers in the case on file in
3 the clerk's office, except those returned by the examining
4 magistrate on the preliminary examination, all duly certified
5 under seal of his or her court.

6 Sec. 61. Section one thousand four hundred nine (1409):

7 SEC. 1409. NEW SECTION. INDIGENT'S RIGHT TO TRANSCRIPT
8 ON APPEAL. If a defendant in a criminal cause has perfected
9 an appeal from a judgment against him or her and shall satisfy
10 the judge of the ~~lower~~ district court that he or she is
11 indigent, such judge may order the transcript made at the
12 expense of the county where the defendant was tried. When
13 an attorney of record is representing such indigent, said
14 attorney shall make application to the ~~lower~~ district court
15 for the transcript.

16 Sec. 62. Section one thousand four hundred ten (1410):

17 SEC. 1410. NEW SECTION. INDIGENT'S APPLICATION FOR
18 TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause
19 has been granted discretionary review from an action of a
20 ~~lower the district~~ court ~~by-the-supreme-court~~ and the ~~supreme~~
21 appellate court deems a transcript or portions thereof are
22 necessary to proper review of the question or questions raised,
23 the ~~judge-of-the-lower~~ district court shall order the
24 transcript made at the expense of the county where the
25 defendant was tried, if the defendant is indigent.

26 Sec. 63. Section one thousand four hundred eleven (1411):

27 SEC. 1411. NEW SECTION. INDIGENT'S RIGHT TO COUNSEL.
28 An indigent defendant is entitled to appointed counsel on
29 the appeal of all indictable offenses. Such appointment is
30 subject to ~~the rules and-regulations-which-are-or-may-be~~
31 promulgated-by of the supreme court ~~of-the-state~~.

32 Sec. 64. Section one thousand four hundred fifteen (1415):

33 SEC. 1415. NEW SECTION. APPEALS AND APPLICATIONS, WHEN
34 DOCKETED, WHEN DETERMINED. When a proper appeal is perfected
35 in a criminal case and the clerk's transcript of the record

1 as required by section one thousand four hundred seven (1407)
2 of this division is filed in the supreme appellate court,
3 the cause shall be docketed. Such causes shall take precedence
4 over other business, and the supreme appellate court shall
5 hear and determine appeals in criminal actions at the earliest
6 time it may be done considering the rights of parties and
7 proper administration of justice. A similar rule shall apply
8 to applications for discretionary review.

9 Sec. 65. Section one thousand four hundred seventeen
10 (1417):

11 SEC. 1417. NEW SECTION. PERSONAL APPEARANCE OF THE
12 DEFENDANT. The personal appearance of the defendant in the
13 supreme appellate court on the trial of an appeal, or upon
14 the hearing of a matter of discretionary review, is in no
15 case necessary.

16 Sec. 66. Section one thousand four hundred nineteen (1419):

17 SEC. 1419. NEW SECTION. HEARING IN THE SUPREME APPELLATE
18 COURT, RULES OF PROCEDURE. The record and case shall be
19 presented to the supreme appellate court as provided by-its
20 rules in the rules of appellate procedure; and the provisions
21 of law in civil procedure relating to the filing of decisions
22 and opinions of the supreme appellate court shall apply in
23 such cases.

24 Sec. 67. Section one thousand four hundred twenty (1420):

25 SEC. 1420. NEW SECTION. DECISIONS ON APPEALS OR
26 APPLICATIONS BY DEFENDANT. An appeal or application taken
27 by the defendant shall not be dismissed for an informality
28 or defect in taking it if corrected as directed by the supreme
29 appellate court. The supreme appellate court, after an
30 examination of the entire record, may dispose of the case
31 by affirmation, reversal or modification of the lower district
32 court judgment. It may also dismiss the appeal or application
33 if it determines that there has been no substantial miscarriage
34 of justice, and no violation of the rights of the accused,
35 and that the arguments do not present definite grounds for

1 a hearing. The supreme appellate court may also order a new
2 trial, or reduce the punishment, but cannot increase it.

3 Sec. 68. Section one thousand four hundred twenty-two
4 (1422):

5 SEC. 1422. NEW SECTION. REVERSAL--EFFECT. If a judgment
6 against the defendant is reversed, such reversal shall be
7 deemed an order for a new trial, unless the supreme appellate
8 court shall direct a different disposition. In reversing
9 the case, the supreme appellate court may direct that the
10 defendant be discharged and the defendant's bail exonerated,
11 or if money is deposited instead, that it be returned to the
12 defendant.

13 Sec. 69. Section one thousand four hundred twenty-three
14 (1423):

15 SEC. 1423. NEW SECTION. AFFIRMANCE--EFFECT. On a judgment
16 of affirmance against the defendant, the original judgment
17 shall be carried into execution as the supreme appellate court
18 shall direct.

19 Sec. 70. Section one thousand four hundred twenty-four
20 (1424):

21 SEC. 1424. NEW SECTION. DECISION RECORDED AND TRANSMITTED.
22 The decision of the supreme appellate court with any opinion
23 filed or judgment rendered must be recorded by its clerk.
24 After the expiration of the period allowed for a rehearing,
25 or as ordered by the court or provided by its rules, a
26 certified copy of the decision and opinion shall be transmitted
27 to the clerk of the ~~trial~~ district court, filed and entered
28 of record by the clerk.

29 Sec. 71. Section one thousand four hundred twenty-five
30 (1425):

31 SEC. 1425. NEW SECTION. JURISDICTION OF APPELLATE COURT
32 CEASES AFTER JUDGMENT. The jurisdiction of the supreme
33 appellate court shall cease after the certified copy of the
34 decision and opinion is transmitted to the clerk of the ~~trial~~
35 district court. All proceedings for executing the judgment

1 shall be had in the ~~trial~~ district court or by its clerk.

2 Sec. 72. Section one thousand four hundred twenty-six
3 (1426):

4 SEC. 1426. NEW SECTION. JUDGMENT ENFORCED. Unless some
5 proceeding in the district court is directed, ~~a-copy~~ copies
6 of the judgment of the ~~trial~~ district court and of the decision
7 on appeal or review, or a copy of the judgment and decision
8 on appeal or review, certified by the clerk of the ~~trial~~
9 district court, shall be delivered to the sheriff or proper
10 officer as an execution. He shall be authorized to execute
11 the judgment of the court, or take any legal measures required
12 to bring the action to a conclusion.

13 Sec. 73. Section one thousand four hundred twenty-seven
14 (1427):

15 SEC. 1427. NEW SECTION. TIME OF CONFINEMENT DEDUCTED.
16 A defendant, confined during the pendency of an unsuccessful
17 review or appeal, or convicted at a new trial ordered by the
18 supreme appellate court, shall have the period of his or her
19 former confinement deducted from the period of confinement
20 fixed on the last verdict of conviction by the district court.

21 Sec. 74. Section one thousand five hundred seven (1507):

22 SEC. 1507. NEW SECTION. FEES TO ATTORNEYS. An attorney
23 appointed by the court to represent any person charged with
24 a crime in this state shall be entitled to a reasonable
25 compensation which shall be the ordinary and customary charges
26 for like services in the community to be decided in each case
27 by the district ~~court~~ judge, including such sum or sums as
28 the court may determine are necessary for investigation in
29 the interests of justice and in the event of appeal the cost
30 of obtaining the transcript of the trial and the printing
31 of the trial record and necessary briefs in behalf of the
32 defendant. Such attorney need not follow the case into another
33 county or into the supreme appellate court unless so directed
34 by the court at the request of the defendant, where grounds
35 for further litigation are not capricious or unreasonable,

1 but if such attorney does so his or her fee shall be determined
2 accordingly. Only one attorney fee shall be so awarded in
3 any one case except that in class A felony cases, two may
4 be authorized.

5 Sec. 75. Section one thousand six hundred four (1604):

6 SEC. 1604. NEW SECTION. TRIAL OF FORMER JEOPARDY ISSUE.

7 When the defendant's only plea to the indictment is a former
8 conviction or acquittal, the order of trial prescribed in
9 rule eighteen (18), rules of criminal procedure, shall be
10 reversed, and the defendant shall first offer ~~his~~ evidence
11 in support of ~~his~~ the defense.

12 Sec. 76. Section one thousand nine hundred one (1901),
13 subsection two (2):

14 2. A judge of a court of record in the other state certi-
15 fies under the seal of such court that there is a criminal
16 action pending in such court or that a grand jury investigation
17 has commenced; that a person residing or physically present
18 within this state is a material witness in such action or
19 grand jury investigation; and that ~~his~~ the person's presence
20 will be required for a number of days which shall be specified
21 in such certification.

22 Sec. 77. Chapter two (2) is amended by adding the fol-
23 lowing new section to division five (V):

24 SEC. ____ . NEW SECTION. OTHER CITATION FORMS. The pro-
25 visions of sections three hundred twenty-one point four hundred
26 eighty-five (321.485) through three hundred twenty-one point
27 four hundred eighty-seven (321.487) of the Code shall govern
28 with respect to offenses charged in the manner provided in
29 section three hundred twenty-one point four hundred eighty-
30 five (321.485) of the Code. The provisions of chapter seven
31 hundred fifty-three (753) of the Code shall govern with respect
32 to offenses chargeable upon a uniform citation and complaint.

33 Sec. 78. Chapter two (2) is amended by adding the following
34 new section to division eleven (XI):

35 SEC. ____ . NEW SECTION. FORFEITURE OF APPEARANCE BOND.

1 Sections one thousand one hundred six (1106), one thousand
2 one hundred seven (1107), and one thousand one hundred eight
3 (1108) of this chapter shall not apply in a case where a
4 scheduled offense not requiring a court appearance is charged
5 upon a uniform citation and complaint and where the defendant
6 has submitted appearance bond in the form of cash, check,
7 credit card as provided in section seven hundred fifty-three
8 point twenty-one (753.21) of the Code, or guaranteed arrest
9 bond certificate as defined in section three hundred twenty-
10 one point one (321.1) of the Code. When a defendant fails
11 to appear as required in such cases, the court shall enter
12 a judgment of forfeiture of the bond. The judgment shall
13 be final upon entry and shall not be set aside.

14 Sec. 79. Chapter one thousand two hundred forty-five
15 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
16 chapter three (3), sections one hundred five (105), three
17 hundred three (303), six hundred four (604), six hundred eight
18 (608), six hundred fourteen (614), seven hundred two (702),
19 seven hundred three (703), seven hundred seven (707), seven
20 hundred eight (708), eight hundred five (805), eight hundred
21 six (806), and eight hundred eight (808), are amended by
22 sections eighty (80) through ninety-one (91) of this Act as
23 follows:

24 Sec. 80. Section one hundred five (105), subsection two
25 (2):

26 2. If the defendant is ~~neither-a-dangerous-offender-nor~~
27 ~~an-incorrigible~~ not an habitual offender as defined by sections
28 section two hundred eight (208) and-two-hundred-ten-(210)
29 of this chapter, the court may pronounce judgment and impose
30 a fine.

31 Sec. 81. Section three hundred three (303):

32 SEC. 303. NEW SECTION. WORK-RELEASE. The court may
33 direct that a prisoner, sentenced to confinement for ninety
34 days or less, or a prisoner who has served all but ninety
35 days or less of his or her sentence, be released from custody

1 during specified hours, as provided by sections three hundred
2 fifty-six point twenty-six (356.26) through three hundred
3 fifty-six point ~~thirty-six-(356.36)~~ thirty-five (356.35) of
4 the Code.

5 Sec. 82. Section six hundred four (604):

6 SEC. 604. NEW SECTION. PAROLE PROCEDURE. Within one
7 year after the commitment of any person other than a class
8 A felon to the custody of the director of the division of
9 adult corrections, a member of the board shall interview the
10 person. Thereafter, at regular intervals, not to exceed one
11 year, the board shall interview the person and consider his
12 or her prospects for parole. At such time, the board shall
13 consider all pertinent information regarding this person,
14 including the circumstances of the person's offense, any
15 presentence report which may be available, the previous social
16 history and criminal record of such person, the person's
17 conduct, employment and attitude in prison, and the reports
18 of such physical and mental examinations as have been made.
19 If the person who is under consideration for parole is serving
20 a sentence for conviction of a felony and has a criminal
21 record of one or more prior convictions for a forcible felony
22 or a crime of a similar gravity in this or any other state,
23 parole shall be denied unless the defendant has served at
24 least one-half of the maximum term of his or her sentence.
25 Every person while on parole shall be under the supervision
26 of the department of social services, which shall prescribe
27 regulations for governing persons on parole. The board may
28 adopt ~~such~~ other rules not inconsistent with the above as
29 it may deem proper or necessary for the performance of its
30 functions.

31 Sec. 83. Section six hundred eight (608), headnote:

32 CLOTHING, TRANSPORTATION, AND MONEY.

33 Sec. 84. Section six hundred fourteen (614):

34 SEC. 614. NEW SECTION. PAROLE TIME COUNTED. The time
35 when a prisoner is on parole from the institution shall be

1 held to apply upon the sentence against the parolee even if
2 the parole is subsequently revoked, except that the time when
3 the parolee is in violation of the terms of ~~his~~ the parole
4 agreement shall not apply upon the sentence.

5 The time when a prisoner is absent from the institution
6 by reason of an escape shall not apply upon the sentence
7 against the prisoner.

8 Sec. 85. Section seven hundred two (702), subsection one
9 (1), is amended by striking paragraph b.

10 Sec. 86. Section seven hundred three (703):

11 SEC. 703. NEW SECTION. DEFERRED JUDGMENT DOCKET. Any
12 deferment of judgment under ~~this-subsection~~ section seven
13 hundred two (702) of this chapter shall be reported promptly
14 to the supreme court administrator who shall maintain a
15 permanent record thereof including the name of the defendant,
16 the district court docket number, the nature of the offense,
17 and the date of the deferment. Before granting deferment
18 in any case, the court shall request of the supreme court
19 administrator a search of the deferred judgment docket and
20 shall consider any prior record of a deferment of judgment
21 against the defendant. The permanent record provided for
22 in this ~~subsectien~~ section shall constitute a confidential
23 record exempted from public access under section sixty-eight
24 A point seven (68A.7) of the Code and shall be available only
25 to justices of the supreme court, judges of the court of
26 appeals, district judges, district associate judges, and
27 judicial magistrates requesting information pursuant to this
28 ~~subsectien~~ section.

29 Sec. 87. Section seven hundred seven (707), subsection
30 three (3), unnumbered paragraph two (2):

31 In each case wherein the court shall order said person
32 committed to the custody, care, and supervision of the
33 probation and parole service, the clerk of the district court
34 shall at once furnish the chief parole officer with certified
35 copies of the indictment or information, the minutes of

1 testimony attached thereto, the judgment entry if judgment
2 is not deferred, and the original mittimus. The county
3 attorney shall at once advise the chief parole officer, by
4 letter, that the defendant has been placed under the
5 supervision of the probation and parole service and give to
6 the chief parole officer a detailed statement of the facts
7 and circumstances surrounding the crime committed and the
8 record and history of the defendant as may be known to the
9 county attorney. If the defendant is confined in the county
10 jail at the time of sentence, the court may order the defendant
11 held until arrangements are made by the probation and parole
12 service for the defendant's employment and he or she has
13 signed the necessary probation papers. If the defendant is
14 not confined in the county jail at the time of sentence, the
15 court may order the defendant to remain in the county wherein
16 the defendant has been convicted and sentenced and report
17 to the sheriff as to his or her whereabouts.

18 Sec. 88. Section seven hundred eight (708):

19 SEC. 708. NEW SECTION. DISCHARGE FROM PROBATION. At
20 any time that the court determines that the purposes of pro-
21 bation have been fulfilled, the court may order the discharge
22 of any person from probation. At the expiration of the pe-
23 riod of probation, in cases where the court fixes the term
24 of probation, the court shall order the discharge of such
25 person from probation, and the court shall forward to the
26 governor a recommendation for or against restoration of citi-
27 zenship rights to such person. A person who has been
28 discharged from probation shall no longer be held to answer
29 for his or her offense. Upon discharge from probation, if
30 judgment has been deferred under section seven hundred two
31 (702) of this division, the court's criminal record with
32 reference to the deferred judgment shall be expunged. The
33 record maintained by the supreme court administrator as
34 required by section seven hundred three (703) of this division
35 shall not be expunged. The court's record shall never not

1 be expunged in any other circumstances ~~except-as-provided~~
2 ~~in-section-six-hundred-two-point-fifteen-(602-15)-of-the-Code.~~

3 Sec. 89. Section eight hundred five (805):

4 SEC. 805. NEW SECTION. WAIVER OF PROBABLE CAUSE HEARING.

5 The alleged parole violator may waive the probable cause
6 hearing, in which event the magistrate shall proceed as upon
7 a finding of probable cause. Before accepting a waiver of
8 hearing, the magistrate shall inform the alleged violator
9 of the charge ~~against-him-or-her~~, of the alleged violator's
10 right to a hearing to determine whether there is probable
11 cause to believe that ~~he-or-she-has-violated-his-or-her~~ parole
12 has been violated, and that if the ~~alleged-violator-waives~~
13 the hearing that-he-or-she is waived, the alleged violator
14 will be committed to the custody of the department of social
15 services without further proceedings, to await the determina-
16 tion of ~~his-future-status-by~~ the parole board. The magistrate
17 shall make a verbatim record of the proceedings in which the
18 hearing is waived.

19 Sec. 90. Section eight hundred six (806):

20 SEC. 806. NEW SECTION. DISPOSITION BY MAGISTRATE. If

21 it appears from the evidence that there is no probable cause
22 to believe that the arrested person has violated the conditions
23 of ~~his-or-her~~ parole, the magistrate shall order the arrested
24 person to be released from custody and continued on parole.
25 If it appears that there is probable cause to believe that
26 the arrested person has violated the conditions of ~~his-or~~
27 ~~her~~ parole, the magistrate shall commit the arrested person
28 to the custody of the department of social services, and the
29 procedure prescribed in section one hundred seven (107) of
30 this chapter shall apply to such commitment; or the magistrate
31 may admit the arrested person to bail as provided in section
32 eight hundred two (802) of this chapter. The magistrate shall
33 make a summary of the testimony and other evidence considered
34 ~~by-the-liaison-officer~~ and a statement of the facts relied
35 ~~on-by-the-liaison-officer~~ as a basis for ~~his-or-her~~ the finding

1 of probable cause or no probable cause, and shall without
2 delay forward them together with all documents relating to
3 the matter to the executive secretary of the parole board.
4 If the alleged parole violator has waived the probable cause
5 hearing, the verbatim record of that proceeding shall be
6 forwarded in lieu of the summary of evidence and statement
7 of facts.

8 Sec. 91. Section eight hundred eight (808):

9 SEC. 808. NEW SECTION. PROCEEDING WITHOUT ARREST. The
10 board of parole may receive from a parole officer a charge
11 or complaint of parole violation against any parolee and may
12 proceed to a hearing on such charge in any case where the
13 alleged violator has not been arrested or has been arrested
14 and discharged by the magistrate on a finding of no probable
15 cause. The presence of the alleged violator at such hearing
16 shall be secured by summons. A statement of the charge against
17 the alleged violator shall accompany the summons, and ~~his~~
18 ~~or-her~~ the parole officer shall give the alleged violator
19 such assistance as ~~he-or-she-may-need~~ is needed to get to
20 the place of the hearing. Travel expenses, if any, shall
21 be paid by the board. If ~~he-or-she~~ the alleged violator fails
22 without good cause to appear as commanded by the summons,
23 such failure shall be considered a violation of the parole,
24 and the board may proceed to revoke ~~his-or-her~~ parole. If
25 the parole is revoked, the board shall issue a warrant for
26 ~~his-or-her~~ the person's arrest and return to the custody of
27 the department of social services. Upon his or her return
28 to custody, the board shall, upon request, give ~~him-or-her~~
29 the person an opportunity to present any matters in defense
30 or mitigation of ~~his~~ the conduct ~~if-he-so-requests~~.

31 Sec. 92. Chapter one thousand two hundred forty-five
32 (1245), Acts of the Sixty-sixth General Assembly, 1976 Ses-
33 sion, chapter four (4), sections seventy-eight (78), two
34 hundred thirty-one (231), two hundred forty-two (242), two
35 hundred eighty-one (281), three hundred twenty-nine (329),

1 five hundred sixteen (516), five hundred seventeen (517),
2 and five hundred eighteen (518), are amended by sections
3 ninety-three (93) through one hundred (100) of this Act as
4 follows:

5 Sec. 93. Section seventy-eight (78), amending section
6 one hundred three A point twenty-one (103A.21), subsection
7 two (2), unnumbered paragraph two (2) of the 1975 Code:

8 Violations of this section shall be simple misdemeanors,
9 ~~and magistrates and district associate judges courts shall~~
10 ~~have exclusive jurisdiction to originally hear and determine~~
11 ~~charges of violations.~~

12 Sec. 94. Section two hundred thirty-one (231), amending
13 section two hundred four point four hundred ten (204.410)
14 of the 1975 Code:

15 SEC. 231. Section two hundred four point four hundred
16 ten (204.410), Code 1975, is amended by striking the section
17 and inserting in lieu thereof the following:

18 204.410 ACCOMMODATION OFFENSE. In a prosecution for
19 unlawful delivery or possession with intent to deliver a
20 controlled substance, if the prosecution proves that the
21 defendant violated the provisions of section two hundred four
22 point four hundred one (204.401), subsection one (1), of the
23 Code, but fails to prove that the defendant delivered or
24 possessed with intent to deliver the controlled substance
25 for the purpose of making a profit, the defendant shall be
26 guilty of an accommodation offense and shall be sentenced
27 as if ~~he had been~~ convicted of a violation of section two
28 hundred four point four hundred one (204.401), subsection
29 three (3) of the Code. An accommodation offense may be proved
30 as an included offense under a charge of delivering or pos-
31 sessed with the intent to deliver a controlled ~~substance~~
32 substance in violation of section two hundred four point four
33 hundred one (204.401), subsection one (1), of the Code.

34 The effective date of this section shall be July 1, 1976.

35 Sec. 95. Section two hundred forty-two (242), amending

1 section two hundred seventeen point fourteen (217.14),
2 subsection seven (7), unnumbered paragraph two (2) of the
3 1975 Code:

4 SEC. 242. Section two hundred seventeen point fourteen
5 (217.14), subsection seven (7), unnumbered paragraph two (2),
6 Code 1975, is amended to read as follows:

7 The commissioner of social services may establish for any
8 inmate sentenced pursuant to chapter three (3), section two
9 hundred ~~two-(202)~~ three (203) of this Act a furlough program
10 under which inmates sentenced to and confined in an institution
11 under the jurisdiction of the department of social services
12 may be temporarily released. Furloughs for a period not to
13 exceed fourteen days may be granted when an immediate member
14 of the inmate's family is seriously ill or has died, when
15 an inmate is to be interviewed by a prospective employer,
16 or when an inmate is authorized to participate in a training
17 program not available within the institution. Furloughs for
18 a period not to exceed fourteen days may also be granted in
19 order to allow the inmate to participate in programs or ac-
20 tivities that serve rehabilitative objectives. The commis-
21 sioner of social services shall promulgate rules ~~and-regula-~~
22 ~~tions~~ to carry out the provisions of this paragraph.

23 Sec. 96. Section two hundred eighty-one (281), amending
24 section three hundred twenty-one point two hundred eighteen
25 (321.218) of the 1975 Code:

26 SEC. 281. Section three hundred twenty-one point two hun-
27 dred eighteen (321.218), Code 1975, is amended to read as
28 follows:

29 321.218 DRIVING WHILE LICENSE DENIED, SUSPENDED OR RE-
30 VOKED. Any person whose operator's or chauffeur's license
31 or driving privilege, has been denied, canceled, suspended
32 or revoked as provided in this chapter, and who drives any
33 motor vehicle upon the highways of this state while such
34 license or privilege is denied, canceled, suspended, or re-
35 voked, is guilty of a simple misdemeanor. The sentence imposed

1 under this section shall not be suspended by the court,
2 notwithstanding the provisions of chapter three (3), section
3 789A-4 seven hundred two (702) of this Act or any other
4 provision of statute. The department, upon receiving the
5 record of the conviction of any person under this section
6 upon a charge of driving a motor vehicle while the license
7 of such person was suspended or revoked, shall extend the
8 period of suspension or revocation for an additional like
9 period, and the department shall not issue a new license
10 during such additional period.

11 Sec. 97. Section three hundred twenty-nine (329), amending
12 section three hundred fifty-six A point three (356A.3) of
13 the 1975 Code:

14 SEC. 329. Section three hundred fifty-six A point three
15 (356A.3), Code 1975, is amended to read as follows:

16 356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any ~~muni-~~
17 ~~eipal-or~~ district ~~court~~ judge may sentence and commit a per-
18 son to a facility established and maintained pursuant to
19 section 356A.1 or 356A.2 instead of the county jail. A dis-
20 trict ~~court~~ judge may order the transfer of a person sentenced
21 and committed to the county jail to such a facility upon his
22 or her own motion, the motion of the sentenced and committed
23 person, or the motion of the sheriff. The original order
24 of commitment or the order of transfer to the facility shall
25 set forth the terms and conditions of the ~~dentention~~ detention
26 or commitment; that the detained or committed person shall
27 abide by the terms and conditions of this chapter and the
28 rules ~~and-regulations~~ of the facility to which committed or
29 transferred. The order shall be read to the detained,
30 committed or transferred person in open court. The committing
31 court or a district ~~court~~ judge may order any person who has
32 been detained, committed, or transferred to such a facility
33 to be transferred to the county jail if, upon hearing, the
34 court determines such person has been refractory, or
35 disorderly, has willfully destroyed or injured any property

1 in the facility, or has violated any of the terms and
2 conditions of the order of detention, commitment, or transfer
3 or the provisions of this chapter or the rules ~~and regulations~~
4 of the facility wherein the person was detained or committed.
5 Any violations of the order of detention, commitment, or
6 transfer shall further be punished as contempt of court
7 pursuant to chapter 665. The provisions of chapter one (1),
8 section one thousand nine hundred four (1904) of this Act
9 shall be applicable to any person detained, committed, or
10 transferred to a facility established and maintained pursuant
11 to this chapter. The county or city to which the cause
12 originally belonged shall be liable for the expense of the
13 original detention, commitment, or transfer and the subsequent
14 expenses of maintaining such person in the facility. The
15 county's expense shall be levied and paid out of the court
16 expense fund pursuant to section 444.10.

17 Sec. 98. Chapter four (4) is amended by striking sec-
18 tion five hundred sixteen (516) and inserting in lieu thereof
19 the following:

20 SEC. 516. Section seven hundred fifty-three point thir-
21 teen (753.13), Code 1977, and the division title immediately
22 preceding that section are amended by striking those provi-
23 sions and inserting in lieu thereof the following:

24 TRAFFIC AND SCHEDULED VIOLATIONS

25 753.13 UNIFORM CITATION AND COMPLAINT.

26 1. The commissioner of public safety and the state con-
27 servation director, acting jointly, shall adopt a uniform,
28 combined citation and complaint which shall be used for
29 charging all traffic violations in Iowa under state law or
30 local regulation or ordinance, and which shall be used for
31 charging all other violations which are designated by section
32 seven hundred fifty-three point fifteen (753.15) of the Code
33 to be scheduled violations. This subsection shall not be
34 deemed to prevent the charging of any of those violations
35 by information, by private complaint filed under the provisions

1 of division four (IV) of chapter two (2) of this Act, or by
2 a simple notice of fine where permitted by subsection one
3 (1) of section three hundred twenty-one point two hundred
4 thirty-six (321.236) of the Code. Each uniform citation and
5 complaint shall be serially numbered and shall be in
6 quintuplicate, and the officer shall deliver the original
7 and a copy to the court where the defendant is to appear,
8 two copies to the defendant, and a copy to the law enforcement
9 agency of the officer. The court shall forward the copy of
10 the uniform citation and complaint in accordance with section
11 three hundred twenty-one point two hundred seven (321.207)
12 of the Code when applicable. The uniform citation and
13 complaint shall contain spaces for the parties names; the
14 address of the alleged offender; the registration number of
15 the offender's vehicle; the information required by section
16 five hundred two (502) of chapter two (2) of this Act; a
17 promise to appear as provided in section five hundred three
18 (503) of chapter two (2) of this Act and a place where the
19 cited person may sign the promise to appear; a list of the
20 scheduled fines prescribed by section seven hundred fifty-
21 three point fifteen (753.15) of the Code, either separately
22 or by group, and a statement that the court costs in scheduled
23 offense cases, whether or not a court appearance is required
24 or is demanded, shall be five dollars; a brief explanation
25 of sections seven hundred fifty-three point sixteen (753.16)
26 and seven hundred fifty-three point seventeen (753.17) of
27 the Code; a space where the defendant may sign an admission
28 of the violation when permitted by section seven hundred
29 fifty-three point sixteen (753.16) of the Code; and the uniform
30 citation and complaint shall require that the defendant appear
31 before a court at a specified time and place. The uniform
32 citation and complaint also may contain any other information
33 which the commissioner of public safety and the state
34 conservation director may determine.

35 2. In addition to those violations which are required

1 by subsection one (1) of this section to be charged upon a
2 uniform citation and complaint, a violation of chapter three
3 hundred twenty-one (321) of the Code which is punishable as
4 a simple, serious, or aggravated misdemeanor may be charged
5 upon a uniform citation and complaint, whether or not the
6 alleged offender is arrested by the officer making the charge.

7 3. Supplies of the uniform citation and complaint for
8 municipal corporations and county agencies shall be paid for
9 out of the court expense fund of the county. Supplies of
10 the uniform citation and complaint for all other agencies
11 shall be paid for out of the budget of the agency concerned.

12 4. The uniform citation and complaint shall contain a
13 place for the verification of the officer issuing the
14 complaint. The complaint may be verified before the chief
15 officer of the law enforcement agency, or his or her designee,
16 and the chief officer of each law enforcement agency of the
17 state is authorized to designate specific individuals to
18 administer oaths and certify verifications.

19 5. The commissioner of public safety and the state conser-
20 vation director, acting jointly, shall design and publish
21 a compendium of scheduled violations and scheduled fines,
22 containing other information which they deem appropriate,
23 and shall distribute copies to all courts and law enforcement
24 officers and agencies of the state upon request. The cost
25 of the publication shall be paid out of the budget of the
26 department of public safety and out of the budget of the state
27 conservation commission, each budget being liable for half
28 of those costs. Copies shall be made available to individuals
29 upon request, and a charge may be collected which does not
30 exceed the cost of printing.

31 6. Nothing contained in this section shall be deemed to
32 invalidate forms of uniform citation and complaint in exis-
33 tence prior to January 1, 1978. Existing forms may be used
34 until supplies are exhausted.

35 Sec. 99. Section five hundred seventeen (517), amending

1 section seven hundred fifty-three point fourteen (753.14),
2 subsection two (2) of the 1975 Code:

3 2. COLLECTION BOXES. The chief judge of the district
4 may permit the maintenance of locked collection boxes to be
5 used at weigh stations. Such boxes shall be used solely for
6 the deposit of fines and costs received upon written admissions
7 of those scheduled violations applicable to commercial
8 carriers. The collection boxes shall remain locked at all
9 times and shall be opened only by the clerk of the district
10 court or his or her designee. The chief judge of the district
11 may prescribe procedures for the system and may discontinue
12 its use if necessary.

13 Sec. 100. Section five hundred eighteen (518), subsection
14 one (1) and subsection two (2), paragraphs k and l, amending
15 section seven hundred fifty-three point fifteen (753.15) of
16 the 1975 Code:

17 1. Except as otherwise indicated, violations of sections
18 of the Code specified in this section shall be scheduled
19 violations, and the scheduled fine for each of those violations
20 shall be as provided in this section, whether the violation
21 is of state law or of county resolution or city ordinance.

22 k. For violations of traffic signs and signals, and for
23 failure to obey an officer under sections three hundred twenty-
24 one point two hundred twenty-nine (321.229), three hundred
25 twenty-one point two hundred thirty-six (321.236), subsections
26 two (2), and six (6), three hundred twenty-one point two
27 hundred fifty-six (321.256), three hundred twenty-one point
28 two hundred fifty-seven (321.257), subsections two (2) and
29 three (3), three hundred twenty-one point two hundred fifty-
30 eight (321.258), three hundred twenty-one point two hundred
31 ninety-four (321.294), three hundred twenty-one point three
32 hundred four (321.304), subsection three (3), three hundred
33 twenty-one point three hundred twenty-two (321.322), three
34 hundred twenty-one point three hundred forty-one (321.341),
35 three hundred twenty-one point three hundred forty-two

1 (321.342), three hundred twenty-one point three hundred forty-
2 three (321.343), and three hundred twenty-one point three
3 hundred forty-five (321.345) of the Code, the scheduled fine
4 is twenty dollars.

5 1. For height, weight and load violations and towed vehicle
6 violations under sections three hundred twenty-one point three
7 hundred nine (321.309), three hundred twenty-one point three
8 hundred ten (321.310), three hundred twenty-one point three
9 hundred eighty-one (321.381), three hundred twenty-one point
10 three hundred ninety-four (321.394), three hundred twenty-
11 one point four hundred thirty-seven (321.437), three hundred
12 twenty-one point four hundred fifty-five (321.455), three
13 hundred twenty-one point four hundred fifty-six (321.456),
14 three hundred twenty-one point four hundred fifty-seven
15 (321.457), three hundred twenty-one point four hundred fifty-
16 eight (321.458), three hundred twenty-one point four hundred
17 sixty-one (321.461), three hundred twenty-one point four
18 hundred sixty-two (321.462), and three hundred twenty-one
19 point four hundred seventy-four (321.474) of the Code, the
20 scheduled fine is twenty-five dollars. For weight violations
21 under sections three hundred twenty-one point four hundred
22 fifty-nine (321.459) and three hundred twenty-one point four
23 hundred sixty-six (321.466) of the Code, the scheduled fine
24 is twenty dollars for each two thousand pounds or fraction
25 thereof of overweight.

26 Sec. 101. Chapter four (4) is amended by adding the
27 following section after section four (4):

28 SEC. ____ . Section eighteen point five (18.5), Code 1977,
29 is amended to read as follows:

30 18.5 PROHIBITED INTERESTS. The director shall not have
31 any pecuniary interest, directly or indirectly, in any contract
32 for supplies furnished to the state, or in any business
33 enterprise involving any expenditure by the state. A violation
34 of the provisions of this section shall be a serious
35 misdemeanor, and on conviction thereof the director shall

1 be ~~fin~~~~ed~~~~-~~~~i~~~~n~~~~-~~~~a~~~~-~~~~s~~~~u~~~~m~~~~-~~~~n~~~~e~~~~t~~~~-~~~~e~~~~x~~~~c~~~~e~~~~e~~~~d~~~~i~~~~n~~~~g~~~~-~~~~o~~~~n~~~~e~~~~-~~~~t~~~~h~~~~e~~~~s~~~~a~~~~n~~~~d~~~~-~~~~d~~~~o~~~~l~~~~l~~~~a~~~~r~~~~s~~~~-~~~~a~~~~n~~~~d~~
2 removed from office in addition to any other penalty.

3 Sec. 102. Chapter four (4) is amended by adding the follow-
4 ing section after section twenty-eight (28):

5 SEC. ____ . Section sixty-eight B point eight (68B.8), Code
6 1977, is amended to read as follows:

7 68B.8 ADDITIONAL PENALTY. In addition to any penalty
8 contained in any other provision of law, any a person who
9 knowingly and intentionally violates the provisions of section
10 68B.3 through 68B.6 and this section shall be guilty of a
11 serious misdemeanor and may be suspended from his or her
12 position.

13 Sec. 103. Chapter four (4) is amended by adding the
14 following section after section two hundred twenty-six (226):

15 SEC. ____ . Section two hundred four point four hundred
16 one (204.401), subsection three (3), Code 1977, is amended
17 to read as follows:

18 3. It is unlawful for any person knowingly or intentionally
19 to possess a controlled substance unless such substance was
20 obtained directly from, or pursuant to, a valid prescription
21 or order of a practitioner while acting in the course of ~~his~~
22 professional practice, or except as otherwise authorized by
23 this chapter. Any person who violates this subsection is
24 guilty of a serious ~~misdemeanor, and upon conviction shall~~
25 ~~be punished by imprisonment in the county jail for not to~~
26 ~~exceed one year, or by a fine of not more than one thousand~~
27 ~~dollars, or both such imprisonment and fine.~~ If the controlled
28 substance is marijuana, the punishment shall be by imprisonment
29 in the county jail for not more than six months or by a fine
30 of not more than one thousand dollars, or by both such fine
31 and imprisonment. All or any part of a sentence imposed
32 pursuant to this section may be suspended and the person
33 placed upon probation upon such terms and conditions as the
34 court may impose including the active participation by such
35 person in a drug treatment, rehabilitation or education program

1 approved by the court.

2 Sec. 104. Chapter four (4) is amended by adding the follow-
3 ing sections after section two hundred ninety (290):

4 SEC. ____ . Section three hundred twenty-one point four
5 hundred eighty-five (321.485), Code 1977, is amended to read
6 as follows:

7 321.485 NOTICE TO APPEAR--PROMISE TO APPEAR.

8 1. Except-as-provided-in-sections-753.13-to-753.20, when-
9 ~~ever~~ Whenever a peace officer has reasonable cause to believe
10 that a person has violated any provision of this chapter
11 punishable as a simple, serious, or aggravated misdemeanor,
12 such officer may:

13 4 a. Immediately arrest such person and take him or her
14 before a magistrate; or

15 2 b. Without arresting the person, either

16 ~~a.~~ (1) Prepare a written citation to appear in court
17 containing the name and address of such person, the operator
18 or chauffeur license number, if any, the registration number,
19 if any, of his or her vehicle, the offense charged, and the
20 time when and place where such person shall appear in court;
21 or

22 ~~b.~~ (2) Prepare a memorandum of the alleged traffic
23 violation containing the name and address of such person,
24 the registration number, if any, of his or her vehicle, the
25 offense alleged to have been committed, and such other
26 information as may be prescribed by the commissioner of pub-
27 lic safety with the concurrence of the director.

28 2. If the officer prepares either a citation or a
29 memorandum as provided in this section, the alleged offender
30 shall be requested to sign it. If the person signs, the
31 person may be released without arrest. In case a citation
32 is issued, the signing shall constitute a written promise
33 to appear as stated in the citation. A copy of the citation
34 shall be presented to the person named therein. If a
35 memorandum is prepared, the original shall be retained by

1 the officer, and a copy shall be sent to the department, and
2 a copy shall be presented to the person named therein.

3 3. For preparing the summons or memorandum referred to
4 in ~~paragraphs "a" or "b" of~~ this ~~subsection~~ section, there
5 shall be charged to the person named in the summons or
6 memorandum, upon ~~his~~ conviction, a fee of two dollars. The
7 fee shall be assessed as part of the court costs and shall
8 be paid into the general fund of the county.

9 4. The number of copies and the form of the citations
10 and memorandums authorized by this section shall be as pre-
11 scribed by the commissioner of public safety with the concur-
12 rence of the director.

13 5. This section shall not apply to a traffic offense which
14 must be charged upon a uniform citation and complaint as
15 provided in section seven hundred fifty-three point thir-
16 teen (753.13) of the Code.

17 SEC. ____ . Section three hundred twenty-one point four
18 hundred eighty-six (321.486), Code 1977, is amended to read
19 as follows:

20 321.486 ~~PROMISE-TO-APPEAR--GUARANTEED-ARREST-BOND-CER-~~
21 ~~TIFICATE AUTHORIZED BOND FORMS.~~ ~~In-lieu-of-bail-the-magis-~~
22 ~~trate-may-release-the-arraigned-person-upon-his-written-promise~~
23 ~~to-appear-in-court-for-trial-at-time-and-place-designated~~
24 ~~by-such-magistrate.~~

25 When bond or bail is required under section one thousand
26 one hundred two (1102) of chapter two (2) of this Act to
27 guarantee appearance for any offense charged under this
28 chapter, the following nonexclusive forms shall be permitted
29 subject to the following limitations:

30 1. A current guaranteed arrest bond certificate as de-
31 fined in section 321.1, subsection 71 shall be considered
32 sufficient surety if the defendant is charged with an offense
33 where the penalty does not exceed two hundred dollars.

34 2. A valid credit card, as defined in section 537.1301,
35 subsection 17, may be used and shall be sufficient surety

1 when the defendant is charged with any scheduled offense under
2 section 753.15. The defendant may use a credit card for bail
3 purposes only in accordance with rules of the department of
4 public safety adopted pursuant to chapter 17A.

5 ~~If the officer prepares either a citation or a memorandum~~
6 ~~as provided in section 324.485, the alleged offender shall~~
7 ~~be requested to sign the same, and if he does sign may be~~
8 ~~released without arrest. In case a citation is issued, the~~
9 ~~signing shall constitute a written promise to appear as stated~~
10 ~~in said citation. A copy of the citation shall be presented~~
11 ~~to the person named therein. If memorandum is prepared, the~~
12 ~~original shall be retained by the officer, a copy sent to~~
13 ~~the department, and a copy presented to the person named~~
14 ~~therein.~~

15 Sec. 105. Chapter four (4) is amended by adding the follow-
16 ing section after section three hundred fifty-two (352):

17 SEC. _____. Section four hundred twenty-five point thirty-
18 six (425.36), Code 1977, is amended to read as follows:

19 425.36 DISCRIMINATION IN RENTALS OR RENT CHARGES. Dis-
20 crimination by a landlord in the rental of or in rent charges
21 for a homestead because the tenant has received or is eligible
22 for reimbursement under this division is a simple misdemeanor
23 ~~and the punishment shall be the same as provided in section~~
24 ~~425.29.~~

25 Sec. 106. Chapter four (4) is amended by adding the follow-
26 ing section after section four hundred six (406):

27 SEC. _____. Section five hundred two point six hundred five
28 (502.605), subsection one (1), Code 1977, is amended to read
29 as follows:

30 1. Any person who willfully and knowingly violates any
31 provision of this chapter, or any rule or order under this
32 chapter, shall ~~upon conviction be fined not more than five~~
33 ~~thousand dollars or imprisoned not more than three years,~~
34 or both be guilty of an aggravated misdemeanor.

35 Sec. 107. Chapter four (4) is amended by adding the follow-

1 ing sections after section four hundred eighty-three (483):

2 SEC. _____. Section six hundred point eight (600.8), sub-
3 section eleven (11), Code 1977, is amended to read as follows:

4 11. Any person who assists in or impedes the placement
5 or adoption of a minor person in violation of the provisions
6 of this section shall be, upon conviction, guilty of a simple
7 ~~misdemeanor, and shall be fined not more than one hundred~~
8 ~~dollars or imprisoned in the county jail for not more than~~
9 ~~thirty days.~~

10 SEC. _____. Section six hundred point nine (600.9), sub-
11 section two (2), Code 1977, is amended to read as follows:

12 2. A natural parent shall not receive any thing of value
13 as a result of the natural parent's child or former child
14 being placed with and adopted by another person, unless that
15 thing of value is commensurate with some necessary service
16 provided the natural parent in relation to childbirth, child
17 raising, or delivering the child for adoption. Any person
18 assisting in any way with the placement or adoption of a minor
19 person shall not charge a fee which is more than usual,
20 necessary, and commensurate with the services rendered. If
21 the natural parent receives any prohibited thing of value,
22 if a person gives a prohibited thing of value, or if a person
23 charges a prohibited fee under this subsection, each such
24 person shall be, upon conviction, guilty of a simple
25 ~~misdemeanor, and shall be fined not more than one hundred~~
26 ~~dollars or imprisoned in the county jail for not more than~~
27 ~~thirty days.~~

28 Sec. 108. Chapter four (4) is amended by adding the follow-
29 ing section after section four hundred eighty-four (484):

30 SEC. _____. Section six hundred point sixteen (600.16),
31 subsection four (4), Code 1977, is amended to read as follows:

32 4. Any person, other than the adopting parents or the
33 adopted person, who discloses information in violation of
34 the provisions of this section shall be, upon conviction,
35 guilty of a simple ~~misdemeanor, and shall be fined not more~~

1 ~~than one hundred dollars or imprisoned in the county jail~~
2 ~~for not more than thirty days.~~

3 Sec. 109. Chapter four (4) is amended by adding the
4 following section after section five hundred seven (507):

5 SEC. ____ . Section seven hundred forty point twenty-two
6 (740.22), Code 1977, is amended to read as follows:

7 740.22 PUNISHMENT. A violation of section ~~740.20 or~~
8 740.21 shall be ~~punishable as a~~ serious misdemeanor.

9 Sec. 110. Chapter one thousand two hundred forty-five
10 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
11 chapter two (2), section four hundred twenty-nine (429), is
12 repealed.

13 Sec. 111. Chapter one thousand two hundred forty-five
14 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
15 chapter four (4), sections four hundred two (402), four hundred
16 three (403), four hundred four (404), four hundred five (405),
17 four hundred six (406), four hundred eighty-three (483), and
18 four hundred eighty-four (484), are repealed.

19 Sec. 112. This Act is effective on the date set forth
20 in chapter one thousand two hundred forty-five (1245), Acts
21 of the Sixty-sixth General Assembly, 1976 Session, chapter
22 four (4), section five hundred twenty-nine (529).

23 EXPLANATION

24 This bill amends the Criminal Code Revision to make tech-
25 nical changes of a corrective nature.

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S-3302

SENATE FILE 318

1 Amend Senate File 318 as follows:

2 1. Page 31, line 35, by inserting after the figure
3 "(329)," the words and figure "four hundred ninety-
4 one (491),".

5 2. Page 32, line 2, by striking the word "and".

6 3. Page 32, line 2, by inserting after the figure
7 "(518)," the words and figures "five hundred nineteen
8 (519), and five hundred twenty-five (525),".

9 4. Page 35, by inserting the following section
10 after line 16:

11 "Sec. _____. Section four hundred ninety-one (491),
12 amending section six hundred seven point two (607.2)
13 of the 1975 Code:

14 SEC. 491. Section six hundred seven point two
15 (607.2), Code 1975, is amended by striking ~~subsections~~
16 ~~three-(3)-four-(4)-five-(5)-and subsection six~~
17 (6)."

18 5. Page 36, line 32, by inserting after the word
19 "contain" the words "a space for the imprint of a
20 credit card, and may contain".

21 6. Page 38, by inserting after line 12 the
22 following section:

23 "Sec. _____. Section five hundred eighteen (518),
24 amending section seven hundred fifty-three point
25 fifteen (753.15) of the 1975 Code, is amended by
26 striking unnumbered paragraph one (1) and inserting
27 in lieu thereof the following:

28 Sec. 518. Section seven hundred fifty-three point
29 fifteen (753.15), Code 1977, is amended by striking
30 the section and inserting in lieu thereof the
31 following:".

32 7. Page 39, by inserting the following sections
33 after line 25:

34 "Sec. _____. Section five hundred nineteen (519),
35 subsection two (2), paragraph a, amending section
36 seven hundred fifty-three point sixteen (753.16) of
37 the 1975 Code:

38 a. If the defendant wishes to admit the violation,
39 the officer may release the defendant upon observing
40 him the person mail the citation and complaint,
41 admission, and minimum fine, together with five dollars
42 costs, to a scheduled violations office in the county,
43 in an envelope furnished by the officer. The officer
44 may allow the defendant to use a credit card in
45 accordance with the rules adopted pursuant to section
46 seven hundred fifty-three point twenty-one (753.21)
47 of the Code by the department of public safety or
48 to mail a check in the proper amount in lieu of cash.
49 If the check is not paid by the drawee for any reason,
50 the defendant may be held in contempt of court. The

1 officer shall advise the defendant of the penalty
2 for nonpayment of the check.
3 Sec. . Section five hundred twenty-five (525):
4 SEC. 525. Sections one hundred point thirty-seven
5 (100.37), two hundred forty-five point fourteen
6 (245.14), two hundred forty-six point nine (246.9),
7 two hundred forty-six point ten (246.10), two hundred
8 forty-six point twenty-three (246.23), two hundred
9 forty-six point forty-four (246.44), two hundred
10 forty-seven point one (247.1), two hundred forty-seven
11 point two (247.2), two hundred forty-seven point three
12 (247.3), two hundred forty-seven point four (247.4),
13 two hundred forty-seven point five (247.5), two hundred
14 forty-seven point six (247.6), two hundred forty-seven
15 point seven (247.7), two hundred forty-seven point
16 eight (247.8), two hundred forty-seven point nine
17 (247.9), two hundred forty-seven point ten (247.10),
18 two hundred forty-seven point eleven (247.11), two
19 hundred forty-seven point twelve (247.12), two hundred
20 forty-seven point thirteen (247.13), two hundred
21 forty-seven point fourteen (247.14), two hundred
22 forty-seven point fifteen (247.15), ~~two hundred forty-~~
23 ~~seven point sixteen (247.16)~~, two hundred forty-seven
24 point seventeen (247.17), two hundred forty-seven
25 point eighteen (247.18), two hundred forty-seven point
26 nineteen (247.19), two hundred forty-seven point
27 twenty-four (247.24), two hundred forty-seven point
28 twenty-five (247.25), two hundred forty-seven point
29 twenty-six (247.26), two hundred forty-seven point
30 twenty-seven (247.27), two hundred forty-seven point
31 twenty-eight (247.28), two hundred forty-seven point
32 thirty-three (247.33), two hundred forty-seven A point
33 six (247A.6), two hundred fifty-two point nineteen
34 (252.19), two hundred eighty-seven point four (287.4),
35 two hundred ninety-nine point twelve (299.12), three
36 hundred twenty-one point seventy-six (321.76), three
37 hundred twenty-one point seventy-seven (321.77), three
38 hundred twenty-one point eighty (321.80), three hundred
39 twenty-one point eighty-two (321.82), three hundred
40 twenty-one point eighty-three (321.83), three hundred
41 thirty-four point four (334.4), three hundred thirty-
42 eight point ten (338.10), three hundred forty-three
43 point six (343.6), three hundred fifty-six point
44 thirty-six (356.36), four hundred forty-one point
45 fifty-three (441.53), four hundred fifty-four point
46 twenty-seven (454.27), four hundred seventy-four point
47 fifty-one (474.41), ~~four hundred seventy-seven point~~
48 ~~fifty-eight (477.58)~~, ~~four hundred seventy-seven point~~
49 ~~fifty-nine (477.59)~~, ~~four hundred seventy-seven point~~
50 ~~sixty (477.60)~~, ~~four hundred seventy-nine point~~

1 nineteen-(479.19), four-hundred-seventy-nine-point
2 one-hundred-nine-(479.109), four-hundred-seventy-nine
3 point-one-hundred-ten-(479.110), four-hundred-seventy-
4 nine-point-one-hundred-eleven-(479.111), four-hundred
5 seventy-nine-point-one-hundred-twelve-(479.112), four
6 hundred-seventy-nine-point-one-hundred-thirteen
7 (479.113), four-hundred-seventy-nine-point-one-hundred
8 fourteen-(479.114), four-hundred-seventy-nine-point
9 one-hundred-fifteen-(479.115), five hundred eleven
10 point nineteen (511.19), five hundred fifty-two point
11 three (552.3), six hundred two point fifteen (602.15),
12 seven hundred thirteen point one (713.1), seven hundred
13 thirteen point two (713.2), seven hundred thirteen
14 point three (713.3), seven hundred thirteen point
15 four (713.4), seven hundred thirteen point five
16 (713.5), seven hundred thirteen point six (713.6),
17 seven hundred thirteen point seven (713.7), seven
18 hundred thirteen point eight (713.8), seven hundred
19 thirteen point nine (713.9), seven hundred thirteen
20 point ten (713.10), seven hundred thirteen point
21 eleven (713.11), seven hundred thirteen point twelve
22 (713.12), seven hundred thirteen point thirteen
23 (713.13), seven hundred thirteen point fourteen
24 (713.14), seven hundred thirteen point fifteen
25 (713.15), seven hundred thirteen point sixteen
26 (713.16), seven hundred thirteen point twenty-two
27 (713.22), seven hundred thirteen point twenty-three
28 (713.23), seven hundred thirteen point twenty-six
29 (713.26), seven hundred thirteen point twenty-seven
30 (713.27), seven hundred thirteen point twenty-eight
31 (713.28), seven hundred thirteen point twenty-nine
32 (713.29), seven hundred thirteen point thirty (713.30),
33 seven hundred thirteen point thirty-one (713.31),
34 seven hundred thirteen point thirty-two (713.32),
35 seven hundred thirteen point thirty-three (713.33),
36 seven hundred thirteen point thirty-four (713.34),
37 seven hundred thirteen point thirty-five (713.35),
38 seven hundred thirteen point thirty-six (713.36),
39 seven hundred thirteen point thirty-seven (713.37),
40 seven hundred thirteen point thirty-eight (713.38),
41 seven hundred thirteen point thirty-nine (713.39),
42 seven hundred thirteen point forty (713.40), seven
43 hundred thirteen point forty-one (713.41), seven
44 hundred thirteen point forty-two (713.42), seven
45 hundred thirteen point forty-three (713.43), seven
46 hundred forty point one (740.1), seven hundred forty
47 point two (740.2), seven hundred forty point three
48 (740.3), seven hundred forty point four (740.4), seven
49 hundred forty point five (740.5), seven hundred forty
50 point six (740.6), seven hundred forty point seven

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1 (740.7), seven hundred forty point eight (740.8) seven
2 hundred forty point nine (740.9), seven hundred forty
3 point ten (740.10), seven hundred forty point eleven
4 (740.11), seven hundred forty point twelve (740.12),
5 seven hundred forty point nineteen (740.19), seven
6 hundred forty point twenty (740.20), seven hundred
7 fifty-three point one (753.1), seven hundred fifty-
8 three point two (753.2), seven hundred fifty-three
9 point three (753.3), seven hundred fifty-three point
10 four (753.4), seven hundred fifty-three point five
11 (753.5), seven hundred fifty-three point six (753.6),
12 seven hundred fifty-three point seven (753.7), seven
13 hundred fifty-three point eight (753.8), and seven
14 hundred fifty-three point nine (753.9), Code 1975,
15 are repealed."

16 8. Page 45, by inserting after line 8 the following
17 sections:

18 "Sec. _____. Chapter one thousand two hundred forty-
19 two (1242), Acts of the Sixty-sixth General Assembly,
20 1976 Session, section one (1), codified as section
21 seven hundred thirty-two point twenty-five (732.25)
22 in the 1977 Code, is amended to read as follows:

23 SECTION 1. NEW SECTION. PAY TOILETS. No person
24 shall make a charge or require any special device,
25 key or slug for the use of a toilet located in a room
26 provided for use of the public. Violation of this
27 Act is a simple misdemeanor.

28 The Code editor shall codify this section in chapter
29 one hundred thirty-five (135) of the Code.

30 Sec. _____. Section three hundred twenty-one point
31 two hundred eighteen (321.218), unnumbered paragraph
32 two (2), Code 1977, is amended to read as follows:

33 Any person operating a motorized bicycle on the
34 highways of the state not possessed of an operator's
35 or chauffeur's license valid for operation of
36 motorcycles or a valid motorized bicycle license,
37 shall, upon conviction, be guilty of a simple
38 ~~misdemeanor and punished by a fine of not less than~~
39 ~~five nor more than fifty dollars.~~"

40 9. Page 45, line 15, by inserting after the word
41 "sections" the words "forty-six (46), forty-seven
42 (47), three hundred eighty-two (382),".

43 10. Page 45, by inserting after line 18 the
44 following section:

45 "Sec. _____. Section three hundred thirty-nine point
46 five (339.5), Code 1977, is repealed."

47 11. By renumbering sections and changing internal
48 references to conform to this amendment.

S-3300

1 Amend Senate File 318, page 6, line 28, by striking
2 the word "assault" and inserting in lieu thereof the
3 word "assault".

S-3300 FILED - *Adopted 4/6*
APRIL 5, 1977 (*p. 938*)

BY GENE W. GLENN

SENATE FILE 318

S-3301

1 Amend Senate File 318 as follows:

2 1. Page 35, by inserting the following section
3 after line 16:

4 "Sec. ____ . Section three hundred seventy-eight
5 (378), amending section four hundred seventy-seven
6 point fifteen (477.15) of the 1975 Code, is amended
7 by striking section three hundred seventy-eight (378)
8 and inserting in lieu thereof the following:

9 Sec. 378. Section three hundred twenty-seven F
10 point nine (327F.9), Code 1977, is amended to read
11 as follows:

12 327F.9 VIOLATIONS. Any railroad corporation
13 operating a train or engine using any freight car,
14 caboose, or other car contrary to the provisions of
15 sections 327F.6 and 327F.7 shall be guilty of a public
16 offense and shall be subject to a fine of not less
17 than five hundred nor more than one thousand dollars
18 for each and every offense, and moneys so collected
19 shall be credited to the railroad assistance fund."

20 2. By renumbering the remaining sections to conform
21 to this amendment.

S-3301 FILED - *Withdrawn 4/6 (938)*
APRIL 5, 1977

BY GENE W. GLENN

SENATE FILE 318

S-3303

1 Amend Senate File 318 as follows:

2 1. Page 35, by inserting the following section
3 after line 16:

4 "Sec. ____ . Section three hundred seventy-eight
5 (378), amending section four hundred seventy-seven
6 point fifteen (477.15) of the 1975 Code, is amended
7 by striking section three hundred seventy-eight (378)
8 and inserting in lieu thereof the following:

9 Sec. 378. Section three hundred twenty-seven F
10 point nine (327F.9), Code 1977, is amended to read
11 as follows:

12 327F.9 VIOLATIONS. Any railroad corporation
13 operating a train or engine using any freight car,
14 caboose, or other car contrary to the provisions of
15 sections 327F.6 and 327F.7 shall be guilty of a public
16 offense and shall be subject to a fine of not less
17 than five hundred nor more than one thousand dollars
18 for each and every offense, and moneys so collected
19 shall be credited to the railroad assistance fund."

20 2. Page 31, line 35, by inserting after the figure
21 "(329)," the words and figure "three hundred seventy-
22 eight. (378),".

23 3. By renumbering the remaining sections and
24 correcting internal references to conform to this
25 amendment.

S-3303 FILED & ADOPTED (938) BY GENE W. GLENN
APRIL 6, 1977

SENATE FILE 318

S-3309

1 Amend Senate File 318 as follows:

2 1. Page 1, line 30, by striking the word "aminal"
3 and inserting in lieu thereof the word "animal".

S-3309 FILED & ADOPTED (p. 938) BY FORREST F. ASHCRAFT
APRIL 6, 1977

1 Section 1. Chapter one thousand two hundred forty-five
2 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
3 chapter one (1), sections one hundred seven (107), two hundred
4 three (203), three hundred four (304), three hundred five
5 (305), four hundred eight (408), five hundred two (502), seven
6 hundred eight (708), seven hundred nine (709), and seven
7 hundred eleven (711), division eight (VIII), sections nine
8 hundred four (904), nine hundred nine (909), one thousand
9 four hundred one (1401), one thousand four hundred two (1402),
10 one thousand four hundred seven (1407), one thousand four
11 hundred eight (1408), one thousand five hundred one (1501),
12 one thousand six hundred seven (1607), one thousand nine
13 hundred one (1901), one thousand nine hundred six (1906),
14 two thousand four hundred eight (2408), two thousand four
15 hundred nine (2409), two thousand six hundred two (2602),
16 two thousand six hundred four (2604), two thousand six hundred
17 six (2606), and two thousand eight hundred one (2801), are
18 amended by sections two (2) through twenty-seven (27) of this
19 Act as follows:

20 Sec. 2. Section one hundred seven (107):

21 SEC. 107. NEW SECTION. FELONY DEFINED AND CLASSIFIED.
22 A public offense is a felony of a particular class, when the
23 statute defining the crime declares it to be a felony.
24 Felonies are class A felonies, class B felonies, class C
25 felonies, and class D felonies. Where the statute defining
26 the offense declares it to be a felony, but does not state
27 what class of felony it is ~~nor provides~~ or provide for a
28 specific penalty, ~~such that~~ felony shall be a class D felony.

29 Sec. 3. Section two hundred three (203):

30 SEC. 203. NEW SECTION. ANIMAL. An animal is any a
31 nonhuman, vertebrate.

32 Sec. 4. Section three hundred four (304), unnumbered
33 paragraph one (1):

34 An employer, or ~~his~~ an employer's agent, officer, director,
35 or employee who supervises or directs the work of other

1 employees, is guilty of the same public offense committed
2 by an employee acting under ~~his~~ the employer's control,
3 supervision, or direction in any of the following cases:

4 Sec. 5. Section three hundred five (305), unnumbered
5 paragraph one (1):

6 A public or private corporation, partnership, or other
7 voluntary association shall ~~be-guilty-of-a-public-offense~~
8 have the same level of culpability as an individual commit-
9 ting the crime when any of the following is true:

10 Sec. 6. Section four hundred eight (408):

11 SEC. 408. NEW SECTION. ESCAPE FROM PLACE OF CONFINEMENT.

12 A correctional officer or peace officer is justified in using
13 reasonable force, including deadly force, which is necessary
14 to prevent the escape of any person from any jail, penal
15 institution, correctional facility, or similar place of
16 confinement, or place of trial or other judicial proceeding,
17 or to prevent the escape from custody of any person who is
18 being transported from any such place of confinement, trial
19 or judicial proceeding to any other such place, except that
20 deadly force may not be used to prevent the escape of one
21 who the correctional officer or peace officer knows or should
22 know is confined on a charge or conviction of a any class
23 of misdemeanor.

24 Sec. 7. Section five hundred two (502):

25 SEC. 502. NEW SECTION. RENUNCIATION. It is a defense
26 to a prosecution for solicitation that the defendant, after
27 soliciting another person to commit a felony or aggravated
28 misdemeanor, persuaded the person not to do so or otherwise
29 prevented the commission of the offense, under circumstances
30 manifesting a complete and voluntary renunciation of the
31 defendant's criminal intent. A renunciation is not "voluntary
32 and complete" if it is motivated in whole or in part by (a)
33 the person's belief that circumstances exist which increase
34 the possibility of detection or apprehension of the defendant
35 or another or which makes more difficult the consummation

1 of the offense or (b) the person's decision to postpone the
2 offense until another time or, to substitute another victim
3 or another but similar objective.

4 Sec. 8. Section seven hundred eight (708), headnote:
5 ~~NONCONSENSUAL~~ NONCONSENSUAL TERMINATION.

6 Sec. 9. Section seven hundred nine (709), headnote:
7 ~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE.

8 Sec. 10. Section seven hundred eleven (711):

9 SEC. 711. NEW SECTION. ATTEMPT TO COMMIT ~~HOMICIDE~~ MURDER.

10 A person commits a class C felony when, with the intent to
11 cause the death of any person and not under circumstances
12 which would justify the person's actions, the person does
13 any act by which he or she expects to set in motion a force
14 or chain of events which will cause or result in the death
15 of such other person.

16 It is not a defense to an indictment for attempt to commit
17 ~~homicide~~ murder that the acts proved could not have caused
18 the death of any person, provided that the actor intended
19 to cause the death of some person by so acting, and the actor's
20 expectations were not unreasonable in the light of the facts
21 known to the actor.

22 Sec. 11. Division eight (VIII), title:

23 ASSAULT AND-BATTERY

24 Sec. 12. Section nine hundred four (904), subsection four
25 (4), is amended by striking unnumbered paragraph three (3).

26 Sec. 13. Section nine hundred nine (909), subsection two
27 (2):

28 2. The person knows or reasonably should know that ~~his~~
29 the act is offensive to the viewer.

30 Sec. 14. Section one thousand four hundred one (1401),
31 subsections six (6), seven (7), and eight (8):

32 6. Makes, utters, draws, delivers, or gives any check,
33 draft, or written order on any bank, person or corporation,
34 and obtains property or service in exchange therefor, if the
35 person knows that such check, draft or written order will

1 not be paid when presented.

2 Whenever the drawee of such instrument has refused payment
3 because of insufficient funds, and the maker has not paid
4 the holder of the instrument the amount due thereon within
5 ten days of the maker's receipt of notice from the holder
6 that payment has been refused by the drawee, the court or
7 jury may infer from such facts that the maker knew that the
8 instrument would not be paid on presentation. Notice of
9 refusal of payment shall be by certified mail, or by personal
10 service in the manner prescribed for serving original notices.

11 ~~7.~~ Whenever the drawee of such instrument has refused
12 payment because the maker has no account with the drawee,
13 the court or jury may infer from such fact that the maker
14 knew that the instrument would not be paid on presentation.

15 8 7. Any act that is declared to be theft by any provision
16 of the Code.

17 Sec. 15. Section one thousand four hundred two (1402),
18 subsection two (2):

19 2. The theft of any property not exceeding five ~~thousand~~
20 nundred dollars in value by one who has before been twice
21 convicted of theft, or the theft by any other person of
22 property exceeding five hundred dollars but not exceeding
23 five thousand dollars in value or theft of a motor vehicle
24 as defined in chapter three hundred twenty-one (321) of the
25 Code, irrespective of value, is theft in the second degree.
26 Theft in the second degree is a class D felony.

27 Sec. 16. Section one thousand four hundred seven (1407):

28 SEC. 1407. NEW SECTION. OPERATING VEHICLE WITHOUT OWNER'S
29 CONSENT. Any person who shall take possession or control
30 of any railroad vehicle, or any self-propelled vehicle, air-
31 craft, or motor boat, the property of another, without the
32 consent of the owner of such, but without the intent to
33 permanently deprive the owner thereof, shall be guilty of
34 an aggravated misdemeanor. A violation of this section may
35 be proved as a lesser included offense on an indictment or

1 information charging theft.

2 Sec. 17. Section one thousand four hundred eight (1408),
3 subsection seven (7):

4 7. Manufactures, sells, or keeps for sale any token or
5 device suitable for the operation of a coin-operated device
6 or vending machine, with the intent that such token or device
7 may be so used, or with the representation that they can be
8 so used; provided, that the owner or operator of any coin-
9 operated device or vending machine may sell slugs or tokens
10 for use in his or her own devices.

11 Sec. 18. Section one thousand five hundred one (1501),
12 subsection one (1):

13 1. A check, bill note, draft, bond receipt, or any writ-
14 ing which ostensibly evidences an obligation of, or surrender
15 of right or claim by, the person who has purportedly executed
16 it or authorized its execution. ~~Writing~~ "Writing" includes
17 printing or any other method of recording information, money,
18 coins, tokens, stamps, seals, credit cards, badges, trademarks,
19 and other symbols of value, right, privilege, or
20 identification.

21 Sec. 19. Section one thousand six hundred seven (1607),
22 subsection two (2), paragraph a:

23 a. Entering upon or in property without justification
24 or without the implied or actual permission of the owner,
25 lessee, or person in lawful possession with the intent to
26 commit a public offense or to use, remove therefrom, alter,
27 damage, harass, or place thereon or therein anything animate
28 or inanimate, ~~without justification, or without the implied~~
29 ~~or actual permission of the owner, lessee, or person in lawful~~
30 possession.

31 Sec. 20. Section one thousand nine hundred one (1901):

32 SECTION 1901. NEW SECTION. INTERFERENCE WITH OFFICIAL
33 ACTS. A person who knowingly resists or obstructs anyone
34 known by the person to be a peace officer in the performance
35 of any act which is within the scope of the officer's lawful

1 duty or authority, or who knowingly resists or obstructs the
2 service or execution by any authorized person of any civil
3 or criminal process or order of any court, commits a simple
4 misdemeanor. If a person commits an interference with official
5 acts, as defined in this section, and in so doing he purposely
6 inflicts or attempts to inflict serious injury, or displays
7 a dangerous weapon, or is armed with a firearm, he that person
8 commits an aggravated misdemeanor.

9 Sec. 21. Section one thousand nine hundred six (1906),
10 unnumbered paragraph one (1):

11 Any person who introduces into any detention facility or
12 correctional institution any weapon, explosive or incendiary
13 substance, rope, ladder, or any instrument or device by which
14 he that person intends to facilitate the escape of any
15 prisoner, or any person who, not being authorized by law,
16 knowingly causes any such weapon, explosive or incendiary
17 substance, rope, ladder, instrument or device to come into
18 the possession of any prisoner, commits the crime of assisting
19 a prisoner to escape which is subject to the following
20 penalties:

21 Sec. 22. Section two thousand four hundred eight (2408),
22 subsections five (5) and six (6):

23 5. The issuing officer reasonably determines from com-
24 petent evidence that the applicant does not constitute a
25 danger to ~~himself-or-others~~ any person.

26 6. ~~He~~ The person has never been convicted of any crime
27 defined in division eight (VIII) of this ~~Act~~ chapter, except
28 "assault" as defined in section eight hundred one (801) of
29 this ~~Act~~ chapter and "narrassment" as defined in section eight
30 hundred ~~eight-(808)~~ seven (807) of this ~~Act~~ chapter.

31 Sec. 23. Section two thousand four hundred nine (2409):

32 SEC. 2409. NEW SECTION. APPLICATION. No person shall
33 be issued a permit to carry weapons unless the person has
34 completed and signed an application on a form to be prescribed
35 and published by the commissioner of public safety. The

1 application shall state the full name, social security number,
2 residence, and age of the applicant, and shall state whether
3 the applicant has ever been convicted of a felony, whether
4 the person is addicted to the use of alcohol or any controlled
5 substance, and whether ~~he~~ the person has any history of mental
6 illness or repeated acts of violence. Any person who knowingly
7 makes a false statement on such application commits an
8 aggravated misdemeanor.

9 Sec. 24. Section two thousand six hundred two (2602):

10 SEC. 2602. NEW SECTION. INCEST. A person, except a child
11 as defined in this ~~Act~~ chapter, who has sexual intercourse
12 with any person whom he or she knows to be related to him
13 or her, either legitimately or illegitimately, as an ancestor,
14 descendant, brother or sister of the whole or half blood,
15 aunt, uncle, niece, or nephew, commits incest. Incest is
16 a class D felony.

17 Sec. 25. Section two thousand six hundred four (2604):

18 SEC. 2604. NEW SECTION. HUSBAND OR WIFE MAY BE WITNESS.
19 In all prosecutions under ~~section~~ sections two thousand six
20 hundred three (2603), two thousand six hundred five (2605),
21 or two thousand six hundred six (2606) of this ~~Act~~ chapter,
22 the husband or wife shall be a competent witness for the state
23 and may testify to any relevant acts or communications between
24 them, anything in previous statutes to the contrary
25 notwithstanding, provided, however, that no husband or wife
26 shall be called or compelled to testify against the other
27 under section two thousand six hundred three (2603), two thou-
28 sand six hundred five (2605), or two thousand six hundred
29 six (2606) of this ~~Act~~ chapter except upon consent of such
30 witness.

31 Sec. 26. Section two thousand six hundred six (2606):

32 SEC. 2606. NEW SECTION. WANTON NEGLECT OF A ~~CHILD~~ MINOR.
33 A person who is the parent or adoptive parent or any person
34 having custody of any ~~child-under-the-age-of-eighteen-years~~
35 minor commits wanton neglect of a ~~child~~ minor when the person

1 does any of the following:

2 1. The person knowingly acts in a manner likely to be
3 injurious to the physical, mental or moral welfare of such
4 ~~child~~ minor.

5 A parent or adoptive parent or person having custody who
6 provides his or her minor child exclusively with nonmedical
7 treatment by a religious method of healing permitted under
8 the laws of this state shall not, for this reason alone, be
9 considered in violation of this subsection.

10 2. The person abandons such ~~child~~ minor to fend for himself
11 or herself, knowing that the ~~child~~ minor is unable to do so.

12 Wanton neglect of a ~~child~~ minor is a serious misdemeanor.

13 Sec. 27. Section two thousand eight hundred one (2801),
14 subsection seven (7):

15 7. "Sex act" means any sexual contact, actual or simulated,
16 either natural or deviate, between two or more persons, or
17 between a person and an animal, by penetration of the penis
18 into the vagina or anus, or by contact between the mouth or
19 tongue and genitalia or anus, or by contact between a finger
20 of one person and the genitalia ~~or~~ of another person or by
21 use of artificial sexual organs or substitutes therefor in
22 contact with the genitalia or anus.

23 Sec. 28. Chapter one thousand two hundred forty-five
24 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
25 chapter two (2), sections one hundred four (104), three hundred
26 one (301), three hundred three (303), four hundred two (402),
27 four hundred six (406), four hundred eight (408), four hundred
28 nine (409), four hundred twenty-two (422), four hundred twenty-
29 five (425), four hundred twenty-six (426), five hundred five
30 (505), seven hundred two (702), seven hundred five (705),
31 eight hundred one (801), eight hundred three (803), and eight
32 hundred four (804), division ten (X), sections one thousand
33 one hundred two (1102), one thousand one hundred three (1103),
34 one thousand one hundred six (1106), one thousand one hundred
35 eight (1108), one thousand two hundred two (1202), and one

1 thousand two hundred three (1203), division fourteen (XIV),
2 sections one thousand four hundred one (1401), one thousand
3 four hundred two (1402), one thousand four hundred three
4 (1403), one thousand four hundred four (1404), one thousand
5 four hundred five (1405), one thousand four hundred six (1406),
6 one thousand four hundred seven (1407), one thousand four
7 hundred nine (1409), one thousand four hundred ten (1410),
8 one thousand four hundred eleven (1411), one thousand four
9 hundred fifteen (1415), one thousand four hundred seventeen
10 (1417), one thousand four hundred nineteen (1419), one thousand
11 four hundred twenty (1420), one thousand four hundred twenty-
12 two (1422), one thousand four hundred twenty-three (1423),
13 one thousand four hundred twenty-four (1424), one thousand
14 four hundred twenty-five (1425), one thousand four hundred
15 twenty-six (1426), one thousand four hundred twenty-seven
16 (1427), one thousand five hundred seven (1507), one thousand
17 six hundred four (1604), and one thousand nine hundred one
18 (1901), are amended by sections twenty-nine (29) through
19 seventy-six (76) of this Act as follows:

20 Sec. 29. Section one hundred four (104), subsection seven
21 (7), paragraphs b and f:

22 b. Marshals and policemen of cities and towns.

23 ~~f.--Employees-of-the-director-of-the-department-of-general~~
24 ~~services-pursuant-to-section-eighteen-point-twelve-(18-12),~~
25 ~~subsection-two-(2)-of-the-Code.~~

26 Sec. 30. Section one hundred four (104), by adding the
27 following new subsection:

28 NEW SUBSECTION. "Indictable offense" means an offense
29 other than a simple misdemeanor.

30 Sec. 31. Section three hundred one (301), subsection one
31 (1), unnumbered paragraph one (1), and subsection two (2):

32 1. A person is subject to prosecution in this state for
33 an offense which the person commits within or outside this
34 state, by the person's own conduct or that of another for
35 which he or she is legally accountable, if:

1 2. An offense may be committed partly within this state
2 if conduct which is an element of the offense, or a result
3 which constitutes an element of the offense, occurs within
4 this state. If the body of a ~~homicide~~ murder victim is found
5 within the state, the death is presumed to have occurred
6 within the state.

7 Sec. 32. Section three hundred three (303), by striking
8 subsection five (5) and inserting in lieu thereof the
9 following:

10 5. If the offense is a traffic offense or a scheduled
11 offense under section seven hundred fifty-three point fifteen
12 (753.15) of the Code, section seven hundred fifty-three point
13 twenty (753.20) of the Code shall apply.

14 Sec. 33. Section four hundred two (402):

15 SEC. 402. NEW SECTION. CONTENTS OF ARREST WARRANT. The
16 warrant must be directed to any peace officer in the state;
17 give the name of the defendant, if known, to the magistrate;
18 if unknown, may designate "name unknown"; and must state by
19 name or general description an offense which authorizes a
20 warrant to issue, the date of issuing it, the county~~7~~ or city~~7~~
21 ~~or town~~ where issued, and be signed by the magistrate with
22 the magistrate's name of office.

23 Sec. 34. Section four hundred six (406):

24 SEC. 406. NEW SECTION. PERSONS AUTHORIZED TO MAKE AN
25 ARREST. An arrest pursuant to a warrant ~~may~~ shall be made
26 only by a peace officer; in other cases, an arrest may be
27 made by a peace officer or by a private person as provided
28 in this division.

29 Sec. 35. Section four hundred eight (408), unnumbered
30 paragraph two (2):

31 At the time of the ~~arrent~~ arrest, the law enforcement
32 officer shall inform the person of:

33 Sec. 36. Section four hundred nine (409):

34 SEC. 409. NEW SECTION. INITIAL APPEARANCE OF ARRESTED
35 MATERIAL WITNESS BEFORE MAGISTRATE--ARREST-OF-MATERIAL-WITNESS.

1 The officer shall, without unnecessary delay, take the person
2 arrested pursuant to section four hundred eight (408) of this
3 chapter before the nearest and or most accessible magistrate
4 to the place where the arrest occurred.

5 At the appearance before the magistrate, the law enforce-
6 ment officer shall make a showing to the magistrate, by sworn
7 affidavit, that probable cause exists to believe that a person
8 is a necessary and material witness to a felony and that such
9 person might be unavailable for service of a subpoena. The
10 magistrate may order the person released pursuant to chapter
11 two (2), section one thousand one hundred two (1102) of this
12 Act.

13 Sec. 37. Section four hundred twenty-two (422):

14 SEC. 422. NEW SECTION. INITIAL APPEARANCE BEFORE
15 MAGISTRATE--ARREST BY WARRANT.

16 1. Any person arrested in obedience to a warrant shall,
17 without unnecessary delay, be taken before the nearest and
18 or most accessible magistrate to the place where the arrest
19 occurred, and the officer must at the same time deliver to
20 the magistrate the warrant, with the officer's return thereon
21 endorsed and subscribed by the officer with his or her official
22 title.

23 2. Where the offense ~~be~~ is bailable, the magistrate shall
24 fix bail giving due consideration to the bail endorsed on
25 the warrant or other conditions stipulated on the warrant
26 for the defendant's appearance in the court which issued the
27 warrant; if such person is not released on bail, the magistrate
28 must redeliver the warrant to the officer, ~~the warrant~~ and
29 the officer shall retain custody of the arrested person until
30 his or her removal to appear before the magistrate who issued
31 the warrant.

32 3. If the magistrate who issued the warrant is absent
33 or unable to act, the arrested person shall be taken to the
34 nearest and or most accessible magistrate in the judicial
35 district where the offense occurred, and all documents on

1 which the warrant was issued must be sent to such magistrate,
2 or if they cannot be procured, the informant and his or her
3 witnesses must be subpoenaed to make new affidavits.

4 Sec. 38. Section four hundred twenty-five (425):

5 SEC. 425. NEW SECTION. BAIL--DISCHARGE. Any magistrate
6 ~~or-clerk~~ who receives bail as provided for in sections four
7 hundred twenty-two (422), subsection two (2), and four hundred
8 twenty-three (423), subsection two (2), of this division shall
9 endorse, on the order of commitment or on the warrant, an
10 order for the discharge from custody of the arrested person,
11 who shall forthwith be discharged, and shall transmit by mail,
12 or otherwise, as soon as it can be conveniently done, to the
13 court at which the person is bound to appear, the affidavits,
14 order of commitment or warrant, and discharge, together with
15 the undertaking of bail.

16 Sec. 39. Section four hundred twenty-six (426):

17 SEC. 426. NEW SECTION. OFFICER'S RETURN. In all cases,
18 the peace officer, when he or she takes a person committed
19 to the officer under an order as provided in this division
20 before a magistrate ~~or-clerk-of-the-district-court~~, either
21 for the purpose of giving bail, if bail be taken, or for trial
22 or preliminary examination, must make his or her return on
23 such order, and sign such return with his or her name of
24 office, and deliver the same to the magistrate ~~or-clerk~~.

25 Sec. 40. Section five hundred five (505):

26 SEC. 505. NEW SECTION. FAILURE TO APPEAR.

27 4. Any person who willfully fails to appear in court as
28 specified by the citation shall be guilty of a simple
29 misdemeanor. Where a defendant fails to make a required court
30 appearance, the court shall issue an arrest warrant for the
31 offense of failure to appear, and shall forward the warrant
32 and the original citation to the clerk. The clerk shall enter
33 a transfer to the issuing agency on the docket, and shall
34 return the warrant with the original citation attached to
35 the law enforcement agency which issued the original citation

1 for enforcement of the warrant. Upon arrest of the defendant,
2 the warrant and the original citation shall be returned to
3 the court, and the offenses shall be heard and disposed of
4 simultaneously. ~~This subsection shall not apply in any case~~
5 ~~in which the citation alleges a simple misdemeanor and in~~
6 ~~which the person cited has submitted bond as provided in~~
7 ~~subsection two (2) of this section.~~

8 2.--~~In the case of a citation which alleges the commission~~
9 ~~of a simple misdemeanor and in which the person cited has~~
10 ~~submitted an appearance bond in the form of cash, check, or~~
11 ~~guaranteed arrest bond certificate as defined in section three~~
12 ~~hundred twenty one point one (321.1) of the Code, the court~~
13 ~~shall not issue an arrest warrant for failure to appear, but~~
14 ~~shall order a forfeiture of the bond as provided in subsection~~
15 ~~four (4) of section one thousand one hundred six (1106) of~~
16 ~~chapter two (2) of this Act.~~

17 Sec. 41. Section seven hundred two (702):

18 SEC. 702. NEW SECTION. FORM OF THE SUMMONS. The summons
19 may be in substantially the following form:

20 County of _____ (as the case may be.)

21 "In the name of the people of the State of Iowa:

22 "To the (naming the corporation).
23

24 "You are hereby summoned to appear before me, at
25 (naming the place) on (specifying the day and hour),
26 to answer a charge made against you, upon the com-
27 plaint of A.B., for (designating the offense, gen-
28 erally.)

29 "Dated at the city (or town) of _____, the
30 _____ day of _____, _____.

31 G. H. Magistrate"

32 (or as the case may be.)

33 Sec. 42. Section seven hundred five (705), subsection
34 one (1):

35 1. The clerk of the court wherein such indictment is found
or the information filed, or the judge, must issue a summons

1 signed by him or her with his or her name of office, requiring
2 such corporation to appear and plead to the indictment, at
3 a time and place to be specified in such summons, such time
4 to be not less than twenty days after the issue thereof.

5 The summons may be substantially in the following form:

6 District Court, _____ County.

7 The People of the State of Iowa

8 vs.

9 The A. B. Company,

10 You are hereby summoned to appear in this
11 court at (naming the place) on (stating the day
12 and hour), and plead to an indictment filed
13 against you by the grand jury of this county,
14 on the _____ day of _____,
15 charging you with the crime of (designating
16 the offense, generally), and in case of your
17 failure to so appear and answer, judgment will
18 be pronounced against you.

19 Dated at the city ~~(or town)~~ of _____,
20 the _____ day of _____,
21 C.D.,

22
23 Clerk of the District Court.
24 (or by order of the court)

25 Sec. 43. Section eight hundred one (801), subsection one
26 (1):

27 1. "Search warrant" means an order in writing pursuant
28 to the requirements of section eight hundred three (803) of
29 this chapter, in the name of the state, signed by a magistrate,
30 and directed to a peace officer commanding him or her to
31 search a person, premises, or thing.

32 Sec. 44. Section eight hundred three (803):

33 SEC. 803. NEW SECTION. APPLICATION FOR SEARCH WARRANTS.
34 Any person may make application for the issuance of a search
35 warrant by submitting before any magistrate a written

1 application, supported by the person's oath or affirmation,
2 and setting forth therein facts, information, and circum-
3 stances tending to establish sufficient grounds for grant-
4 ing the application, and probable cause for believing that
5 such grounds exist. The application shall describe the per-
6 son, place, or thing to be searched and the property to be
7 seized with such specificity so as to enable an independent
8 reasonable man with reasonable effort to ascertain and identify
9 such person, place, or thing. If the magistrate thereafter
10 issues the search warrant, the magistrate shall endorse on
11 the application the name and address of all persons upon whose
12 sworn testimony the magistrate relied to issue such warrant
13 together with the abstract of each witness' testimony, or
14 his or her affidavit. However, if the grounds for issuance
15 ~~is~~ are supplied by an informant, the magistrate shall identify
16 only the peace officer to whom the information was given.
17 The magistrate may in his or her discretion require that any
18 witness upon whom the applicant relies for information ~~to~~
19 appear personally and be examined concerning such information.

20 Sec. 45. Section eight hundred four (804):

21 SEC. 804. NEW SECTION. ISSUANCE. Upon a finding of
22 probable cause for grounds to issue a search warrant, the
23 magistrate shall issue a warrant, signed by the magistrate
24 with his or her name of office, directed to any authorized
25 person peace officer, commanding ~~the person~~ that peace officer
26 forthwith to search the named person, place, or thing within
27 the state for the property specified, and to bring any property
28 seized before the magistrate.

29 Sec. 46. Division ten (X), title:

30 LINEUPS-AND NONTESTIMONIAL IDENTIFICATION

31 Sec. 47. Section one thousand one hundred two (1102),
32 subsection six (6), paragraphs a and b:

33 a. A defendant who is detained, or whose release on a
34 condition requiring the defendant to return to custody after
35 specified hours is continued, after review of the defendant's

1 application pursuant to subsections three (3) or five (5)
2 of this section, by a magistrate, other than a district court
3 judge or district associate judge having original jurisdiction
4 of the offense with which he the defendant is charged, may
5 make application to a district court judge or district
6 associate judge having jurisdiction to amend the order. Said
7 motion shall be promptly set for hearing and a record made
8 thereof.

9 b. In any case in which a court denied a motion under
10 paragraph a of this subsection to amend an order imposing
11 conditions of release, or a defendant is detained after con-
12 ditions of release have been imposed or amended upon such
13 a motion, an appeal may be taken ~~to the supreme court~~ from
14 the district court. The appeal shall be determined summarily,
15 without briefs, on the record made. However, the defendant
16 may elect to file briefs and may be heard in oral argument,
17 in which case the prosecution shall have a right to respond
18 as in an ordinary appeal from a criminal conviction. The
19 ~~supreme~~ appellate court may, on its own motion, order the
20 parties to submit briefs and set the time in which such briefs
21 shall be filed. Any order so appealed shall be affirmed if
22 it is supported by the proceeding below. If the order is
23 not so supported, the court may remand the case for a further
24 hearing, or may, with or without additional evidence, order
25 the defendant released pursuant to subsection one (1) of this
26 section.

27 Sec. 48. Section one thousand one hundred three (1103),
28 subsection one (1):

29 1. Insurance companies doing business in this state un-
30 der the provisions of section five hundred fifteen point
31 forty-eight (515.48), subsection two (2) of the Code, may
32 act as surety. Resident ~~property~~ owners of property which
33 is located within the state, and which is worth the amount
34 specified in the undertaking, may act as surety, and must
35 in all cases justify by an affidavit taken before an officer

1 authorized to administer oaths that such surety possesses
2 such qualifications.

3 Sec. 49. Section one thousand one hundred six (1106),
4 subsections one (1), three (3), and four (4):

5 1. A defendant released pursuant to this division shall
6 appear at arraignment, trial, judgment, or such other proceed-
7 ings where the defendant's appearance is required. If the
8 defendant fails to appear at the time and place when his or
9 her personal appearance is lawfully required, or to surrender
10 himself or herself in execution of the judgment, the court
11 must direct an entry of such failure to be made of record,
12 and the undertaking of the defendant's bail, or the money
13 deposited, is thereupon forfeited. As a part of such entry,
14 except as provided in rule ~~forty-three-(43)~~ fifty-three (53),
15 rules of criminal procedure, the court shall direct the sheriff
16 of the county to give ten days' notice in writing to the
17 defendant and his or her sureties to appear and show cause,
18 if any, why judgment should not be entered for the amount
19 of such bail. If such appearance is not made, judgment shall
20 be entered by the court. If such appearance is made, the
21 court shall set the case down for immediate hearing as an
22 ordinary action.

23 3. The court may, upon application, set aside such judg-
24 ment if, within sixty days from the date thereof, the defen-
25 dant shall voluntarily surrender himself or herself to the
26 sheriff of the county, or his or her ~~bondsmen~~ sureties shall,
27 at their own expense, deliver the defendant to the custody
28 of the sheriff. Such judgment shall not be set aside, however,
29 unless as a condition precedent thereto, the defendant and
30 the defendant's sureties shall have paid all costs and expenses
31 incurred in connection therewith.

32 ~~4.--The-provisions-of-subsections-one-(1),-two-(2)-and~~
33 ~~three-(3)-of-this-section-shall-not-apply-to-a-case-in-which~~
34 ~~a-simple-misdemeanor-is-charged-by-police-citation-pursuant~~
35 ~~to-section-five-hundred-five-(505)-of-chapter-two-(2)-of-this~~

1 Act-or-by-uniform-citation-and-complaint-pursuant-to-section
2 seven-hundred-fifty-three-point-fifteen-(753.15)-of-the-Code,
3 and-in-which-the-defendant-has-submitted-appearance-bond-in
4 the-form-of-cash, check, or-guaranteed-arrest-bond-certificate
5 as-defined-in-section-three-hundred-twenty-one-point-one
6 (321.1)-of-the-Code.--Where-a-defendant-fails-to-appear-as
7 required-in-such-a-case, the-court-shall-enter-a-judgment
8 of-forfeiture-of-the-bond-which-shall-be-final-upon-entry
9 and-shall-not-be-set-aside.

10 Sec. 50. Section one thousand one hundred eight (1108):

11 SEC. 1108. NEW SECTION. SURRENDER OF DEFENDANT.

12 1. At any time before the forfeiture of ~~the defendant's~~
13 the undertaking, the ~~bail~~ surety may surrender the defendant,
14 or the defendant may surrender himself or herself, to the
15 officer to whose custody the defendant was committed at the
16 time of giving bail, and such officer shall detain the
17 defendant as upon a commitment and must, upon such surrender
18 and the receipt of a certified copy of the undertaking of
19 bail, acknowledge the surrender by a certificate in writing.

20 2. Upon the filing of the undertaking and the certificate
21 of the officer, or the certificate of the officer alone if
22 money has been deposited instead of bail, the court or clerk
23 shall immediately order return of the money deposited to the
24 person who deposited the same, or order an exoneration of
25 the ~~bondsman~~ surety.

26 3. For the purpose of surrendering the defendant, the
27 ~~bail~~ surety, at any time before finally charged and at any
28 place within the state, may arrest the defendant, or, by a
29 written authority endorsed on a certified copy of the
30 undertaking, may empower any person of suitable age and
31 discretion to do so.

32 Sec. 51. Section one thousand two hundred two (1202),
33 subsection three (3):

34 3. The person shall be entitled to representation by
35 counsel, including appointed counsel for indigent persons,

1 and shall be entitled to the right of cross-examination and
2 to present information, to testify, and to present witnesses
3 in his or her own behalf.

4 Sec. 52. Section one thousand to hundred three (1203):
5 SECTION 1203. NEW SECTION. MENTAL INCOMPETENCY OF ACCUSED.

6 If at any stage of a criminal proceeding it reasonably appears
7 that the defendant is suffering from a mental disorder which
8 prevents him or her from appreciating the charge ~~against-him~~,
9 understanding the proceedings, or assisting effectively in
10 ~~his~~ the defense, further proceedings must be suspended and
11 a hearing had upon that question.

12 Sec. 53. Division fourteen (XIV), title:
13 ~~APPEALS IN-THE-SUPREME-COURT~~ FROM THE DISTRICT COURT

14 Sec. 54. Section one thousand four hundred one (1401):
15 SECTION 1401. NEW SECTION. DEFINITION OF APPEAL AND
16 DISCRETIONARY REVIEW. For the purposes of this division,
17 unless the context otherwise requires:

18 1. "Appeal" is the right of both the defendant and the
19 state to have specified actions of the ~~lower~~ district court
20 considered by ~~the-supreme~~ an appellate court.

21 2. "Discretionary review" is the process by which ~~the~~
22 ~~supreme~~ an appellate court may exercise its discretion, in
23 like manner as under the rules pertaining to interlocutory
24 appeals and certiorari in civil cases, to review specified
25 matters not subject to appeal as a matter of right. The
26 supreme court may adopt additional rules to control access
27 to discretionary review.

28 Sec. 55. Section one thousand four hundred two (1402):
29 SEC. 1402. NEW SECTION. PARTIES--HOW DESIGNATED ON APPEAL.

30 The party seeking review shall be known as the appellant and
31 the adverse party as the appellee, but the title of the action
32 shall not be changed from that in the district court ~~below~~.

33 Sec. 56. Section one thousand four hundred three (1403):

34 SEC. 1403. NEW SECTION. APPEALS IN CASES INVOLVING MORE
35 THAN ONE DEFENDANT. When defendants are tried jointly, they

1 may seek discretionary review or may appeal separately or
2 they may join. The supreme appellate court may, in the
3 interest of justice, consolidate appeals or applications for
4 discretionary review.

5 Sec. 57. Section one thousand four hundred four (1404):

6 SEC. 1404. NEW SECTION. PERFECTION OF AN APPEAL AND AP-
7 PPLICATION FOR DISCRETIONARY REVIEW. An appeal is perfected
8 by filing a written notice within sixty days after judgment
9 or order with the clerk of the district court wherein the
10 judgment or order was issued. Application for discretionary
11 review is made by filing a written notice within ten days
12 after judgment or order with the clerk of the district court
13 wherein the judgment or order was issued.

14 Sec. 58. Section one thousand four hundred five (1405),
15 subsection one (1), unnumbered paragraph one (1):

16 Appeal Right of appeal is granted the state from:

17 Sec. 59. Section one thousand four hundred six (1406),
18 subsection one (1), unnumbered paragraph one (1) and paragraph
19 b:

20 Appeal Right of appeal is granted the defendant from:

21 b. An order for the commitment of the defendant for insan-
22 ity or drug addiction, ~~or an order for the indeterminate com-~~
23 ~~mitment of the defendant as a mentally disordered sex offender.~~

24 Sec. 60. Section one thousand four hundred seven (1407):

25 SEC. 1407. NEW SECTION. DUTY OF CLERK WHEN APPEAL IS
26 PERFECTED OR APPLICATION MADE. When an appeal or an
27 application for discretionary review is filed, the clerk of
28 the court in which the judgment or order was rendered shall:

29 1. Immediately prepare and transmit to the adverse party
30 and his or her attorney of record, and if the defendant is
31 the moving party, to the attorney general and the clerk of
32 the supreme appellate court, a true copy of the notice of
33 appeal or application, together with the date of filing.

34 2. Immediately prepare and transmit to the clerk of the
35 supreme appellate court and the attorney general a transcript

1 of all record entries relevant to the appeal or application,
2 together with copies of all papers in the case on file in
3 the clerk's office, except those returned by the examining
4 magistrate on the preliminary examination, all duly certified
5 under seal of his or her court.

6 Sec. 61. Section one thousand four hundred nine (1409):
7 SEC. 1409. NEW SECTION. INDIGENT'S RIGHT TO TRANSCRIPT
8 ON APPEAL. If a defendant in a criminal cause has perfected
9 an appeal from a judgment against him or her and shall satisfy
10 the judge of the ~~lower~~ district court that he or she is
11 indigent, such judge may order the transcript made at the
12 expense of the county where the defendant was tried. When
13 an attorney of record is representing such indigent, said
14 attorney shall make application to the ~~lower~~ district court
15 for the transcript.

16 Sec. 62. Section one thousand four hundred ten (1410):
17 SEC. 1410. NEW SECTION. INDIGENT'S APPLICATION FOR
18 TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause
19 has been granted discretionary review from an action of a
20 ~~lower the district court by-the-supreme-court~~ and the supreme
21 appellate court deems a transcript or portions thereof are
22 necessary to proper review of the question or questions raised,
23 the ~~judge-of-the-lower~~ district court shall order the
24 transcript made at the expense of the county where the
25 defendant was tried, if the defendant is indigent.

26 Sec. 63. Section one thousand four hundred eleven (1411):
27 SEC. 1411. NEW SECTION. INDIGENT'S RIGHT TO COUNSEL.
28 An indigent defendant is entitled to appointed counsel on
29 the appeal of all indictable offenses. Such appointment is
30 subject to ~~the rules and regulations which are or may be~~
31 promulgated by of the supreme court ~~of-the-state~~.

32 Sec. 64. Section one thousand four hundred fifteen (1415):
33 SEC. 1415. NEW SECTION. APPEALS AND APPLICATIONS, WHEN
34 DOCKETED, WHEN DETERMINED. When a proper appeal is perfected
35 in a criminal case and the clerk's transcript of the record

1 as required by section one thousand four hundred seven (1407)
2 of this division is filed in the supreme appellate court,
3 the cause shall be docketed. Such causes shall take precedence
4 over other business, and the supreme appellate court shall
5 hear and determine appeals in criminal actions at the earliest
6 time it may be done considering the rights of parties and
7 proper administration of justice. A similar rule shall apply
8 to applications for discretionary review.

9 Sec. 65. Section one thousand four hundred seventeen
10 (1417):

11 SEC. 1417. NEW SECTION. PERSONAL APPEARANCE OF THE
12 DEFENDANT. The personal appearance of the defendant in the
13 supreme appellate court on the trial of an appeal, or upon
14 the hearing of a matter of discretionary review, is in no
15 case necessary.

16 Sec. 66. Section one thousand four hundred nineteen (1419):

17 SEC. 1419. NEW SECTION. HEARING IN THE SUPREME APPELLATE
18 COURT, RULES OF PROCEDURE. The record and case shall be
19 presented to the supreme appellate court as provided by ~~its~~
20 rules in the rules of appellate procedure; and the provisions
21 of law in civil procedure relating to the filing of decisions
22 and opinions of the supreme appellate court shall apply in
23 such cases.

24 Sec. 67. Section one thousand four hundred twenty (1420):

25 SEC. 1420. NEW SECTION. DECISIONS ON APPEALS OR
26 APPLICATIONS BY DEFENDANT. An appeal or application taken
27 by the defendant shall not be dismissed for an informality
28 or defect in taking it if corrected as directed by the supreme
29 appellate court. The supreme appellate court, after an
30 examination of the entire record, may dispose of the case
31 by affirmation, reversal or modification of the ~~lower~~ district
32 court judgment. It may also dismiss the appeal or application
33 if it determines that there has been no substantial miscarriage
34 of justice, and no violation of the rights of the accused,
35 and that the arguments do not present definite grounds for

1 a hearing. The supreme appellate court may also order a new
2 trial, or reduce the punishment, but cannot increase it.

3 Sec. 68. Section one thousand four hundred twenty-two
4 (1422):

5 SEC. 1422. NEW SECTION. REVERSAL--EFFECT. If a judgment
6 against the defendant is reversed, such reversal shall be
7 deemed an order for a new trial, unless the supreme appellate
8 court shall direct a different disposition. In reversing
9 the case, the supreme appellate court may direct that the
10 defendant be discharged and the defendant's bail exonerated,
11 or if money is deposited instead, that it be returned to the
12 defendant.

13 Sec. 69. Section one thousand four hundred twenty-three
14 (1423):

15 SEC. 1423. NEW SECTION. AFFIRMANCE--EFFECT. On a judgment
16 of affirmance against the defendant, the original judgment
17 shall be carried into execution as the supreme appellate court
18 shall direct.

19 Sec. 70. Section one thousand four hundred twenty-four
20 (1424):

21 SEC. 1424. NEW SECTION. DECISION RECORDED AND TRANSMITTED.
22 The decision of the supreme appellate court with any opinion
23 filed or judgment rendered must be recorded by its clerk.
24 After the expiration of the period allowed for a rehearing,
25 or as ordered by the court or provided by its rules, a
26 certified copy of the decision and opinion shall be transmitted
27 to the clerk of the ~~trial~~ district court, filed and entered
28 of record by the clerk.

29 Sec. 71. Section one thousand four hundred twenty-five
30 (1425):

31 SEC. 1425. NEW SECTION. JURISDICTION OF APPELLATE COURT
32 CEASES AFTER JUDGMENT. The jurisdiction of the supreme
33 appellate court shall cease after the certified copy of the
34 decision and opinion is transmitted to the clerk of the ~~trial~~
35 district court. All proceedings for executing the judgment

1 shall be had in the ~~trial~~ district court or by its clerk.

2 Sec. 72. Section one thousand four hundred twenty-six
3 (1426):

4 SEC. 1426. NEW SECTION. JUDGMENT ENFORCED. Unless some
5 proceeding in the district court is directed, ~~a copy~~ copies
6 of the judgment of the ~~trial~~ district court and of the decision
7 on appeal or review, or a copy of the judgment and decision
8 on appeal or review, certified by the clerk of the ~~trial~~
9 district court, shall be delivered to the sheriff or proper
10 officer as an execution. He shall be authorized to execute
11 the judgment of the court, or take any legal measures required
12 to bring the action to a conclusion.

13 Sec. 73. Section one thousand four hundred twenty-seven
14 (1427):

15 SEC. 1427. NEW SECTION. TIME OF CONFINEMENT DEDUCTED.
16 A defendant, confined during the pendency of an unsuccessful
17 review or appeal, or convicted at a new trial ordered by the
18 supreme appellate court, shall have the period of his or her
19 former confinement deducted from the period of confinement
20 fixed on the last verdict of conviction by the district court.

21 Sec. 74. Section one thousand five hundred seven (1507):

22 SEC. 1507. NEW SECTION. FEES TO ATTORNEYS. An attorney
23 appointed by the court to represent any person charged with
24 a crime in this state shall be entitled to a reasonable
25 compensation which shall be the ordinary and customary charges
26 for like services in the community to be decided in each case
27 by the district ~~court~~ judge, including such sum or sums as
28 the court may determine are necessary for investigation in
29 the interests of justice and in the event of appeal the cost
30 of obtaining the transcript of the trial and the printing
31 of the trial record and necessary briefs in behalf of the
32 defendant. Such attorney need not follow the case into another
33 county or into the supreme appellate court unless so directed
34 by the court at the request of the defendant, where grounds
35 for further litigation are not capricious or unreasonable,

1 but if such attorney does so his or her fee shall be determined
2 accordingly. Only one attorney fee shall be so awarded in
3 any one case except that in class A felony cases, two may
4 be authorized.

5 Sec. 75. Section one thousand six hundred four (1604):

6 SEC. 1604. NEW SECTION. TRIAL OF FORMER JEOPARDY ISSUE.

7 When the defendant's only plea to the indictment is a former
8 conviction or acquittal, the order of trial prescribed in
9 rule eighteen (18), rules of criminal procedure, shall be
10 reversed, and the defendant shall first offer ~~his~~ evidence
11 in support of ~~his~~ the defense.

12 Sec. 76. Section one thousand nine hundred one (1901),
13 subsection two (2):

14 2. A judge of a court of record in the other state certi-
15 fies under the seal of such court that there is a criminal
16 action pending in such court or that a grand jury investigation
17 has commenced; that a person residing or physically present
18 within this state is a material witness in such action or
19 grand jury investigation; and that ~~his~~ the person's presence
20 will be required for a number of days which shall be specified
21 in such certification.

22 Sec. 77. Chapter two (2) is amended by adding the fol-
23 lowing new section to division five (V):

24 SEC. ____ . NEW SECTION. OTHER CITATION FORMS. The pro-
25 visions of sections three hundred twenty-one point four hundred
26 eighty-five (321.485) through three hundred twenty-one point
27 four hundred eighty-seven (321.487) of the Code shall govern
28 with respect to offenses charged in the manner provided in
29 section three hundred twenty-one point four hundred eighty-
30 five (321.485) of the Code. The provisions of chapter seven
31 hundred fifty-three (753) of the Code shall govern with respect
32 to offenses chargeable upon a uniform citation and complaint.

33 Sec. 78. Chapter two (2) is amended by adding the following
34 new section to division eleven (XI):

35 SEC. ____ . NEW SECTION. FORFEITURE OF APPEARANCE BOND.

1 Sections one thousand one hundred six (1106), one thousand
 2 one hundred seven (1107), and one thousand one hundred eight
 3 (1108) of this chapter shall not apply in a case where a
 4 scheduled offense not requiring a court appearance is charged
 5 upon a uniform citation and complaint and where the defendant
 6 has submitted appearance bond in the form of cash, check,
 7 credit card as provided in section seven hundred fifty-three
 8 point twenty-one (753.21) of the Code, or guaranteed arrest
 9 bond certificate as defined in section three hundred twenty-
 10 one point one (321.1) of the Code. When a defendant fails
 11 to appear as required in such cases, the court shall enter
 12 a judgment of forfeiture of the bond. The judgment shall
 13 be final upon entry and shall not be set aside.

14 Sec. 79. Chapter one thousand two hundred forty-five
 15 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
 16 chapter three (3), sections one hundred five (105), three
 17 hundred three (303), six hundred four (604), six hundred eight
 18 (608), six hundred fourteen (614), seven hundred two (702),
 19 seven hundred three (703), seven hundred seven (707), seven
 20 hundred eight (708), eight hundred five (805), eight hundred
 21 six (806), and eight hundred eight (808), are amended by
 22 sections eighty (80) through ninety-one (91) of this Act as
 23 follows:

24 Sec. 80. Section one hundred five (105), subsection two
 25 (2):

26 2. If the defendant is ~~neither-a-dangerous-offender-nor~~
 27 ~~an-incorrigible~~ not an habitual offender as defined by sections
 28 section two hundred eight (208) and two hundred ten (240)
 29 of this chapter, the court may pronounce judgment and impose
 30 a fine.

31 Sec. 81. Section three hundred three (303):

32 SEC. 303. NEW SECTION. WORK-RELEASE. The court may
 33 direct that a prisoner, sentenced to confinement for ninety
 34 days or less, or a prisoner who has served all but ninety
 35 days or less of his or her sentence, be released from custody

1 during specified hours, as provided by sections three hundred
2 fifty-six point twenty-six (356.26) through three hundred
3 fifty-six point ~~thirty-six-(356-36)~~ thirty-five (356.35) of
4 the Code.

5 Sec. 82. Section six hundred four (604):

6 SEC. 604. NEW SECTION. PAROLE PROCEDURE. Within one
7 year after the commitment of any person other than a class
8 A felon to the custody of the director of the division of
9 adult corrections, a member of the board shall interview the
10 person. Thereafter, at regular intervals, not to exceed one
11 year, the board shall interview the person and consider his
12 or her prospects for parole. At such time, the board shall
13 consider all pertinent information regarding this person,
14 including the circumstances of the person's offense, any
15 presentence report which may be available, the previous social
16 history and criminal record of such person, the person's
17 conduct, employment and attitude in prison, and the reports
18 of such physical and mental examinations as have been made.
19 If the person who is under consideration for parole is serving
20 a sentence for conviction of a felony and has a criminal
21 record of one or more prior convictions for a forcible felony
22 or a crime of a similar gravity in this or any other state,
23 parole shall be denied unless the defendant has served at
24 least one-half of the maximum term of his or her sentence.
25 Every person while on parole shall be under the supervision
26 of the department of social services, which shall prescribe
27 regulations for governing persons on parole. The board may
28 adopt ~~such~~ other rules not inconsistent with the above as
29 it may deem proper or necessary for the performance of its
30 functions.

31 Sec. 83. Section six hundred eight (608), headnote:

32 CLOTHING, TRANSPORTATION, AND MONEY.

33 Sec. 84. Section six hundred fourteen (614):

34 SEC. 614. NEW SECTION. PAROLE TIME COUNTED. The time
35 when a prisoner is on parole from the institution shall be

1 held to apply upon the sentence against the parolee even if
2 the parole is subsequently revoked, except that the time when
3 the parolee is in violation of the terms of ~~his~~ the parole
4 agreement shall not apply upon the sentence.

5 The time when a prisoner is absent from the institution
6 by reason of an escape shall not apply upon the sentence
7 against the prisoner.

8 Sec. 85. Section seven hundred two (702), subsection one
9 (1), is amended by striking paragraph b.

10 Sec. 86. Section seven hundred three (703):

11 SEC. 703. NEW SECTION. DEFERRED JUDGMENT DOCKET. Any
12 deferment of judgment under ~~this-subsection~~ section seven
13 hundred two (702) of this chapter shall be reported promptly
14 to the supreme court administrator who shall maintain a
15 permanent record thereof including the name of the defendant,
16 the district court docket number, the nature of the offense,
17 and the date of the deferment. Before granting deferment
18 in any case, the court shall request of the supreme court
19 administrator a search of the deferred judgment docket and
20 shall consider any prior record of a deferment of judgment
21 against the defendant. The permanent record provided for
22 in this ~~subsection~~ section shall constitute a confidential
23 record exempted from public access under section sixty-eight
24 A point seven (68A.7) of the Code and shall be available only
25 to justices of the supreme court, judges of the court of
26 appeals, district judges, district associate judges, and
27 judicial magistrates requesting information pursuant to this
28 ~~subsection~~ section.

29 Sec. 87. Section seven hundred seven (707), subsection
30 three (3), unnumbered paragraph two (2):

31 In each case wherein the court shall order said person
32 committed to the custody, care, and supervision of the
33 probation and parole service, the clerk of the district court
34 shall at once furnish the chief parole officer with certified
35 copies of the indictment or information, the minutes of

1 testimony attached thereto, the judgment entry if judgment
2 is not deferred, and the original mittimus. The county
3 attorney shall at once advise the chief parole officer, by
4 letter, that the defendant has been placed under the
5 supervision of the probation and parole service and give to
6 the chief parole officer a detailed statement of the facts
7 and circumstances surrounding the crime committed and the
8 record and history of the defendant as may be known to the
9 county attorney. If the defendant is confined in the county
10 jail at the time of sentence, the court may order the defendant
11 held until arrangements are made by the probation and parole
12 service for the defendant's employment and he or she has
13 signed the necessary probation papers. If the defendant is
14 not confined in the county jail at the time of sentence, the
15 court may order the defendant to remain in the county wherein
16 the defendant has been convicted and sentenced and report
17 to the sheriff as to his or her whereabouts.

18 Sec. 88. Section seven hundred eight (708):

19 SEC. 708. NEW SECTION. DISCHARGE FROM PROBATION. At
20 any time that the court determines that the purposes of pro-
21 bation have been fulfilled, the court may order the discharge
22 of any person from probation. At the expiration of the pe-
23 riod of probation, in cases where the court fixes the term
24 of probation, the court shall order the discharge of such
25 person from probation, and the court shall forward to the
26 governor a recommendation for or against restoration of citi-
27 zenship rights to such person. A person who has been
28 discharged from probation shall no longer be held to answer
29 for his or her offense. Upon discharge from probation, if
30 judgment has been deferred under section seven hundred two
31 (702) of this division, the court's criminal record with
32 reference to the deferred judgment shall be expunged. The
33 record maintained by the supreme court administrator as
34 required by section seven hundred three (703) of this division
35 shall not be expunged. The court's record shall never not

1 be expunged in any other circumstances ~~except-as-provided~~
2 ~~in-section-six-hundred-two-point-fifteen-(602.15)-of-the-Code.~~

3 Sec. 89. Section eight hundred five (805):

4 SEC. 805. NEW SECTION. WAIVER OF PROBABLE CAUSE HEARING.

5 The alleged parole violator may waive the probable cause
6 hearing, in which event the magistrate shall proceed as upon
7 a finding of probable cause. Before accepting a waiver of
8 hearing, the magistrate shall inform the alleged violator
9 of the charge ~~against-him-or-her~~, of the alleged violator's
10 right to a hearing to determine whether there is probable
11 cause to believe that ~~he-or-she-has-violated-his-or-her~~ parole
12 has been violated, and that if the ~~alleged-violator-waives~~
13 the hearing that-he-or-she is waived, the alleged violator
14 will be committed to the custody of the department of social
15 services without further proceedings, to await the determina-
16 tion of ~~his-future-status-by~~ the parole board. The magistrate
17 shall make a verbatim record of the proceedings in which the
18 hearing is waived.

19 Sec. 90. Section eight hundred six (806):

20 SEC. 806. NEW SECTION. DISPOSITION BY MAGISTRATE. If
21 it appears from the evidence that there is no probable cause
22 to believe that the arrested person has violated the conditions
23 of ~~his-or-her~~ parole, the magistrate shall order the arrested
24 person to be released from custody and continued on parole.
25 If it appears that there is probable cause to believe that
26 the arrested person has violated the conditions of ~~his-or~~
27 ~~her~~ parole, the magistrate shall commit the arrested person
28 to the custody of the department of social services, and the
29 procedure prescribed in section one hundred seven (107) of
30 this chapter shall apply to such commitment; or the magistrate
31 may admit the arrested person to bail as provided in section
32 eight hundred two (802) of this chapter. The magistrate shall
33 make a summary of the testimony and other evidence considered
34 ~~by-the-liaison-officer~~ and a statement of the facts relied
35 on ~~by-the-liaison-officer~~ as a basis for ~~his-or-her~~ the finding

1 of probable cause or no probable cause, and shall without
2 delay forward them together with all documents relating to
3 the matter to the executive secretary of the parole board.
4 If the alleged parole violator has waived the probable cause
5 hearing, the verbatim record of that proceeding shall be
6 forwarded in lieu of the summary of evidence and statement
7 of facts.

8 Sec. 91. Section eight hundred eight (808):

9 SEC. 808. NEW SECTION. PROCEEDING WITHOUT ARREST. The
10 board of parole may receive from a parole officer a charge
11 or complaint of parole violation against any parolee and may
12 proceed to a hearing on such charge in any case where the
13 alleged violator has not been arrested or has been arrested
14 and discharged by the magistrate on a finding of no probable
15 cause. The presence of the alleged violator at such hearing
16 shall be secured by summons. A statement of the charge against
17 the alleged violator shall accompany the summons, and ~~his~~
18 ~~er-her~~ the parole officer shall give the alleged violator
19 such assistance as ~~he-er-she-may-need~~ is needed to get to
20 the place of the hearing. Travel expenses, if any, shall
21 be paid by the board. If ~~he-er-she~~ the alleged violator fails
22 without good cause to appear as commanded by the summons,
23 such failure shall be considered a violation of the parole,
24 and the board may proceed to revoke ~~his-er-her~~ parole. If
25 the parole is revoked, the board shall issue a warrant for
26 ~~his-er-her~~ the person's arrest and return to the custody of
27 the department of social services. Upon his or her return
28 to custody, the board shall, upon request, give ~~him-er-her~~
29 the person an opportunity to present any matters in defense
30 or mitigation of ~~his~~ the conduct ~~if-he-so-requests~~.

31 Sec. 92. Chapter one thousand two hundred forty-five
32 (1245), Acts of the Sixty-sixth General Assembly, 1976 Ses-
33 sion, chapter four (4), sections seventy-eight (78), two
34 hundred thirty-one (231), two hundred forty-two (242), two
35 hundred eighty-one (281), three hundred twenty-nine (329),

1 three hundred seventy-eight (378), four hundred ninety-one
2 (491), five hundred sixteen (516), five hundred seventeen
* 3 (517), five hundred eighteen (518), five hundred nineteen
4 (519), and five hundred twenty-five (525), are amended by
5 sections ninety-three (93) through one hundred five (105)
6 of this Act as follows:

7 Sec. 93. Section seventy-eight (78), amending section
8 one hundred three A point twenty-one (103A.21), subsection
9 two (2), unnumbered paragraph two (2) of the 1975 Code:

10 Violations of this section shall be simple misdemeanors,
11 ~~and magistrates and district associate judges courts shall~~
12 ~~have exclusive jurisdiction to originally hear and determine~~
13 ~~charges of violations.~~

14 Sec. 94. Section two hundred thirty-one (231), amending
15 section two hundred four point four hundred ten (204.410)
16 of the 1975 Code:

17 SEC. 231. Section two hundred four point four hundred
18 ten (204.410), Code 1975, is amended by striking the section
19 and inserting in lieu thereof the following:

20 204.410 ACCOMMODATION OFFENSE. In a prosecution for
21 unlawful delivery or possession with intent to deliver a
22 controlled substance, if the prosecution proves that the
23 defendant violated the provisions of section two hundred four
24 point four hundred one (204.401), subsection one (1), of the
25 Code, but fails to prove that the defendant delivered or
26 possessed with intent to deliver the controlled substance
27 for the purpose of making a profit, the defendant shall be
28 guilty of an accommodation offense and shall be sentenced
29 as if ~~he had been~~ convicted of a violation of section two
30 hundred four point four hundred one (204.401), subsection
31 three (3) of the Code. An accommodation offense may be proved
32 as an included offense under a charge of delivering or pos-
33 sessed with the intent to deliver a controlled ~~substance~~
34 substance in violation of section two hundred four point four
35 hundred one (204.401), subsection one (1), of the Code.

1 The effective date of this section shall be July 1, 1976.

2 Sec. 95. Section two hundred forty-two (242), amending
3 section two hundred seventeen point fourteen (217.14),
4 subsection seven (7), unnumbered paragraph two (2) of the
5 1975 Code:

6 SEC. 242. Section two hundred seventeen point fourteen
7 (217.14), subsection seven (7), unnumbered paragraph two (2),
8 Code 1975, is amended to read as follows:

9 The commissioner of social services may establish for any
10 inmate sentenced pursuant to chapter three (3), section two
11 hundred ~~two-(202)~~ three (203) of this Act a furlough program
12 under which inmates sentenced to and confined in an institution
13 under the jurisdiction of the department of social services
14 may be temporarily released. Furloughs for a period not to
15 exceed fourteen days may be granted when an immediate member
16 of the inmate's family is seriously ill or has died, when
17 an inmate is to be interviewed by a prospective employer,
18 or when an inmate is authorized to participate in a training
19 program not available within the institution. Furloughs for
20 a period not to exceed fourteen days may also be granted in
21 order to allow the inmate to participate in programs or ac-
22 tivities that serve rehabilitative objectives. The commis-
23 sioner of social services shall promulgate rules ~~and regula-~~
24 ~~tions~~ to carry out the provisions of this paragraph.

25 Sec. 96. Section two hundred eighty-one (281), amending
26 section three hundred twenty-one point two hundred eighteen
27 (321.218) of the 1975 Code:

28 SEC. 281. Section three hundred twenty-one point two hun-
29 dred eighteen (321.218), Code 1975, is amended to read as
30 follows:

31 321.218 DRIVING WHILE LICENSE DENIED, SUSPENDED OR RE-
32 VOKED. Any person whose operator's or chauffeur's license
33 or driving privilege, has been denied, canceled, suspended
34 or revoked as provided in this chapter, and who drives any
35 motor vehicle upon the highways of this state while such

1 license or privilege is denied, canceled, suspended, or re-
2 voked, is guilty of a simple misdemeanor. The sentence imposed
3 under this section shall not be suspended by the court,
4 notwithstanding the provisions of chapter three (3), section
5 789A-4 seven hundred two (702) of this Act or any other
6 provision of statute. The department, upon receiving the
7 record of the conviction of any person under this section
8 upon a charge of driving a motor vehicle while the license
9 of such person was suspended or revoked, shall extend the
10 period of suspension or revocation for an additional like
11 period, and the department shall not issue a new license
12 during such additional period.

13 Sec. 97. Section three hundred twenty-nine (329), amending
14 section three hundred fifty-six A point three (356A.3) of
15 the 1975 Code:

16 SEC. 329. Section three hundred fifty-six A point three
17 (356A.3), Code 1975, is amended to read as follows:

18 356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any ~~muni-~~
19 ~~cipal-or~~ district ~~court~~ judge may sentence and commit a per-
20 son to a facility established and maintained pursuant to
21 section 356A.1 or 356A.2 instead of the county jail. A dis-
22 trict ~~court~~ judge may order the transfer of a person sentenced
23 and committed to the county jail to such a facility upon his
24 or her own motion, the motion of the sentenced and committed
25 person, or the motion of the sheriff. The original order
26 of commitment or the order of transfer to the facility shall
27 set forth the terms and conditions of the ~~detention~~ detention
28 or commitment; that the detained or committed person shall
29 abide by the terms and conditions of this chapter and the
30 rules ~~and-regulations~~ of the facility to which committed or
31 transferred. The order shall be read to the detained,
32 committed or transferred person in open court. The committing
33 court or a district ~~court~~ judge may order any person who has
34 been detained, committed, or transferred to such a facility
35 to be transferred to the county jail if, upon hearing, the

1 court determines such person has been refractory, or
2 disorderly, has willfully destroyed or injured any property
3 in the facility, or has violated any of the terms and
4 conditions of the order of detention, commitment, or transfer
5 or the provisions of this chapter or the rules ~~and regulations~~
6 of the facility wherein the person was detained or committed.
7 Any violations of the order of detention, commitment, or
8 transfer shall further be punished as contempt of court
9 pursuant to chapter 665. The provisions of chapter one (1),
10 section one thousand nine hundred four (1904) of this Act
11 shall be applicable to any person detained, committed, or
12 transferred to a facility established and maintained pursuant
13 to this chapter. The county or city to which the cause
14 originally belonged shall be liable for the expense of the
15 original detention, commitment, or transfer and the subsequent
16 expenses of maintaining such person in the facility. The
17 county's expense shall be levied and paid out of the court
18 expense fund pursuant to section 444.10.

19 Sec. 98. Section three hundred seventy-eight (378),
20 amending section four hundred seventy-seven point fifteen
21 (477.15) of the 1975 Code, is amended by striking section
22 three hundred seventy-eight (378) and inserting in lieu thereof
23 the following:

24 SEC. 378. Section three hundred twenty-seven F point nine
25 (327F.9), Code 1977, is amended to read as follows:

26 327F.9 VIOLATIONS. Any railroad corporation operating
27 a train or engine using any freight car, caboose, or other
28 car contrary to the provisions of sections 327F.6 and 327F.7
29 shall be guilty of a public offense and shall be subject to
30 a fine of not less than five hundred nor more than one thousand
31 dollars for each and every offense, and moneys so collected
32 shall be credited to the railroad assistance fund.

33 Sec. 99. Section four hundred ninety-one (491), amending
34 section six hundred seven point two (607.2) of the 1975 Code:

35 SEC. 491. Section six hundred seven point two (607.2),

1 Code 1975, is amended by striking ~~subsections-three-(3)-four~~
2 ~~(4)-five-(5)-and subsection six (6)~~.

3 Sec. 100. Chapter four (4) is amended by striking sec-
4 tion five hundred sixteen (516) and inserting in lieu thereof
5 the following:

6 SEC. 516. Section seven hundred fifty-three point thir-
7 teen (753.13), Code 1977, and the division title immediately
8 preceding that section are amended by striking those provi-
9 sions and inserting in lieu thereof the following:

10 TRAFFIC AND SCHEDULED VIOLATIONS

11 753.13 UNIFORM CITATION AND COMPLAINT.

12 1. The commissioner of public safety and the state con-
13 servation director, acting jointly, shall adopt a uniform,
14 combined citation and complaint which shall be used for
15 charging all traffic violations in Iowa under state law or
16 local regulation or ordinance, and which shall be used for
17 charging all other violations which are designated by section
18 seven hundred fifty-three point fifteen (753.15) of the Code
19 to be scheduled violations. This subsection shall not be
20 deemed to prevent the charging of any of those violations
21 by information, by private complaint filed under the provisions
22 of division four (IV) of chapter two (2) of this Act, or by
23 a simple notice of fine where permitted by subsection one
24 (1) of section three hundred twenty-one point two hundred
25 thirty-six (321.236) of the Code. Each uniform citation and
26 complaint shall be serially numbered and shall be in
27 quintuplicate, and the officer shall deliver the original
28 and a copy to the court where the defendant is to appear,
29 two copies to the defendant, and a copy to the law enforcement
30 agency of the officer. The court shall forward the copy of
31 the uniform citation and complaint in accordance with section
32 three hundred twenty-one point two hundred seven (321.207)
33 of the Code when applicable. The uniform citation and
34 complaint shall contain spaces for the parties names; the
35 address of the alleged offender; the registration number of

1 the offender's vehicle; the information required by section
2 five hundred two (502) of chapter two (2) of this Act; a
3 promise to appear as provided in section five hundred three
4 (503) of chapter two (2) of this Act and a place where the
5 cited person may sign the promise to appear; a list of the
6 scheduled fines prescribed by section seven hundred fifty-
7 three point fifteen (753.15) of the Code, either separately
8 or by group, and a statement that the court costs in scheduled
9 offense cases, whether or not a court appearance is required
10 or is demanded, shall be five dollars; a brief explanation
11 of sections seven hundred fifty-three point sixteen (753.16)
12 and seven hundred fifty-three point seventeen (753.17) of
13 the Code; a space where the defendant may sign an admission
14 of the violation when permitted by section seven hundred
15 fifty-three point sixteen (753.16) of the Code; and the uniform
16 citation and complaint shall require that the defendant appear
17 before a court at a specified time and place. The uniform
18 citation and complaint also may contain a space for the imprint
19 of a credit card, and may contain any other information which
20 the commissioner of public safety and the state conservation
21 director may determine.

22 2. In addition to those violations which are required
23 by subsection one (1) of this section to be charged upon a
24 uniform citation and complaint, a violation of chapter three
25 hundred twenty-one (321) of the Code which is punishable as
26 a simple, serious, or aggravated misdemeanor may be charged
27 upon a uniform citation and complaint, whether or not the
28 alleged offender is arrested by the officer making the charge.

29 3. Supplies of the uniform citation and complaint for
30 municipal corporations and county agencies shall be paid for
31 out of the court expense fund of the county. Supplies of
32 the uniform citation and complaint for all other agencies
33 shall be paid for out of the budget of the agency concerned.

34 4. The uniform citation and complaint shall contain a
35 place for the verification of the officer issuing the

1 complaint. The complaint may be verified before the chief
2 officer of the law enforcement agency, or his or her designee,
3 and the chief officer of each law enforcement agency of the
4 state is authorized to designate specific individuals to
5 administer oaths and certify verifications.

6 5. The commissioner of public safety and the state conser-
7 vation director, acting jointly, shall design and publish
8 a compendium of scheduled violations and scheduled fines,
9 containing other information which they deem appropriate,
10 and shall distribute copies to all courts and law enforcement
11 officers and agencies of the state upon request. The cost
12 of the publication shall be paid out of the budget of the
13 department of public safety and out of the budget of the state
14 conservation commission, each budget being liable for half
15 of those costs. Copies shall be made available to individuals
16 upon request, and a charge may be collected which does not
17 exceed the cost of printing.

18 6. Nothing contained in this section shall be deemed to
19 invalidate forms of uniform citation and complaint in exis-
20 tence prior to January 1, 1978. Existing forms may be used
21 until supplies are exhausted.

22 Sec. 101. Section five hundred seventeen (517), amending
23 section seven hundred fifty-three point fourteen (753.14),
24 subsection two (2) of the 1975 Code:

25 2. COLLECTION BOXES. The chief judge of the district
26 may permit the maintenance of locked collection boxes to be
27 used at weigh stations. Such boxes shall be used solely for
28 the deposit of fines and costs received upon written admissions
29 of those scheduled violations applicable to commercial
30 carriers. The collection boxes shall remain locked at all
31 times and shall be opened only by the clerk of the district
32 court or his or her designee. The chief judge of the district
33 may prescribe procedures for the system and may discontinue
34 its use if necessary.

35 Sec. 102. Section five hundred eighteen (518), amending

1 section seven hundred fifty-three point fifteen (753.15) of
2 the 1975 Code, is amended by striking unnumbered paragraph
3 one (1) and inserting in lieu thereof the following:

4 SEC. 518. Section seven hundred fifty-three point fifteen
5 (753.15), Code 1977, is amended by striking the section and
6 inserting in lieu thereof the following:

7 Sec. 103. Section five hundred eighteen (518), subsection
8 one (1) and subsection two (2), paragraphs k and l, amending
9 section seven hundred fifty-three point fifteen (753.15) of
10 the 1975 Code:

11 1. Except as otherwise indicated, violations of sections
12 of the Code specified in this section shall be scheduled
13 violations, and the scheduled fine for each of those violations
14 shall be as provided in this section, whether the violation
15 is of state law or of county resolution or city ordinance.

16 k. For violations of traffic signs and signals, and for
17 failure to obey an officer under sections three hundred twenty-
18 one point two hundred twenty-nine (321.229), three hundred
19 twenty-one point two hundred thirty-six (321.236), subsections
20 two (2), and six (6), three hundred twenty-one point two
21 hundred fifty-six (321.256), three hundred twenty-one point
22 two hundred fifty-seven (321.257), subsections two (2) and
23 three (3), three hundred twenty-one point two hundred fifty-
24 eight (321.258), three hundred twenty-one point two hundred
25 ninety-four (321.294), three hundred twenty-one point three
26 hundred four (321.304), subsection three (3), three hundred
27 twenty-one point three hundred twenty-two (321.322), three
28 hundred twenty-one point three hundred forty-one (321.341),
29 three hundred twenty-one point three hundred forty-two
30 (321.342), three hundred twenty-one point three hundred forty-
31 three (321.343), and three hundred twenty-one point three
32 hundred forty-five (321.345) of the Code, the scheduled fine
33 is twenty dollars.

34 1. For height, weight and load violations and towed vehicle
35 violations under sections three hundred twenty-one point three

1 hundred nine (321.309), three hundred twenty-one point three
2 hundred ten (321.310), three hundred twenty-one point three
3 hundred eighty-one (321.381), three hundred twenty-one point
4 three hundred ninety-four (321.394), three hundred twenty-
5 one point four hundred thirty-seven (321.437), three hundred
6 twenty-one point four hundred fifty-five (321.455), three
7 hundred twenty-one point four hundred fifty-six (321.456),
8 three hundred twenty-one point four hundred fifty-seven
9 (321.457), three hundred twenty-one point four hundred fifty-
10 eight (321.458), three hundred twenty-one point four hundred
11 sixty-one (321.461), three hundred twenty-one point four
12 hundred sixty-two (321.462), and three hundred twenty-one
13 point four hundred seventy-four (321.474) of the Code, the
14 scheduled fine is twenty-five dollars. For weight violations
15 under sections three hundred twenty-one point four hundred
16 fifty-nine (321.459) and three hundred twenty-one point four
17 hundred sixty-six (321.466) of the Code, the scheduled fine
18 is twenty dollars for each two thousand pounds or fraction
19 thereof of overweight.

20 Sec. 104. Section five hundred nineteen (519), subsection
21 two (2), paragraph a, amending section seven hundred fifty-
22 three point sixteen (753.16) of the 1975 Code:

23 a. If the defendant wishes to admit the violation, the
24 officer may release the defendant upon observing him the
25 person mail the citation and complaint, admission, and minimum
26 fine, together with five dollars costs, to a scheduled
27 violations office in the county, in an envelope furnished
28 by the officer. The officer may allow the defendant to use
29 a credit card in accordance with the rules adopted pursuant
30 to section seven hundred fifty-three point twenty-one (753.21)
31 of the Code by the department of public safety or to mail
32 a check in the proper amount in lieu of cash. If the check
33 is not paid by the drawee for any reason, the defendant may
34 be held in contempt of court. The officer shall advise the
35 defendant of the penalty for nonpayment of the check.

1 Sec. 105. Section five hundred twenty-five (525):
2 SEC. 525. Sections one hundred point thirty-seven (100.37),
3 two hundred forty-five point fourteen (245.14), two hundred
4 forty-six point nine (246.9), two hundred forty-six point
5 ten (246.10), two hundred forty-six point twenty-three
6 (246.23), two hundred forty-six point forty-four (246.44),
7 two hundred forty-seven point one (247.1), two hundred forty-
8 seven point two (247.2), two hundred forty-seven point three
9 (247.3), two hundred forty-seven point four (247.4), two
10 hundred forty-seven point five (247.5), two hundred forty-
11 seven point six (247.6), two hundred forty-seven point seven
12 (247.7), two hundred forty-seven point eight (247.8), two
13 hundred forty-seven point nine (247.9), two hundred forty-
14 seven point ten (247.10), two hundred forty-seven point eleven
15 (247.11), two hundred forty-seven point twelve (247.12), two
16 hundred forty-seven point thirteen (247.13), two hundred
17 forty-seven point fourteen (247.14), two hundred forty-seven
18 point fifteen (247.15), ~~two hundred forty-seven point sixteen~~
19 ~~(247.16)~~, two hundred forty-seven point seventeen (247.17),
20 two hundred forty-seven point eighteen (247.18), two hundred
21 forty-seven point nineteen (247.19), two hundred forty-seven
22 point twenty-four (247.24), two hundred forty-seven point
23 twenty-five (247.25), two hundred forty-seven point twenty-
24 six (247.26), two hundred forty-seven point twenty-seven
25 (247.27), two hundred forty-seven point twenty-eight (247.28),
26 two hundred forty-seven point thirty-three (247.33), two
27 hundred forty-seven A point six (247A.6), two hundred fifty-
28 two point nineteen (252.19), two hundred eighty-seven point
29 four (287.4), two hundred ninety-nine point twelve (299.12),
30 three hundred twenty-one point seventy-six (321.76), three
31 hundred twenty-one point seventy-seven (321.77), three hundred
32 twenty-one point eighty (321.80), three hundred twenty-one
33 point eighty-two (321.82), three hundred twenty-one point
34 eighty-three (321.83), three hundred thirty-four point four
35 (334.4), three hundred thirty-eight point ten (338.10), three

1 hundred forty-three point six (343.6), three hundred fifty-
 2 six point thirty-six (356.36), four hundred forty-one point
 3 fifty-three (441.53), four hundred fifty-four point twenty-
 4 seven (454.27), four hundred seventy-four point forty-one
 5 (474.41), four-hundred-seventy-seven-point-fifty-eight
 6 (477.58), four-hundred-seventy-seven-point-fifty-nine-(477.59),
 7 four-hundred-seventy-seven-point-sixty-(477.60), four-hundred
 8 seventy-nine-point-nineteen-(479.49), four-hundred-seventy-
 9 nine-point-one-hundred-nine-(479.49), four-hundred-seventy-
 10 nine-point-one-hundred-ten-(479.440), four-hundred-seventy-
 11 nine-point-one-hundred-eleven-(479.441), four-hundred-seventy-
 12 nine-point-one-hundred-twelve-(479.442), four-hundred-seventy-
 13 nine-point-one-hundred-thirteen-(479.443), four-hundred
 14 seventy-nine-point-one-hundred-fourteen-(479.444), four-hundred
 15 seventy-nine-point-one-hundred-fifteen-(479.445), five hundred
 16 eleven point nineteen (511.19), five hundred fifty-two point
 17 three (552.3), six hundred two point fifteen (602.15), seven
 18 hundred thirteen point one (713.1), seven hundred thirteen
 19 point two (713.2), seven hundred thirteen point three (713.3),
 20 seven hundred thirteen point four (713.4), seven hundred
 21 thirteen point five (713.5), seven hundred thirteen point
 22 six (713.6), seven hundred thirteen point seven (713.7), seven
 23 hundred thirteen point eight (713.8), seven hundred thirteen
 24 point nine (713.9), seven hundred thirteen point ten (713.10),
 25 seven hundred thirteen point eleven (713.11), seven hundred
 26 thirteen point twelve (713.12), seven hundred thirteen point
 27 thirteen (713.13), seven hundred thirteen point fourteen
 28 (713.14), seven hundred thirteen point fifteen (713.15), seven
 29 hundred thirteen point sixteen (713.16), seven hundred thirteen
 30 point twenty-two (713.22), seven hundred thirteen point twenty-
 31 three (713.23), seven hundred thirteen point twenty-six
 32 (713.26), seven hundred thirteen point twenty-seven (713.27),
 33 seven hundred thirteen point twenty-eight (713.28), seven
 34 hundred thirteen point twenty-nine (713.29), seven hundred
 35 thirteen point thirty (713.30), seven hundred thirteen point

1 thirty-one (713.31), seven hundred thirteen point thirty-two
2 (713.32), seven hundred thirteen point thirty-three (713.33),
3 seven hundred thirteen point thirty-four (713.34), seven
4 hundred thirteen point thirty-five (713.35), seven hundred
5 thirteen point thirty-six (713.36), seven hundred thirteen
6 point thirty-seven (713.37), seven hundred thirteen point
7 thirty-eight (713.38), seven hundred thirteen point thirty-
8 nine (713.39), seven hundred thirteen point forty (713.40),
9 seven hundred thirteen point forty-one (713.41), seven hundred
10 thirteen point forty-two (713.42), seven hundred thirteen
11 point forty-three (713.43), seven hundred forty point one
12 (740.1), seven hundred forty point two (740.2), seven hundred
13 forty point three (740.3), seven hundred forty point four
14 (740.4), seven hundred forty point five (740.5), seven hundred
15 forty point six (740.6), seven hundred forty point seven
16 (740.7), seven hundred forty point eight (740.8), seven hundred
17 forty point nine (740.9), seven hundred forty point ten
18 (740.10), seven hundred forty point eleven (740.11), seven
19 hundred forty point twelve (740.12), seven hundred forty point
20 nineteen (740.19), seven hundred forty point twenty (740.20),
21 seven hundred fifty-three point one (753.1), seven hundred
22 fifty-three point two (753.2), seven hundred fifty-three point
23 three (753.3), seven hundred fifty-three point four (753.4),
24 seven hundred fifty-three point five (753.5), seven hundred
25 fifty-three point six (753.6), seven hundred fifty-three point
26 seven (753.7), seven hundred fifty-three point eight (753.8),
27 and seven hundred fifty-three point nine (753.9), Code 1975,
28 are repealed.

29 Sec. 106. Chapter four (4) is amended by adding the
30 following section after section four (4):

31 SEC. ____ . Section eighteen point five (18.5), Code 1977,
32 is amended to read as follows:

33 18.5 PROHIBITED INTERESTS. The director shall not have
34 any pecuniary interest, directly or indirectly, in any contract
35 for supplies furnished to the state, or in any business

1 enterprise involving any expenditure by the state. A violation
2 of the provisions of this section shall be a serious
3 misdemeanor, and on conviction thereof the director shall
4 ~~be fined in a sum not exceeding one thousand dollars and~~
5 removed from office in addition to any other penalty.

6 Sec. 107. Chapter four (4) is amended by adding the follow-
7 ing section after section twenty-eight (28):

8 SEC. ____ . Section sixty-eight B point eight (68B.8), Code
9 1977, is amended to read as follows:

10 68B.8 ADDITIONAL PENALTY. In addition to any penalty
11 contained in any other provision of law, any a person who
12 knowingly and intentionally violates the provisions of section
13 68B.3 through 68B.6 and this section shall be guilty of a
14 serious misdemeanor and may be suspended from his or her
15 position.

16 Sec. 108. Chapter four (4) is amended by adding the
17 following section after section two hundred twenty-six (226):

18 SEC. ____ . Section two hundred four point four hundred
19 one (204.401), subsection three (3), Code 1977, is amended
20 to read as follows:

21 3. It is unlawful for any person knowingly or intentionally
22 to possess a controlled substance unless such substance was
23 obtained directly from, or pursuant to, a valid prescription
24 or order of a practitioner while acting in the course of his
25 professional practice, or except as otherwise authorized by
26 this chapter. Any person who violates this subsection is
27 guilty of a serious misdemeanor, ~~and upon conviction shall~~
28 ~~be punished by imprisonment in the county jail for not to~~
29 ~~exceed one year, or by a fine of not more than one thousand~~
30 ~~dollars, or both such imprisonment and fine.~~ If the controlled
31 substance is marijuana, the punishment shall be by imprisonment
32 in the county jail for not more than six months or by a fine
33 of not more than one thousand dollars, or by both such fine
34 and imprisonment. All or any part of a sentence imposed
35 pursuant to this section may be suspended and the person

1 placed upon probation upon such terms and conditions as the
2 court may impose including the active participation by such
3 person in a drug treatment, rehabilitation or education program
4 approved by the court.

5 Sec. 109. Chapter four (4) is amended by adding the follow-
6 ing sections after section two hundred ninety (290):

7 SEC. _____. Section three hundred twenty-one point four
8 hundred eighty-five (321.485), Code 1977, is amended to read
9 as follows:

10 321.485 NOTICE TO APPEAR--PROMISE TO APPEAR.

11 ~~1. Except as provided in sections 753.13 to 753.207, when-~~
12 ~~ever~~ Whenever a peace officer has reasonable cause to believe
13 that a person has violated any provision of this chapter
14 punishable as a simple, serious, or aggravated misdemeanor,
15 such officer may:

16 4 a. Immediately arrest such person and take him or her
17 before a magistrate; or

18 2 b. Without arresting the person, either

19 a- (1) Prepare a written citation to appear in court
20 containing the name and address of such person, the operator
21 or chauffeur license number, if any, the registration number,
22 if any, of his or her vehicle, the offense charged, and the
23 time when and place where such person shall appear in court;
24 or

25 b- (2) Prepare a memorandum of the alleged traffic
26 violation containing the name and address of such person,
27 the registration number, if any, of his or her vehicle, the
28 offense alleged to have been committed, and such other
29 information as may be prescribed by the commissioner of pub-
30 lic safety with the concurrence of the director.

31 2. If the officer prepares either a citation or a
32 memorandum as provided in this section, the alleged offender
33 shall be requested to sign it. If the person signs, the
34 person may be released without arrest. In case a citation
35 is issued, the signing shall constitute a written promise

1 to appear as stated in the citation. A copy of the citation
 2 shall be presented to the person named therein. If a
 3 memorandum is prepared, the original shall be retained by
 4 the officer, and a copy shall be sent to the department, and
 5 a copy shall be presented to the person named therein.

6 3. For preparing the summons or memorandum referred to
 7 in paragraphs-"a"-or-"b"-of this subsection section, there
 8 shall be charged to the person named in the summons or
 9 memorandum, upon his conviction, a fee of two dollars. The
 10 fee shall be assessed as part of the court costs and shall
 11 be paid into the general fund of the county.

12 4. The number of copies and the form of the citations
 13 and memorandums authorized by this section shall be as pre-
 14 scribed by the commissioner of public safety with the concur-
 15 rence of the director.

16 5. This section shall not apply to a traffic offense which
 17 must be charged upon a uniform citation and complaint as
 18 provided in section seven hundred fifty-three point thir-
 19 teen (753.13) of the Code.

20 SEC. ____ . Section three hundred twenty-one point four
 21 hundred eighty-six (321.486), Code 1977, is amended to read
 22 as follows:

23 321.486 ~~PROMISE-TO-APPEAR--GUARANTEED-ARREST-BOND-CER-~~
 24 ~~TIFICATE~~ AUTHORIZED BOND FORMS. ~~In-lieu-of-bail-the-magis-~~
 25 ~~trate-may-release-the-arraigned-person-upon-his-written-promise~~
 26 ~~to-appear-in-court-for-trial-at-time-and-place-designated~~
 27 ~~by-such-magistrate.~~

28 When bond or bail is required under section one thousand
 29 one hundred two (1102) of chapter two (2) of this Act to
 30 guarantee appearance for any offense charged under this
 31 chapter, the following nonexclusive forms shall be permitted
 32 subject to the following limitations:

33 1. A current guaranteed arrest bond certificate as de-
 34 fined in section 321.1, subsection 71 shall be considered
 35 sufficient surety if the defendant is charged with an offense

1 where the penalty does not exceed two hundred dollars.

2 2. A valid credit card, as defined in section 537.1301,
3 subsection 17, may be used and shall be sufficient surety
4 when the defendant is charged with any scheduled offense under
5 section 753.15. The defendant may use a credit card for bail
6 purposes only in accordance with rules of the department of
7 public safety adopted pursuant to chapter 17A.

8 ~~If the officer prepares either a citation or a memorandum~~
9 ~~as provided in section 324.485, the alleged offender shall~~
10 ~~be requested to sign the same, and if he does sign may be~~
11 ~~released without arrest. In case a citation is issued, the~~
12 ~~signing shall constitute a written promise to appear as stated~~
13 ~~in said citation. A copy of the citation shall be presented~~
14 ~~to the person named therein. If memorandum is prepared, the~~
15 ~~original shall be retained by the officer, a copy sent to~~
16 ~~the department, and a copy presented to the person named~~
17 ~~therein.~~

18 Sec. 110. Chapter four (4) is amended by adding the follow-
19 ing section after section three hundred fifty-two (352):

20 SEC. ____ . Section four hundred twenty-five point thirty-
21 six (425.36), Code 1977, is amended to read as follows:

22 425.36 DISCRIMINATION IN RENTALS OR RENT CHARGES. Dis-
23 criminaton by a landlord in the rental of or in rent charges
24 for a homestead because the tenant has received or is eligible
25 for reimbursement under this division is a simple misdemeanor
26 ~~and the punishment shall be the same as provided in section~~
27 ~~425.29.~~

28 Sec. 111. Chapter four (4) is amended by adding the follow-
29 ing section after section four hundred six (406):

30 SEC. ____ . Section five hundred two point six hundred five
31 (502.605), subsection one (1), Code 1977, is amended to read
32 as follows:

33 1. Any person who willfully and knowingly violates any
34 provision of this chapter, or any rule or order under this
35 chapter, shall ~~upon conviction be fined not more than five~~

1 ~~thousand-dollars-or-imprisoned-not-more-than-three-years,~~
2 ~~or-both~~ be guilty of an aggravated misdemeanor.

3 Sec. 112. Chapter four (4) is amended by adding the follow-
4 ing sections after section four hundred eighty-three (483):

5 SEC. ____ . Section six hundred point eight (600.8), sub-
6 section eleven (11), Code 1977, is amended to read as follows:

7 11. Any person who assists in or impedes the placement
8 or adoption of a minor person in violation of the provisions
9 of this section shall be, upon conviction, guilty of a simple
10 ~~misdemeanor,-and-shall-be-fined-not-more-than-one-hundred~~
11 ~~dollars-or-imprisoned-in-the-county-jail-for-not-more-than~~
12 ~~thirty-days.~~

13 SEC. ____ . Section six hundred point nine (600.9), sub-
14 section two (2), Code 1977, is amended to read as follows:

15 2. A natural parent shall not receive any thing of value
16 as a result of the natural parent's child or former child
17 being placed with and adopted by another person, unless that
18 thing of value is commensurate with some necessary service
19 provided the natural parent in relation to childbirth, child
20 raising, or delivering the child for adoption. Any person
21 assisting in any way with the placement or adoption of a minor
22 person shall not charge a fee which is more than usual,
23 necessary, and commensurate with the services rendered. If
24 the natural parent receives any prohibited thing of value,
25 if a person gives a prohibited thing of value, or if a person
26 charges a prohibited fee under this subsection, each such
27 person shall be, upon conviction, guilty of a simple
28 ~~misdemeanor,-and-shall-be-fined-not-more-than-one-hundred~~
29 ~~dollars-or-imprisoned-in-the-county-jail-for-not-more-than~~
30 ~~thirty-days.~~

31 Sec. 113. Chapter four (4) is amended by adding the follow-
32 ing section after section four hundred eighty-four (484):

33 SEC. ____ . Section six hundred point sixteen (600.16),
34 subsection four (4), Code 1977, is amended to read as follows:

35 4. Any person, other than the adopting parents or the

1 adopted person, who discloses information in violation of
2 the provisions of this section shall be, upon conviction,
3 guilty of a simple misdemeanor ~~and shall be fined not more~~
4 ~~than one hundred dollars or imprisoned in the county jail~~
5 ~~for not more than thirty days.~~

6 Sec. 114. Chapter four (4) is amended by adding the
7 following section after section five hundred seven (507):

8 SEC. _____. Section seven hundred forty point twenty-two
9 (740.22), Code 1977, is amended to read as follows:

10 740.22 PUNISHMENT. A violation of section ~~740.20 or~~
11 740.21 shall be ~~punishable as~~ a serious misdemeanor.

12 Sec. 115. Chapter one thousand two hundred forty-two
13 (1242), Acts of the Sixty-sixth General Assembly, 1976 Session,
14 section one (1), codified as section seven hundred thirty-
15 two point twenty-five (732.25) in the 1977 Code, is amended
16 to read as follows:

17 SECTION 1. NEW SECTION. PAY TOILETS. No person shall
18 make a charge or require any special device, key or slug for
19 the use of a toilet located in a room provided for use of
20 the public. Violation of this Act is a simple misdemeanor.

21 The Code editor shall codify this section in chapter one
22 hundred thirty-five (135) of the Code.

23 Sec. 116. Section three hundred twenty-one point two
24 hundred eighteen (321.218), unnumbered paragraph two (2),
25 Code 1977, is amended to read as follows:

26 Any person operating a motorized bicycle on the highways
27 of the state not possessed of an operator's or chauffeur's
28 license valid for operation of motorcycles or a valid motorized
29 bicycle license, shall, upon conviction, be guilty of a simple
30 misdemeanor ~~and punished by a fine of not less than five nor~~
31 ~~more than fifty dollars.~~

32 Sec. 117. Chapter one thousand two hundred forty-five
33 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
34 chapter two (2), section four hundred twenty-nine (429), is
35 repealed.

H-3718

1 Amend Senate File 318, as amended and passed by
2 the Senate, as follows:

3 1. Page 26, line 16, by inserting after the word
4 "sections" the words and figure "one hundred two
5 (102),".

6 2. Page 26, line 22, by striking the word and
7 figure "ninety-one (91)" and inserting in lieu thereof
8 the word and figure "ninety-two (92)".

9 3. Page 26, by inserting after line 23 the
10 following section:

11 "Sec. ____ . Section one hundred two (102),
12 unnumbered paragraph one (1):

13 Upon a plea of guilty, a verdict of guilty, or
14 a special verdict upon which a judgment of conviction
15 of any public offense may be rendered, the court shall
16 receive from the state and from the defendant any
17 information which may be offered which is relevant
18 to the question of sentencing. The court may consider
19 information from other sources, ~~and if the offense~~
20 ~~is a felony, shall order that a presentence~~
21 ~~investigation be made. -- If the offense is not a felony,~~
22 ~~the court may, in its discretion, order that a~~
23 ~~presentence investigation be made whenever the maximum~~
24 ~~period of confinement which may be imposed is in~~
25 ~~excess of thirty days. The court shall order a~~
26 presentence investigation when the offense is a class
27 B, class C, or class D felony. The court may order
28 a presentence investigation when the offense is an
29 aggravated or serious misdemeanor."

30 4. By renumbering the remaining sections and
31 correcting internal references to conform to this
32 amendment.

H-3718 FILED - *Adopted 4/29* BY COMMITTEE ON JUDICIARY
APRIL 22, 1977 (*p. 1751*) AND LAW ENFORCEMENT
JESSE of Polk, Chair

SENATE FILE 318

H-3812

- 1 Amend Senate File 318 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 39, line 34, by inserting after the word
4 "weight" the words ", length, width".
5 2. Page 40, line 5, by inserting after the numerals
6 "(321.437)," the words and numerals "three hundred
7 twenty-one point four hundred fifty-four (321.454),".

H-3812 FILED - *Adopted* BY JESSE of Polk
APRIL 27, 1977 *4/29 (p.1762)*

SENATE FILE 318

H-3607

- 1 Amend Senate File 318, as amended and passed by
2 the Senate, as follows:
3 1. Page 1, line 15, by inserting after the figure
4 "(2409)," the words and figure "two thousand five
5 hundred five (2505),".
6 2. Page 7, by inserting after line 8 the following
7 sections:
8 "Sec. ____ . Section two thousand five hundred five
9 (2505), unnumbered paragraph one (1):
10 A holder of a liquor license or beer permit or
11 any owner, manager, or person who exercises direct
12 control over any licensed premises defined in section
13 one hundred twenty-three point three (123.3),
14 subsection thirty-one (31) of the Code shall be guilty
15 of a serious misdemeanor and shall be imprisoned not
16 to exceed one year or fined not to exceed one thousand
17 dollars or both under any of the following
18 circumstances:
19 Sec. ____ . Section two thousand five hundred five
20 (2505) is amended by adding the following new
21 unnumbered paragraph:
22 NEW UNNUMBERED PARAGRAPH. This section shall be
23 effective July 1, 1977."
24 3. Page 50, by striking line 10 and inserting
25 in lieu thereof the following:
26 "Sec. ____ . Except as otherwise specifically
27 provided, this Act is effective on the date set forth".
28 4. By renumbering sections and changing internal
29 references to conform with this amendment.

H-3607 FILED - *Lost* 4/29 BY SCHROEDER of Pottawattamie
APRIL 18, 1977 *(p.1753)*

3802

1 Amend Senate File 318, as amended and passed by
 2 the Senate, as follows:
 3 1. Page 9, line 21, by inserting after the letter
 4 "b" the letter ", c,".
 5 2. Page 9, by inserting after line 22 the following
 6 paragraph:
 7 "c. ~~Special-agents-appointed-by-the-commissioner~~
 8 ~~of-public-safety-and~~ Peace officer members of the
 9 department of public safety, ~~except members of the~~
 10 ~~electoral-force~~ as defined in section ninety-seven
 11 ~~A-point-one-(97A.1)~~, ~~subsection two-(2)~~ chapter eighty
 12 (80) of the Code."

-3802 FILED - *Adopted 4/29* BY BRANSTAD of Winnebago
 APRIL 27, 1977 (*p. 1758*) JESSE of Polk

SENATE FILE 318

-3803

1 Amend Senate File 318 as follows:
 2 1. Page 32, by striking lines 14 through 35.
 3 2. Page 33, by striking line 1 and inserting in
 4 lieu thereof the following section:
 5 "Sec. 94. Section two hundred four point four
 6 hundred ten (204.410), Code 1977, is amended by strik-
 7 ing the section and inserting in lieu thereof the
 8 following:
 9 204.410 ACCOMMODATION OFFENSE. In a prosecu-
 10 tion for unlawful delivery or possession with intent
 11 to deliver a controlled substance, if the prosecution
 12 proves that the defendant violated the provisions
 13 of section two hundred four point four hundred one
 14 (204.401), subsection one (1), of the Code but fails
 15 to prove that the defendant delivered or possessed
 16 with intent to deliver the controlled substance for
 17 other than solely an accommodation to the recipient,
 18 the defendant shall be guilty of an accommodation
 19 offense and shall be sentenced as if he or she had
 20 been convicted of a violation of section two hundred
 21 four point four hundred one (204.401), subsection
 22 three (3), of the Code. An accommodation offense
 23 may be proved as an included offense under a charge
 24 of delivering or possessing with the intent to deliver
 25 a controlled substance in violation of section two
 26 hundred four point four hundred one (204.401),
 27 subsection one (1), of the Code.
 28 The defendant may enter a plea of guilty to unlaw-
 29 ful delivery or possession with intent to deliver
 30 a controlled substance in violation of section two
 31 hundred four point four hundred one (204.401), sub-
 32 section one (1), of the Code and request trial on
 33 whether said delivery or possession with intent to
 34 deliver was for other than solely the accommodation
 35 of the recipient.
 36 Accommodation means to furnish as a favor to the
 37 recipient something the recipient desires."

H-3803 FILED - *Ruled not germane* BY TAUKE of Dubuque
 APRIL 27, 1977 (*4/29 p. 1759*)

H-3801

- 1 Amend Senate File 318, as amended, passed and
2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 1, by inserting after the numeral
4 "(1203)," the words and numerals "section one thousand
5 three hundred two (1302), Rule fifty-three (53),".
- 6 2. Page 19, by inserting after line 11 the follow-
7 ing:
8 "Sec. _____. Section one thousand three hundred
9 two (1302), Rule fifty-three (53):
10 Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF
11 APPEARANCE. In a specified simple misdemeanor other
12 than one charged upon a uniform citation and complaint
13 a court may accept a forfeiture of collateral security
14 in lieu of appearance, as a proper disposition of
15 a case,--except-for-nonscheduled-traffic-violations.
16 Each judicial district, by action of a majority of
17 the district judges, may determine the misdemeanors
18 subject to such disposition and promulgate by rule
19 a list of same and disseminate to all magistrates
20 in the district. A copy of such rule shall be
21 transmitted to the clerk of the supreme court. Prior
22 to termination of the case by forfeiture under this
23 rule, the defendant must execute a written request
24 for same. Unless vacated upon application within
25 thirty days of the forfeiture, such forfeiture shall
26 constitute a conviction in satisfaction.
- 27 In the event a simple misdemeanor is charged upon
28 the uniform citation and complaint defined in section
29 seven hundred fifty-three point thirteen (753.13)
30 of the Code and the defendant either has submitted
31 unsecured appearance bond as provided in that section
32 or has submitted bail as provided in subsection three
33 (3) of section seven hundred fifty-three point sixteen
34 (753.16) of the Code, the court may enter a conviction
35 pursuant to his or her written appearance and may
36 enter a judgment of forfeiture of the collateral in
37 satisfaction of the judgment and sentence; provided
38 that if the defendant submitted unsecured appearance
39 bond or if bail remains uncollected, execution may
40 issue upon the judgment of the court at any time after
41 entry of the judgment."
- 42 3. Page 26, line 4, by striking the words "not
43 requiring a court appearance".
- 44 4. Page 26, by striking line 6 and inserting in
45 lieu thereof the words "has submitted an unsecured
46 appearance bond or has submitted bail in the form
47 of cash, check,".
- 48 5. Page 26, line 12, by inserting after the word
49 "bond" the words "or bail".
- 50 6. Page 36, line 12, by inserting the letter "a."

7

1 after the numeral "1."
2 7. Page 37, by inserting after line 21 the follow-
3 ing new paragraphs:

4 "b. The uniform citation and complaint shall
5 contain the following statement with a space
6 immediately below it for the signature of the person
7 being charged:

8 "I hereby give my unsecured appearance bond in
9 the amount of _____ dollars and enter my
10 written appearance. I agree that if I fail to appear
11 in person or by counsel to defend against the offense
12 charged in this citation the court is authorized to
13 enter a conviction and render judgment against me
14 for the amount of my appearance bond in satisfaction
15 of the penalty plus court costs."

16 c. Unless the officer issuing the citation arrests
17 the alleged offender, or permits admission or requires
18 submission of bail as provided in subsection three
19 (3) of section seven hundred fifty-three point sixteen
20 (753.16) of the Code, the officer shall enter in the
21 blank contained in the statement required by paragraph
22 a of this subsection one of the following amounts
23 and shall require the person to sign the written
24 appearance:

25 (1) If the offense is one to which a scheduled
26 fine is applicable, an amount equal to one and one-
27 half times the scheduled fine plus five dollars costs;
28 or

29 (2) If the offense is one for which a court appear-
30 ance is mandatory, the amount of one hundred dollars
31 plus five dollars costs.

32 d. The written appearance defined in paragraph
33 b of this subsection shall not be used for any offense
34 other than a simple misdemeanor.

35 8. Page 40, by striking lines 20 through 35 and
36 inserting in lieu thereof the following:

37 "Sec. ____ . Section five hundred nineteen (519),
38 amending section seven hundred fifty-three point
39 sixteen (753.16) of the Code is amended by striking
40 the section and inserting in lieu thereof the follow-
41 ing:

42 SEC. 519. Section seven hundred fifty-three point
43 sixteen (753.16), subsections one (1), two (2), and
44 three (3), Code 1977, are amended to read as follows:

45 1. In cases of scheduled violations, the defen-
46 dant, before the time specified in the citation and
47 complaint for appearance before the court, may sign
48 the admission of violation on the citation and
49 complaint and deliver or mail the citation and
50 complaint, together with the minimum fine for the

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1 violation, plus five dollars costs, to a ~~traffic~~
2 scheduled violations office in the county. The office
3 shall, if the offense is a moving violation under
4 chapter three hundred twenty-one (321) of the Code,
5 forward a copy of the citation and complaint and
6 admission to the ~~commissioner-of-public-safety~~
7 department of transportation as required by section
8 321.207. Thereupon the defendant shall not be required
9 to appear before the court. The admission shall
10 constitute a conviction.

11 2. A defendant charged with a scheduled violation
12 by information may obtain two copies of the information
13 from the court and, before the time he or she is
14 required to appear before the court, deliver or mail
15 such copies, together with his or her admission, fine,
16 and five dollars costs, to the ~~traffic~~ scheduled
17 violations office in the county. The procedure, fine,
18 and costs shall be the same as when the charge is
19 by citation and complaint, with the admission and
20 the number of the defendant's operator's or chauffeur's
21 license placed upon the information when the violation
22 involves the use of a motor vehicle."

23 3. When section 753.15 and this section are
24 applicable but the officer does not deem it advisable
25 to release the defendant and no court in the county
26 is in session:

27 a. If the defendant wishes to admit the violation,
28 the officer may release the defendant upon observing
29 ~~him~~ the person mail the citation and complaint,
30 admission, and minimum fine, together with five dollars
31 costs, to a traffic violations office in the county,
32 in an envelope furnished by the officer. The admission
33 shall constitute a conviction and judgment in the
34 amount of the scheduled fine plus five dollars costs.
35 The officer may allow the defendant to use a credit
36 card pursuant to rules adopted pursuant to section
37 753.21 by the department of public safety or to mail
38 a check in the proper amount in lieu of cash. If
39 the check is not paid by the drawee for any reason,
40 the defendant may be held in contempt of court. The
41 officer shall advise the defendant of the penalty
42 for nonpayment of the check.

43 b. If the defendant does not comply with paragraph
44 "a" of this subsection, the officer may release the
45 defendant upon observing him mail to a court in the
46 county the citation and complaint and one and one-
47 half times the minimum fine together with five dollars
48 costs, or in lieu of one and one-half times the fine
49 and the costs, a guaranteed arrest bond certificate
50 as provided in section 321.1, subsection 71, as bail

1 together with the following statement signed by the
2 defendant:

3 "I agree that either (1) I will appear pursuant
4 to this citation or (2) if I do not so appear the
5 amount-deposited-as-bail-will-be- forfeited in person
6 or by counsel to defend against the offense charged
7 in this citation the court is authorized to enter
8 a conviction and render judgment against me for the
9 amount of one and one-half times the scheduled fine
10 plus five dollars costs."

11 c. If the defendant does not comply with paragraph
12 "a" or "b", or in any event when section 755-4 four
13 hundred seven (407) of chapter two (2) of this Act
14 is applicable, the officer may arrest and confine
15 the defendant if authorized by the latter section,
16 and proceed with him according to ~~chapter-757-ex-758~~
17 division four (IV) of chapter two (2) of this Act."

18 9. By renumbering sections and correcting internal
19 references in conformance with this amendment.

H-3801 FILED - *Adopted 4/29* BY DOYLE of Woodbury
APRIL 27, 1977 (*p. 1758*)

H-3800

1 Amend Senate File 318, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 17, by striking the word "and".

4 2. Page 1, line 17, by inserting after the number
5 "(2801)," the words and numbers "two thousand eight
6 hundred ten (2810), and division twenty-eight (28),".

7 3. Page 8, by inserting after line 22 the following
8 sections:

9 "Sec. _____. Section two thousand eight hundred
10 one (2801) is amended by adding the following new
11 subsections:

12 NEW SUBSECTION. "Explicit sexual material" means
13 pictorial or three-dimensional material depicting
14 a sex act, masturbation, direct physical stimulation
15 of unclothed genitals, flagellation or torture in
16 the context of a sexual relationship, or emphasizing
17 the depiction of adult human genitals. However, works
18 of art or of anthropological significance shall not
19 be included within this definition.

20 NEW SUBSECTION. Material is placed on "public
21 display" when it is placed on or in a billboard,
22 viewing screen, theater marquee, newsstand, display
23 rack, display case, window, showcase, or similar place
24 so that material is easily visible from a public
25 thoroughfare or from the property of others.

26 Sec. _____. Section two thousand eight hundred ten
27 (2810):

28 SEC. 2810. NEW SECTION. UNIFORM APPLICATION.
29 In order to provide for the uniform application of
30 the provisions of this division relating to obscene
31 material applicable to minors within this state, it
32 is intended that the sole and only regulation of
33 obscene material applicable to minors shall be under
34 the provisions of this division, and no municipality,
35 county or other governmental unit within this state
36 shall make any law, ordinance or regulation relating
37 to the availability of obscene materials to minors.
38 All such laws, ordinances or regulations, whether
39 enacted before or after this Act, shall be or become
40 void, unenforceable and of no effect upon the effective
41 date of this Act. Nothing in this section shall
42 restrict the zoning authority of cities and counties.

43 Sec. _____. Division twenty-eight (28) is amended
44 by adding the following new sections:

45 NEW SECTION. DISSEMINATION AND EXHIBITION OF
46 OBSCENE MATERIAL TO ADULTS. The governing body of
47 a city or county may pass an ordinance or resolution
48 regulating the dissemination or exhibition of obscene
49 material to adults. The ordinance or resolution
50 shall:

H-3800

1 1. Define "obscene material" as any material
2 depicting or describing the genitals, sex acts,
3 masturbation, excretory functions or sado-masochistic
4 abuse which the average person, taking the material
5 as a whole and applying contemporary community
6 standards with respect to what is suitable material
7 for adults, would find appeals to the prurient interest
8 and is patently offensive; and the material, taken
9 as a whole, lacks serious literary, scientific, poli-
10 tical or artistic value.

11 2. Contain the provisions of section two thousand
12 eight hundred one (2801), subsections two (2), three
13 (3), four (4), five (5), and seven (7) of this
14 division.

15 3. Not impose a penalty greater than for a simple
16 misdemeanor.

17 NEW SECTION. PLACING EXPLICIT SEXUAL MATERIAL
18 ON PUBLIC DISPLAY. If a person knowingly places
19 explicit sexual material on public display or fails
20 to take prompt action to remove such a display from
21 property in his or her possession after learning of
22 its existence commits a serious misdemeanor. This
23 section shall not apply to broadcasts or telecasts
24 through facilities licensed by the federal com-
25 munications commission."

26 4. By renumbering the remaining sections to conform
27 to this amendment.

28 5. By changing internal references to conform
29 to this amendment.

H-3800 FILED BY DANKER of Pottawattamie
APRIL 27, 1977 DAGGETT of Adams
SPEAR of Des Moines
SPENCER of Clay
GILSON of Guthrie
DIELEMAN of Marion
SCHROEDER of Pottawattamie
HOWELL of Floyd
DEN HERDER of Sioux
BROCKETT of Marshall
LINDEEN of Henry
CRABB of Crawford
HANSEN of O'Brien
LAGESCHULTE of Bremer
HARBOR of Mills
HALVORSON of Clayton
PELLETT of Cass

*Filed not germane,
4/29 (p. 1752)*

H-3777

1 Amend Senate File 318 as amended, passed and re-
2 printed by the Senate as follows:

3 1. Page 39, line 8, by striking the word and
4 letters "k and l" and inserting in lieu thereof the
5 word and letters "k, l and n".

6 2. Page 40, by inserting after line 19 the fol-
7 lowing:

8 "n. For violation of intrastate hauling on foreign
9 registration under sections three hundred twenty-one
10 point fifty-four (321.54) and three hundred twenty-
11 one point fifty-five (321.55) of the Code; use of
12 registration under section three hundred twenty-one
13 point ninety-nine (321.99) of the Code; and display
14 of registration or plates under section three hundred
15 twenty-one point ninety-eight (321.98) of the Code,
16 the scheduled fine is twenty dollars.

17 For no evidence or improper evidence of intra-
18 state authority carried or displayed under section
19 three hundred twenty-five point thirty-four (325.34);
20 operation of vehicle by an unqualified driver under
21 sections three hundred twenty-five point thirty-four
22 (325.34) and three hundred twenty-seven point twenty-
23 two (327.22); and operating a vehicle in violation
24 of maximum hours of service or failure to maintain
25 and display evidence of hours of service under sections
26 three hundred twenty-five point thirty-four (325.34)
27 and three hundred twenty-seven point twenty-two
28 (327.22) of the Code, the scheduled fine is twenty-
29 five dollars.

30 For no or improper carrier identification markings
31 under section three hundred twenty-seven B point one
32 (327B.1) of the Code, the scheduled fine is fifteen
33 dollars.

34 For no or improper evidence of interstate authority
35 carried or displayed under section three hundred
36 twenty-seven B point one (327B.1) of the Code, the
37 scheduled fine is one hundred dollars.

H-3777 FILED - *Adopted* BY SCHROEDER of Pottawattamie
APRIL 26, 1977 *4/29 (p.1761)*

H-3779

1 Amend Senate File 318 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 39, line 8, by inserting after the word
4 "paragraphs" the letter "b,".
5 2. Page 39, by inserting after line 15 the fol-
6 lowing:
7 "b. For registration violations under sections
8 three hundred twenty-one point seventeen (321.17),
9 three hundred twenty-one point thirty-two (321.32),
10 three hundred twenty-one point thirty-four (321.34),
11 three hundred twenty-one point thirty-seven (321.37),
12 three hundred twenty-one point thirty-eight (321.38),
13 three hundred twenty-one point forty-one (321.41),
14 ~~three hundred twenty-one point ninety-eight (321.98)~~
15 and three hundred twenty-one point one hundred ninety
16 (321.190) of the Code, the scheduled fine is five
17 dollars. For violations of section three hundred
18 twenty-one point one hundred ninety (321.190) of the
19 Code, the case shall be dismissed without imposition
20 of fine or costs if a license valid at the time of
21 the issuance of the citation is presented by the
22 defendant to the magistrate or scheduled violations
23 office."

H-3779 FILED - *Adopted 4/29* BY SCHROEDER of Pottawattamie
APRIL 26, 1977 (*p. 1760*)

1 Amend Senate File 318, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 5, by inserting after the num-
4 ber "(502)," the words and number "seven hundred seven
5 (707),".

6 2. Page 1, line 6, by inserting after the num-
7 ber "(709)," the words and number "seven hundred ten
8 (710),".

9 3. Page 3, by inserting after line 3 the follow-
10 ing section:

11 "Sec. _____. Section seven hundred seven (707):

12 SEC. 707. NEW SECTION. FETICIDE. Any person
13 who intentionally terminates a human pregnancy after
14 the end of the second trimester of the pregnancy where
15 death of the fetus results commits feticide. Feticide
16 is a class C felony.

17 Any person who attempts to intentionally terminate
18 a human pregnancy after the end of the second trimester
19 of the pregnancy where death of the fetus does not
20 result commits attempted feticide. Attempted feticide
21 is a class D felony.

22 This section shall not apply to the termination
23 of a human pregnancy performed by a physician licensed
24 in this state to practice medicine or surgery when
25 in the best clinical judgment of the physician the
26 termination is performed to preserve the life or
27 health of the pregnant person or of the fetus and
28 every reasonable medical effort not inconsistent with
29 preserving the life of the pregnant person is made
30 to preserve the life of ~~the~~ a viable fetus.

31 Any person who terminates a human pregnancy who
32 is not a person licensed to practice medicine and
33 surgery under the provisions of chapter one hundred
34 forty-eight (148) of the Code, or an osteopathic
35 physician and surgeon licensed to practice osteopathic
36 medicine and surgery under the provisions of chapter
37 one hundred fifty A (150A) of the Code, commits a
38 class C felony."

39 4. Page 3, by striking lines 6 and 7 and insert-
40 ing in lieu thereof the following sections:

41 "Sec. _____. Section seven hundred nine (709):

42 SEC. 709. NEW SECTION. HOMICIDE MURDER OF FETUS
43 ABORTED ALIVE. A person who intentionally kills a
44 viable fetus aborted alive after-the-twentieth-week
45 of-pregnancy shall be guilty of a class B felony.

46 Sec. _____. Section seven hundred ten (710):

47 SEC. 710. NEW SECTION. DUTY TO PRESERVE THE LIFE
48 OF THE FETUS. After-the-twentieth-week-of-pregnancy,
49 a A person who performs or induces a termination of
50 a human pregnancy and who willfully fails to exercise

1 that degree of professional skill, care, and diligence
2 available to preserve the life and health of a viable
3 ~~fetus showing significant, sustainable vital signs~~
4 shall be guilty of a serious misdemeanor."

5 5. Page 8, by inserting after line 22 the follow-
6 ing section:

7 "Sec. ____ Chapter one (1) is amended by adding
8 the following new section after section two hundred
9 nineteen (219):

10 SEC. ____ NEW SECTION. VIABILITY. Viability is
11 that stage of fetal development when the life of the
12 unborn child may be continued indefinitely outside
13 the womb by natural or artificial life support systems.
14 The time when viability is achieved may vary with
15 each pregnancy, and the determination of whether a
16 particular fetus is viable is a matter of responsible
17 medical judgment."

18 6. By renumbering sections and correcting internal
19 references as necessary.

H-4035 FILED - *Withdrawn* BY BRUNOW Of Appanoose
MAY 6, 1977 *5/12 (p. 2112)* BRANSTAD of Winnebago

SENATE FILE 318

H-3881

1 Amend Senate File 318 as follows:

2 1. Page 35, by inserting after line 32 the
3 following new section:

4 "Sec. ____ Section six hundred two point forty-
5 two (602.42), Code 1977, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. A member of a judicial magis-
8 trate nominating commission shall be reimbursed for
9 actual and necessary expenses reasonably incurred
10 in the performance of official duties. Reimburse-
11 ments shall be payable out of the court expense fund
12 of the county in which the member serves, upon
13 certification of such expenses to the county auditor
14 by the district court clerk. Each judicial district
15 may make rules under rule three hundred seventy-two
16 (372) of the rules of civil procedure to provide for
17 the administration of this subsection."

18 2. By renumbering sections and correcting internal
19 references as necessary.

H-3881 FILED, ADOPTED BY DOYLE of Woodbury
APRIL 29, 1977 *(p 1760)* SCHEELHAASE of Woodbury
JUNKER Of Woodbury

H-3857

1 Amend Senate File 318 as follows:

2 1. Page 1, line 11, by inserting after the number
3 "(1408)," the words and numbers "division fourteen
4 (XIV), sections".

5 2. Page 5, by inserting after line 10 the following
6 section:

7 "Sec. ____ . Division fourteen (XIV) is amended
8 by adding the following new section:

9 NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

10 1. Except as provided in subsection three (3),
11 it is unlawful for a person knowingly to:

12 a. Transfer or cause to be transferred any sounds
13 recorded on a phonograph record, disc, wire, tape,
14 film or other article without the consent of the
15 owner; or

16 b. Sell; distribute; circulate; offer for sale,
17 distribution or circulation; possess for the purpose
18 of sale, distribution or circulation; or cause to
19 be sold, distributed, circulated; offered for sale,
20 distribution or circulation; or possessed for sale,
21 distribution or circulation, any article or device
22 on which sounds have been transferred without the
23 consent of the person who owns the master phonograph
24 record, master disc, master tape or other device or
25 article from which the sounds are derived.

26 2. It is unlawful for a person to sell, distribute,
27 circulate, offer for sale, distribution or circulation
28 or possess for the purposes of sale, distribution
29 or circulation, any phonograph record, disc, wire,
30 tape, film or other article on which sounds have been
31 transferred unless the phonograph record, disc, wire,
32 tape, film or other article bears the actual name
33 and address of the transferor of the sounds in a
34 prominent place on its outside face or package.

35 3. This section does not apply to a person who
36 transfers or causes to be transferred sounds intended
37 for or in connection with radio or television broadcast
38 transmission or related uses, synchronized sound
39 tracks of motion pictures or sound tracks recorded
40 for synchronizing with motion pictures, for archival
41 purposes or for the personal use of the person
42 transferring or causing the transfer and without any
43 compensation being derived by the person from the
44 transfer.

45 4. A person who violates the provisions of this
46 section is guilty of theft."

47 3. Page 31, line 33, by inserting after the number
48 "(78)," the words and number one hundred forty
49 "(140),".

50 4. Page 32, by inserting after line 13 the

1 following section:

2 "Sec. _____. Section one hundred forty (140),
3 amending section 135C.21 of the 1975 Code is amended
4 by striking the section and inserting in lieu thereof
5 the following:

6 SEC. 140. Section one hundred thirty-five C point
7 twenty-one (135C.21), subsections one (1) and two
8 (2), Code 1977, are amended to read as follows:

9 1. Any person establishing, conducting, managing,
10 or operating any health care facility without a license
11 shall be guilty of a serious misdemeanor and, upon
12 ~~conviction thereof, shall be fined not less than one~~
13 ~~hundred dollars nor more than one thousand dollars~~
14 ~~or be imprisoned in the county jail for not more than~~
15 ~~six months, or both.~~ Each day of continuing violation
16 after conviction or notice from the department by
17 certified mail of a violation shall be considered
18 a separate offense or chargeable offense. Any such
19 person establishing, conducting, managing or operating
20 any health care facility without a license may be
21 by any court of competent jurisdiction temporarily
22 or permanently restrained therefrom in any action
23 brought by the state.

24 2. Any person who prevents or interferes with
25 or attempts to impede in any way any duly authorized
26 representative of the department or of any of the
27 agencies referred to in section 135C.17 in the lawful
28 enforcement of this chapter or of the rules adopted
29 pursuant to it is guilty of a simple misdemeanor and,
30 ~~upon conviction, shall be subject to a fine of not~~
31 ~~less than fifty nor more than five hundred dollars~~
32 ~~or imprisonment in the county jail for not more than~~
33 ~~ninety days or both.~~ As used in this subsection,
34 lawful enforcement includes but is not limited to:"

35 5. Page 44, by inserting after line 5 the following
36 section:

37 "Sec. _____. Chapter four (4) is amended by adding
38 the following section after section twenty-five (25):

39 SEC. _____. Section fifty-six point twenty-nine
40 (56.29), subsection five (5), Code 1977, is amended
41 to read as follows:

42 5. Any person convicted of a violation of any
43 of the provisions of this section shall be subject
44 ~~to imprisonment in the county jail for not more than~~
45 ~~one year and by a fine not to exceed one thousand~~
46 ~~dollars~~ guilty of a serious misdemeanor."

47 6. Page 44, by inserting after line 15 the
48 following sections:

49 "Sec. _____. Chapter four (4) is amended by adding
50 the following section after section thirty-eight (38):

1 SEC. _____. Section eighty-three A point thirteen
2 (83A.13), subsection four (4), Code 1977, is amended
3 to read as follows:

4 4. A person who falsifies information required
5 to be submitted under this section shall be guilty
6 of a simple misdemeanor ~~and upon conviction shall~~
7 ~~be punished by a fine not to exceed one hundred dollars~~
8 ~~or by imprisonment for a period not to exceed thirty~~
9 ~~days or be punished by both such fine and imprisonment.~~

10 Sec. _____. Chapter four (4) is amended by adding
11 the following sections after section sixty-nine (69):

12 SEC. _____. Section ninety-nine B point two (99B.2),
13 subsection three (3), Code 1977, is amended to read
14 as follows:

15 3. Each licensee required by subsection 2 to
16 maintain records shall submit quarterly reports to
17 the department on forms furnished by the department.
18 The reports shall contain a compilation of the
19 information required to be recorded by subsection
20 2, and shall include all of the transactions occurring
21 during the three-month period for which the report
22 is submitted. Failure to submit the quarterly reports
23 shall constitute grounds for revocation of the license.
24 Willful failure to submit quarterly reports is a
25 serious misdemeanor.

26 SEC. _____. Section ninety-nine B point six (99B.6),
27 subsection one (1), paragraph k, Code 1977, is amended
28 to read as follows:

29 k. No person under the age of eighteen years may
30 participate in the gambling except pursuant to sections
31 99B.3, 99B.4, 99B.5 and 99B.7. Any licensee knowingly
32 allowing a person under the age of eighteen to
33 participate in the gambling prohibited by this
34 paragraph or any person knowingly participating in
35 such gambling with a person under the age of eighteen,
36 shall be guilty of a simple misdemeanor ~~and upon~~
37 ~~conviction, be punished by imprisonment in the county~~
38 ~~jail for not more than thirty days and a fine of not~~
39 ~~more than one hundred dollars or both.~~

40 SEC. _____. Section ninety-nine B point six (99B.6),
41 subsection four (4), Code 1977, is amended to read
42 as follows:

43 4. The holder of a license issued pursuant to
44 this section and every agent of that licensee who
45 is required by the licensee to exercise control over
46 the use of the premises who knowingly permits or
47 engages in acts or omissions which constitute a
48 violation of subsection 1 commits a serious
49 misdemeanor. A licensee has knowledge of acts or
50 omissions if any agent of the licensee has knowledge

1 of those acts or omissions.

2 SEC. _____. Section ninety-nine B point nine (99B.9),
3 subsection four (4), Code 1977, is amended to read
4 as follows:

5 4. The holder of a license issued pursuant to
6 this section and every agent of that licensee who
7 is required by the licensee to exercise control over
8 the use of the premises who knowingly permits acts
9 or omissions which constitute a violation of subsection
10 1 commits a serious misdemeanor. A licensee has
11 knowledge of acts or omissions if any agent of the
12 licensee has knowledge of those acts or omissions.

13 SEC. _____. Section ninety-nine B point fifteen
14 (99B.15), Code 1977, is amended to read as follows:

15 99B.15 APPLICABILITY OF CHAPTER. It is the intent
16 and purpose of this chapter to authorize gambling
17 in this state only to the extent specifically permitted
18 by a section of this chapter. Except as otherwise
19 provided in this chapter, the knowing failure of any
20 person to comply with the limitations imposed by this
21 chapter constitutes unlawful gambling, a serious
22 ~~misdemeanor, which is punishable as provided in chapter~~
23 ~~726.~~

24 SEC. _____. Section ninety-nine B point sixteen
25 (99B.16), Code 1977, is amended to read as follows:

26 99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS.
27 A licensee who willfully fails to maintain the records
28 when required by section 99B.2, or who willfully fails
29 to submit records when required by that section commits
30 a serious misdemeanor ~~punishable by imprisonment in~~
31 ~~the county jail for not more than one year, or by~~
32 ~~a fine of not more than one thousand dollars, or by~~
33 ~~both imprisonment and fine.~~

34 Sec. _____. Chapter four (4) is amended by adding
35 the following section after section ninety (90):

36 SEC. _____. Section one hundred nine A point ten
37 (109A.10), Code 1977, is amended to read as follows:

38 109A.10 PENALTIES. Whoever violates any of the
39 provisions of this chapter shall be ~~fined not less~~
40 ~~than ten dollars nor more than one hundred dollars~~
41 ~~or be imprisoned in the county jail not more than~~
42 ~~thirty days~~ guilty of a simple misdemeanor.

43 Sec. _____. Chapter four (4) is amended by adding
44 the following section after section ninety-four (94):

45 SEC. _____. Section one hundred ten B point six
46 (110B.6), Code 1977, is amended to read as follows:

47 110B.6 PENALTY. Any person violating any of the
48 provisions of this chapter shall be guilty of a simple
49 ~~misdemeanor and, upon conviction, shall be fined not~~
50 ~~less than ten dollars nor more than one hundred dollars~~

7

1 ~~or-imprisoned-in-the-county-jail-for-not-more-than~~
2 ~~thirty-days.~~

3 Sec. _____. Chapter four (4) is amended by adding
4 the following sections after section one hundred
5 ninety (190):

6 SEC. _____. Section one hundred seventy-two A point
7 ten (172A.10), unnumbered paragraph two (2), Code
8 1977, is amended to read as follows:

9 Any person convicted of violating any provision
10 of this chapter shall be ~~punished-by-a-fine-of-not~~
11 ~~less-than-five-hundred-dollars-nor-more-than-two~~
12 ~~thousand-five-hundred-dollars,-or-by-imprisonment~~
13 ~~in-the-county-jail-for-not-more-than-six-months,-or~~
14 ~~by-both-fine-and-imprisonment~~ guilty of a serious
15 misdemeanor.

16 SEC. _____. Section one hundred seventy-two B point
17 six (172B.6), Code 1977, is amended to read as follows:

18 172B.6 OFFENSES AND PENALTIES.

19 1. A person who is convicted of violating section
20 172B.2 ~~may-be-sentenced-to-a-fine-not-to-exceed-one~~
21 ~~hundred-dollars,-or-to-imprisonment-in-the-county~~
22 ~~jail-for-a-period-not-to-exceed-thirty-days,-or-both~~
23 ~~the-fine-and-imprisonment~~ shall be guilty of a simple
24 misdemeanor.

25 2. A person who makes or utters a transportation
26 certificate with knowledge that some or all of the
27 information contained in the certificate is false,
28 or a person who alters, forges, or counterfeits a
29 transportation certificate, or the receipt prescribed
30 in section 172B.4, commits a ~~public-offense-and-upon~~
31 ~~conviction-may-be-sentenced-to-a-term-in-the-state~~
32 ~~penitentiary-not-to-exceed-ten-years,-to-a-fine-not~~
33 ~~to-exceed-five-thousand-dollars,-or-to-both-the-fine~~
34 ~~and-imprisonment~~ class C felony.

35 Sec. _____. Chapter four (4) is amended by adding
36 the following section after section two hundred (200):

37 SEC. _____. Section one hundred eighty-five C point
38 thirty-one (185C.31), Code 1977, is amended to read
39 as follows:

40 185C.31 PENALTY. It is a simple misdemeanor for
41 any person to willfully violate any provision of this
42 chapter or for any person to willfully render or
43 furnish a false or fraudulent report, statement, or
44 record required by the secretary."

45 7. Page 45, by inserting after line 4 the following
46 sections:

47 "Sec. _____. Chapter four (4) is amended by adding
48 the following section after section two hundred fifty
49 (250):

50 SEC. _____. Section two hundred thirty-seven A point

1 nineteen (237A.19), Code 1977, is amended to read
2 as follows:
3 237A.19 PENALTY. A person who establishes,
4 conducts, manages, or operates a center without a
5 license shall be guilty of a serious misdemeanor.
6 Each day of continuing violation after conviction,
7 or notice from the department by certified mail of
8 the violation, shall be considered a separate offense.
9 Sec. _____. Chapter four (4) is amended by adding
10 the following section after section two hundred fifty-
11 seven (257):

12 SEC. _____. Section two hundred fifty-two B point
13 ten (252B.10), subsection one (1), Code 1977, is
14 amended to read as follows:
15 1. Any person who willfully requests, obtains,
16 or seeks to obtain paternity determination and support
17 collection data available under section 252B.9 under
18 false pretenses, or who willfully communicates or
19 seeks to communicate such data to any agency or person
20 except in accordance with this chapter, shall, upon
21 ~~conviction, for each such offense be punished by a~~
22 ~~fine of not more than one thousand dollars or by~~
23 ~~imprisonment in the state penitentiary for not more~~
24 ~~than two years, or by both fine and imprisonment be~~
25 guilty of an aggravated misdemeanor. Any person who
26 knowingly, but without criminal purposes, communicates
27 or seeks to communicate paternity determination and
28 support collection data except in accordance with
29 this chapter shall ~~for each such offense be fined~~
30 ~~not more than one hundred dollars or be imprisoned~~
31 ~~not more than ten days~~ be guilty of a simple
32 misdemeanor.

33 Sec. _____. Chapter four (4) is amended by adding
34 the following section after section two hundred
35 seventy-eight (278):

36 SEC. _____. Section three hundred twenty-one point
37 one hundred ninety (321.190), subsection two (2),
38 unnumbered paragraph one (1), Code 1977, is amended
39 to read as follows:

40 It is a simple misdemeanor, punishable as provided
41 in section 321.482, for any person:

42 Sec. _____. Chapter four (4) is amended by adding
43 the following section after section two hundred eighty-
44 one (281):

45 SEC. _____. Section three hundred twenty-one point
46 two hundred sixty-six (321.266), subsection four (4),
47 Code 1977, is amended to read as follows:

48 4. Any carrier transporting hazardous materials
49 by rail, air, water, or upon a public highway in this
50 state, in the case of an accident involving the

1 transportation of hazardous materials, shall
2 immediately notify the police radio broadcasting
3 system established by the commissioner of public
4 safety pursuant to section 750.1 or shall notify a
5 peace officer of the county, township, or municipality
6 in which the accident occurs. When a local law
7 enforcement agency is informed of the accident, the
8 agency shall notify the Iowa highway safety patrol.
9 For purposes of this section "hazardous substances"
10 shall mean hazardous substances as defined in the
11 federal Transportation Safety Act of 1974 (Public
12 Law 93-633, section 103). A person who violates any
13 provision of this subsection shall, upon conviction,
14 be guilty of a serious misdemeanor."

15 8. Page 47, by inserting after line 27 the
16 following section:

17 "Sec. _____. Chapter four (4) is amended by adding
18 the following section after section three hundred
19 seventy-seven (377):

20 SEC. _____. Section four hundred seventy-six A point
21 fourteen (476A.14), subsection three (3), Code 1977,
22 is amended to read as follows:

23 3. Persons convicted of violating any provision
24 of this chapter shall be guilty of a simple misdemeanor
25 ~~and shall be fined not more than one hundred dollars~~
26 ~~or be imprisoned for not more than thirty days."~~

27 9. Page 48, by inserting after line 2 the following
28 section:

29 "Sec. _____. Chapter four (4) is amended by adding
30 the following section after section four hundred
31 seventy-one (471):

32 SEC. _____. Section five hundred fifty-three point
33 fourteen (553.14), Code 1977, is amended to read as
34 follows:

35 553.14 CRIMINAL PENALTIES. A person or a natural
36 person having substantial control over an enterprise
37 who knowingly and willfully engages in conduct
38 prohibited by this chapter shall be, ~~upon conviction,~~
39 ~~fined not to exceed twenty-five thousand dollars,~~
40 ~~imprisoned in the county jail for not more than six~~
41 ~~months or both so fined and imprisoned~~ guilty of a
42 serious misdemeanor."

43 10. Page 49, by inserting after line 5 the
44 following sections:

45 "Sec. _____. Chapter four (4) is amended by adding
46 the following sections after section five hundred
47 five (505):

48 SEC. _____. Section seven hundred twenty-six point
49 one (726.1), Code 1977, is amended to read as follows:

50 726.1 KEEPING GAMBLING HOUSES. Any person who

1 keeps a house, shop, or place resorted to for the
2 purpose of gambling, or permits any person in any
3 house, shop, or other place under his or her control
4 or care to conduct bookmaking or to play at cards,
5 dice, faro, roulette, equality, punchboard, slot
6 machine or other game for money or other thing, commits
7 a serious misdemeanor.

8 SEC. _____. Section seven hundred twenty-six point
9 three (726.3), Code 1977, is amended to read as
10 follows:

11 726.3 GAMING AND BETTING--PENALTY. Any person
12 who participates in any game for any sum of money
13 or other property of any value, or who makes any bet
14 or wager for money or other property of value, or
15 who engages in bookmaking commits a serious
16 misdemeanor.

17 Sec. _____. Chapter four (4) is amended by adding
18 the following sections after section five hundred
19 six (506):

20 SEC. _____. Section seven hundred twenty-six point
21 eight (726.8), unnumbered paragraph one (1), Code
22 1977, is amended to read as follows:

23 If any person make or aid in making or establishing,
24 or advertise or make public any scheme for any lottery;
25 or advertise, offer for sale, sell, negotiate, dispose
26 of, purchase, or receive any ticket or part of a
27 ticket in any lottery or number thereof; or have in
28 his or her possession any ticket, part of a ticket,
29 or paper purporting to be the number of any ticket
30 of any lottery, with the intent to sell or dispose
31 of the same on his or her own account or as the agent
32 of another, the person commits a serious misdemeanor.

33 SEC. _____. Section seven hundred twenty-six point
34 fourteen (726.14), Code 1977, is amended to read as
35 follows:

36 726.14 PENALTY. A person who commits an offense
37 declared in this chapter or chapter 99B to be a
38 misdemeanor shall be ~~subject to imprisonment in the~~
39 ~~county jail for a period not exceeding one year, or~~
40 ~~to a fine not exceeding one thousand dollars, or to~~
41 ~~both fine and imprisonment~~ guilty of a serious
42 misdemeanor.

43 SEC. _____. Section seven hundred twenty-six point
44 fifteen (726.15), Code 1977, is amended to read as
45 follows:

46 726.15 PROTECTION MONEY PROHIBITED. Any officer
47 or employee of this state, or of a county, city, or
48 judicial district who asks for, receives or collects
49 any money or other consideration for and with the
50 understanding that the officer or employee will aid,

1 exempt, or otherwise protect another person from
 2 detection, arrest or conviction of any violation of
 3 this chapter or chapter 99B commits ~~a-felony-punishable~~
 4 ~~by-a-fine-not-to-exceed-five-thousand-dollars-or-by~~
 5 ~~imprisonment-for-a-term-not-to-exceed-two-years,-or~~
 6 ~~by-both-fine-and-imprisonment~~ an aggravated
 7 misdemeanor.

8 SEC. Section seven hundred twenty-six point
 9 sixteen (726.16), Code 1977, is amended to read as
 10 follows:

11 726.16 COLLECTION SERVICE PROHIBITED. Any person
 12 who knowingly offers, gives or sells his or her
 13 services for use in collecting or enforcing any debt
 14 arising from gambling, whether or not lawful gambling,
 15 commits ~~a-felony,-punishable-by-a-fine-not-to-exceed~~
 16 ~~five-thousand-dollars-or-by-imprisonment-for-a-term~~
 17 ~~not-to-exceed-two-years,-or-by-both-fine-and~~
 18 ~~imprisonment~~ an aggravated misdemeanor."

19 11. Page 50, line 8, by striking the word "Section"
 20 and inserting in lieu thereof the word "Sections".

21 12. Page 50, line 9, by inserting after the number
 22 "(339.5)" the words and numbers "and seven hundred
 23 thirteen point forty-five (713.45)".

24 13. Page 50, line 9, by striking the word "is"
 25 and inserting in lieu thereof the word "are".

26 14. By renumbering sections to conform to this
 27 amendment.

28 15. By changing internal references to conform
 29 to this amendment.

H-3857 FILED - *Adopted 4/24* BY JESSE of Polk
 APRIL 28, 1977 (*p. 1750*)

SENATE FILE 318

H-3880

1 Amend Senate File 318 as follows:

2 1. Page 32, by inserting after line 6 the following
 3 new section:

4 "Sec. ____ Section ninety-nine B point eleven
 5 (99B.11), subsection two (2), Code 1977, is amended
 6 by adding the following new paragraph:

7 NEW PARAGRAPH. Cribbage, bridge, chess, checkers,
 8 dominoes, pinochle and similar contests, leagues or
 9 tournaments. The provisions of this paragraph are
 10 retroactive to August 15, 1975."

11 2. By renumbering sections of the bill and by
 12 correcting internal referenes as necessary.

H-3880 FILED - *Adopted 4/29* BY DOYLE of Woodbury
 APRIL 29, 1977 (*p. 1759*) SCHEELHAASE of Woodbury
 JUNKER of Woodbury

SENATE FILE 318

H-3878

- 1 Amend Senate File 318 as follows:
2 1. Page 1, line 17, by striking the word
3 "and".
4 2. Page 1, line 17, by inserting after
5 "(2801)," the following: "and two thousand eight
6 hundred four (2804),"
7 3. Page 8, by inserting after line 23 the
8 following:
9 "Sec. _____. Section two thousand eight hundred
10 four (2804):
11 SEC. 2804. NEW SECTION. Any person who know-
12 ingly sells, ~~or~~ offers for sale, gives, delivers,
13 exhibits or displays to any adult material depict-
14 ing a sex act involving sado-masochistic abuse,
15 excretory functions, a child, or bestiality which
16 the average adult taking the material as a whole
17 in applying contemporary community standards would
18 find that it appeals to the prurient interest and
19 is patently offensive; and the material, taken as
20 a whole, lacks serious literary, scientific, polit-
21 ical, or artistic value shall, upon conviction be
22 guilty of a simple misdemeanor. Charges under this
23 section may only be brought by a county attorney,
24 the attorney general, or a grand jury."

H-3878 FILED - *Not germane* BY GILLOON of Dubuque
APRIL 29, 1977 *#169 (1754)*

SENATE FILE 318

H-3870

- 1 Amend Senate File 318, page 48, line 2, by striking
2 the words "an aggravated misdemeanor" and inserting
3 in lieu thereof the words "a class D felony".

H-3870 FILED - *Adopted* BY JESSE of Polk
APRIL 28, 1977 *4/29 (1762)*

House Amendment to Senate File 318

S-3620

- 1 Amend Senate File 318 as follows:
2 1. Page 1, line 11, by inserting after the number
3 "(1408)," the words and numbers "division fourteen
4 (XIV), sections".
5 2. Page 5, by inserting after line 10 the following
6 section:
7 "Sec. _____. Division fourteen (XIV) is amended
8 by adding the following new section:
9 NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.
10 1. Except as provided in subsection three (3),
11 it is unlawful for a person knowingly to:
12 a. Transfer or cause to be transferred any sounds
13 recorded on a phonograph record, disc, wire, tape,
14 film or other article without the consent of the
15 owner; or
16 b. Sell; distribute; circulate; offer for sale,
17 distribution or circulation; possess for the purpose
18 of sale, distribution or circulation; or cause to
19 be sold, distributed, circulated; offered for sale,
20 distribution or circulation; or possessed for sale,
21 distribution or circulation, any article or device
22 on which sounds have been transferred without the
23 consent of the person who owns the master phonograph
24 record, master disc, master tape or other device or
25 article from which the sounds are derived.
26 2. It is unlawful for a person to sell, distribute,
27 circulate, offer for sale, distribution or circulation
28 or possess for the purposes of sale, distribution
29 or circulation, any phonograph record, disc, wire,
30 tape, film or other article on which sounds have been
31 transferred unless the phonograph record, disc, wire,
32 tape, film or other article bears the actual name
33 and address of the transferor of the sounds in a
34 prominent place on its outside face or package.
35 3. This section does not apply to a person who
36 transfers or causes to be transferred sounds intended
37 for or in connection with radio or television broadcast
38 transmission or related uses, synchronized sound-
39 tracks of motion pictures or sound tracks recorded
40 for synchronizing with motion pictures, for archival
41 purposes or for the personal use of the person
42 transferring or causing the transfer and without any
43 compensation being derived by the person from the
44 transfer.
45 4. A person who violates the provisions of this
46 section is guilty of theft."
47 3. Page 9, line 1, by inserting after the numeral
48 "(1203)," the words and numerals "section one thousand
49 three hundred two (1302), Rule fifty-three (53),".
50 4. Page 9, line 21, by inserting after the letter

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1 "b" the letter ", c,".

2 5. Page 9, by inserting after line 22 the following
3 paragraph:

4 "~~c. Special-agents-appointed-by-the-commissioner~~
5 ~~of-public-safety-and~~ Peace officer members of the
6 department of public safety, ~~except-members-of-the~~
7 ~~clerical-force,~~ as defined in ~~section-ninety-seven~~
8 ~~A-point-one-(97A.1),~~ subsection-two-(2) chapter eighty
9 (80) of the Code."

10 5. Page 19, by inserting after line 11 the follow-
11 ing:

12 "Sec. _____. Section one thousand three hundred
13 two (1302), Rule fifty-three (53):

14 Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF
15 APPEARANCE. In a specified simple misdemeanor other
16 than one charged upon a uniform citation and complaint
17 a court may accept a forfeiture of collateral security
18 in lieu of appearance, as a proper disposition of
19 a case, except for non-scheduled traffic violations.
20 Each judicial district, by action of a majority of
21 the district judges, may determine the misdemeanors
22 subject to such disposition and promulgate by rule
23 a list of same and disseminate to all magistrates
24 in the district. A copy of such rule shall be
25 transmitted to the clerk of the supreme court. Prior
26 to termination of the case by forfeiture under this
27 rule, the defendant must execute a written request
28 for same. Unless vacated upon application within
29 thirty days of the forfeiture, such forfeiture shall
30 constitute a conviction in satisfaction.

31 In the event a simple misdemeanor is charged upon
32 the uniform citation and complaint defined in section
33 seven hundred fifty-three point thirteen (753.13)
34 of the Code and the defendant either has submitted
35 unsecured appearance bond as provided in that section
36 or has submitted bail as provided in subsection three
37 (3) of section seven hundred fifty-three point sixteen
38 (753.16) of the Code, the court may enter a conviction
39 pursuant to his or her written appearance and may
40 enter a judgment of forfeiture of the collateral in
41 satisfaction of the judgment and sentence; provided
42 that if the defendant submitted unsecured appearance
43 bond or if bail remains uncollected, execution may
44 issue upon the judgment of the court at any time after
45 entry of the judgment."

46 7. Page 26, line 4, by striking the words "not
47 requiring a court appearance".

48 8. Page 26, by striking line 6 and inserting in
49 lieu thereof the words "has submitted an unsecured
50 appearance bond or has submitted bail in the form.

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1 of cash, check,".

2 9. Page 26, line 12, by inserting after the word
3 "bond" the words "or bail".

4 10. Page 26, line 16, by inserting after the word
5 "sections" the words and figure "one hundred two
6 (102)",.

7 11. Page 26, line 22, by striking the word and
8 figure "ninety-one (91)" and inserting in lieu thereof
9 the word and figure "ninety-two (92)".

10 12. Page 26, by inserting after line 23 the
11 following section:

12 "Sec. ____ Section one hundred two (102),
13 unnumbered paragraph one (1):

14 Upon a plea of guilty, a verdict of guilty, or
15 a special verdict upon which a judgment of conviction
16 of any public offense may be rendered, the court shall
17 receive from the state and from the defendant any
18 information which may be offered which is relevant
19 to the question of sentencing. The court may consider
20 information from other sources, ~~and, if the offense~~
21 ~~is a felony, shall order that a presentence~~
22 ~~investigation be made. If the offense is not a felony,~~
23 ~~the court may, in its discretion, order that a~~
24 ~~presentence investigation be made whenever the maximum~~
25 ~~period of confinement which may be imposed is in~~
26 ~~excess of thirty days. The court shall order a~~
27 presentence investigation when the offense is a class
28 B, class C, or class D felony. The court may order
29 a presentence investigation when the offense is an
30 aggravated or serious misdemeanor."

31 13. Page 31, line 33, by inserting after the
32 number "(78)," the words and number one hundred forty
33 "(140)",.

34 14. Page 32, by inserting after line 6 the
35 following new section:

36 "Sec. ____ Section ninety-nine B point eleven
37 (99B.11), subsection two (2), Code 1977, is amended
38 by adding the following new paragraph:

39 NEW PARAGRAPH. Cribbage, bridge, chess, checkers,
40 dominoes, pinochle and similar contests, leagues or
41 tournaments. The provisions of this paragraph are
42 retroactive to August 15, 1975."

43 15. Page 32, by inserting after line 13 the
44 following section:

45 "Sec. ____ Section one hundred forty (140),
46 amending section 135C.21 of the 1975 Code is amended
47 by striking the section and inserting in lieu thereof
48 the following:

49 SEC. 140. Section one hundred thirty-five C point
50 twenty-one (135C.21), subsections one (1) and two

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1 (2), Code 1977, are amended to read as follows:
2 1. Any person establishing, conducting, managing,
3 or operating any health care facility without a license
4 shall be guilty of a serious misdemeanor and, upon
5 conviction thereof, shall be fined not less than one
6 hundred dollars nor more than one thousand dollars
7 or be imprisoned in the county jail for not more than
8 six months, or both. Each day of continuing violation
9 after conviction or notice from the department by
10 certified mail of a violation shall be considered
11 a separate offense or chargeable offense. Any such
12 person establishing, conducting, managing or operating
13 any health care facility without a license may be
14 by any court of competent jurisdiction temporarily
15 or permanently restrained therefrom in any action
16 brought by the state.

17 2. Any person who prevents or interferes with
18 or attempts to impede in any way any duly authorized
19 representative of the department or of any of the
20 agencies referred to in section 135C.17 in the lawful
21 enforcement of this chapter or of the rules adopted
22 pursuant to it is guilty of a simple misdemeanor and,
23 upon conviction, shall be subject to a fine of not
24 less than fifty nor more than five hundred dollars
25 or imprisonment in the county jail for not more than
26 ninety days or both. As used in this subsection,
27 lawful enforcement includes but is not limited to:"

28 16. Page 35, by inserting after line 32 the
29 following new section:

30 "Sec. _____. Section six hundred two point forty-
31 two (602.42), Code 1977, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. A member of a judicial magis-
34 trate nominating commission shall be reimbursed for
35 actual and necessary expenses reasonably incurred
36 in the performance of official duties. Reimburse-
37 ments shall be payable out of the court expense fund
38 of the county in which the member serves, upon
39 certification of such expenses to the county auditor
40 by the district court clerk. Each judicial district
41 may make rules under rule three hundred seventy-two
42 (372) of the rules of civil procedure to provide for
43 the administration of this subsection."

44 17. Page 36, line 12, by inserting the letter
45 "a." after the numeral "1."

46 18. Page 37, by inserting after line 21 the follow-
47 ing new paragraphs:

48 "b. The uniform citation and complaint shall
49 contain the following statement with a space
50 immediately below it for the signature of the person

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1 being charged:

2 "I hereby give my unsecured appearance bond in
3 the amount of _____ dollars and enter my
4 written appearance. I agree that if I fail to appear
5 in person or by counsel to defend against the offense
6 charged in this citation the court is authorized to
7 enter a conviction and render judgment against me
8 for the amount of my appearance bond in satisfaction
9 of the penalty plus court costs."

10 c. Unless the officer issuing the citation arrests
11 the alleged offender, or permits admission or requires
12 submission of bail as provided in subsection three
13 (3) of section seven hundred fifty-three point sixteen
14 (753.16) of the Code, the officer shall enter in the
15 blank contained in the statement required by paragraph
16 a of this subsection one of the following amounts
17 and shall require the person to sign the written
18 appearance:

19 (1) If the offense is one to which a scheduled
20 fine is applicable, an amount equal to one and one-
21 half times the scheduled fine plus five dollars costs;
22 or

23 (2) If the offense is one for which a court appear-
24 ance is mandatory, the amount of one hundred dollars
25 plus five dollars costs.

26 d. The written appearance defined in paragraph
27 b of this subsection shall not be used for any offense
28 other than a simple misdemeanor."

29 19. Page 39, line 8, by inserting after the word
30 "paragraphs" the letter "b,".

31 20. Page 39, line 8, by striking the word and
32 letters "k and l" and inserting in lieu thereof the
33 word and letters "k, l and n".

34 21. Page 39, by inserting after line 15 the fol-
35 lowing:

36 "b. For registration violations under sections
37 three hundred twenty-one point seventeen (321.17),
38 three hundred twenty-one point thirty-two (321.32),
39 three hundred twenty-one point thirty-four (321.34),
40 three hundred twenty-one point thirty-seven (321.37),
41 three hundred twenty-one point thirty-eight (321.38),
42 three hundred twenty-one point forty-one (321.41),
43 ~~three hundred twenty-one point ninety-eight (321.98)~~
44 and three hundred twenty-one point one hundred ninety
45 (321.190) of the Code, the scheduled fine is five
46 dollars. For violations of section three hundred
47 twenty-one point one hundred ninety (321.190) of the
48 Code, the case shall be dismissed without imposition
49 of fine or costs if a license valid at the time of
50 the issuance of the citation is presented by the

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1 defendant to the magistrate or scheduled violations
2 office."

3 22. Page 39, line 34, by inserting after the word
4 "weight" the words , length, width".

5 23. Page 40, line 5, by inserting after the
6 numerals "(321,437)," the words and numerals "three
7 hundred twenty-one point four hundred fifty-four
8 (321.454)".

9 24. Page 40, by inserting after line 19 the fol-
10 lowing:

11 "n. For violation of intrastate hauling on foreign
12 registration under sections three hundred twenty-one
13 point fifty-four (321.54) and three hundred twenty-
14 one point fifty-five (321.55) of the Code; use of
15 registration under section three hundred twenty-one
16 point ninety-nine (321.99) of the Code; and display
17 of registration or plates under section three hundred
18 twenty-one point ninety-eight (321.98) of the Code,
19 the scheduled fine is twenty dollars.

20 For no evidence or improper evidence of intra-
21 state authority carried or displayed under section
22 three hundred twenty-five point thirty-four (325.34);
23 operation of vehicle by an unqualified driver under
24 sections three hundred twenty-five point thirty-four
25 (325.34) and three hundred twenty-seven point twenty-
26 two (327.22); and operating a vehicle in violation
27 of maximum hours of service or failure to maintain
28 and display evidence of hours of service under sections
29 three hundred twenty-five point thirty-four (325.34)
30 and three hundred twenty-seven point twenty-two
31 (327.22) of the Code, the scheduled fine is twenty-
32 five dollars.

33 (For no or improper carrier identification markings
34 under section three hundred twenty-seven B point one
35 (327B.1) of the Code, the scheduled fine is fifteen
36 dollars.

37 For no or improper evidence of interstate authority
38 carried or displayed under section three hundred
39 twenty-seven B point one (327B.1) of the Code, the
40 scheduled fine is one hundred dollars."

41 25. Page 40, by striking lines 20 through 35 and
42 inserting in lieu thereof the following:

43 "Sec. ____ . Section five hundred nineteen (519),
44 amending section seven hundred fifty-three point
45 sixteen (753.16) of the Code is amended by striking
46 the section and inserting in lieu thereof the follow-
47 ing:

48 SEC. 519. Section seven hundred fifty-three point
49 sixteen (753.16), subsections one (1), two (2), and
50 three (3), Code 1977, are amended to read as follows:

1 1. In cases of scheduled violations, the defen-
2 dant, before the time specified in the citation and
3 complaint for appearance before the court, may sign
4 the admission of violation on the citation and
5 complaint and deliver or mail the citation and
6 complaint, together with the minimum fine for the
7 violation, plus five dollars costs, to a traffic
8 scheduled violations office in the county. The office
9 shall, if the offense is a moving violation under
10 chapter three hundred twenty-one (321) of the Code,
11 forward a copy of the citation and complaint and
12 admission to the commissioner-of-public-safety
13 department of transportation as required by section
14 321.207. Thereupon the defendant shall not be required
15 to appear before the court. The admission shall
16 constitute a conviction.

17 2. A defendant charged with a scheduled violation
18 by information may obtain two copies of the information
19 from the court and, before the time he or she is
20 required to appear before the court, deliver or mail
21 such copies, together with his or her admission, fine,
22 and five dollars costs, to the traffic scheduled
23 violations office in the county. The procedure, fine,
24 and costs shall be the same as when the charge is
25 by citation and complaint, with the admission and
26 the number of the defendant's operator's or chauffeur's
27 license placed upon the information when the violation
28 involves the use of a motor vehicle.

29 3. When section 753.15 and this section are
30 applicable but the officer does not deem it advisable
31 to release the defendant and no court in the county
32 is in session:

33 a. If the defendant wishes to admit the violation,
34 the officer may release the defendant upon observing
35 ~~him~~ the person mail the citation and complaint,
36 admission, and minimum fine, together with five dollars
37 costs, to a traffic violations office in the county,
38 in an envelope furnished by the officer. The admission
39 shall constitute a conviction and judgment in the
40 amount of the scheduled fine plus five dollars costs.

41 The officer may allow the defendant to use a credit
42 card pursuant to rules adopted pursuant to section
43 753.21 by the department of public safety or to mail
44 a check in the proper amount in lieu of cash. If
45 the check is not paid by the drawee for any reason,
46 the defendant may be held in contempt of court. The
47 officer shall advise the defendant of the penalty
48 for nonpayment of the check.

49 b. If the defendant does not comply with paragraph
50 "a" of this subsection, the officer may release the

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1 defendant upon observing him mail to a court in the
2 county the citation and complaint and one and one-
3 half times the minimum fine together with five dollars
4 costs, or in lieu of one and one-half times the fine
5 and the costs, a guaranteed arrest bond certificate
6 as provided in section 321.1, subsection 71, as bail
7 together with the following statement signed by the
8 defendant:

9 "I agree that either (1) I will appear pursuant
10 to this citation or (2) if I do not so appear the
11 amount-deposited-as-bail-will-be-forfeited in person
12 or by counsel to defend against the offense charged
13 in this citation the court is authorized to enter
14 a conviction and render judgment against me for the
15 amount of one and one-half times the scheduled fine
16 plus five dollars costs."

17 c. If the defendant does not comply with paragraph
18 "a" or "b", or in any event when section ~~755-4~~ four
19 hundred seven (407) of chapter two (2) of this Act
20 is applicable, the officer may arrest and confine
21 the defendant if authorized by the latter section,
22 and proceed with him according to ~~chapter-757-or-758~~
23 division four (IV) of chapter two (2) of this Act."

24 26. Page 44, by inserting after line 5 the
25 following section:

26 "Sec. _____. Chapter four (4) is amended by adding
27 the following section after section twenty-five (25):

28 SEC. _____. Section fifty-six point twenty-nine
29 (56.29), subsection five (5), Code 1977, is amended
30 to read as follows:

31 5. Any person convicted of a violation of any
32 of the provisions of this section shall be subject
33 to-imprisonment-in-the-county-jail-for-not-more-than
34 one-year-and-by-a-fine-not-to-exceed-one-thousand
35 dollars guilty of a serious misdemeanor."

36 27. Page 44, by inserting after line 15 the
37 following sections:

38 "Sec. _____. Chapter four (4) is amended by adding
39 the following section after section thirty-eight (38):

40 SEC. _____. Section eighty-three A point thirteen
41 (83A.13), subsection four (4), Code 1977, is amended
42 to read as follows:

43 4. A person who falsifies information required
44 to be submitted under this section shall be guilty
45 of a simple misdemeanor and-upon-conviction-shall
46 be-punished-by-a-fine-not-to-exceed-one-hundred-dollars
47 or-by-imprisonment-for-a-period-not-to-exceed-thirty
48 days-or-be-punished-by-both-such-fine-and-imprisonment.

49 Sec. _____. Chapter four (4) is amended by adding
50 the following sections after section sixty-nine (69):

1 SEC. _____. Section ninety-nine B point two (99B.2),
2 subsection three (3), Code 1977, is amended to read
3 as follows:

4 3. Each licensee required by subsection 2 to
5 maintain records shall submit quarterly reports to
6 the department on forms furnished by the department.
7 The reports shall contain a compilation of the
8 information required to be recorded by subsection
9 2, and shall include all of the transactions occurring
10 during the three-month period for which the report
11 is submitted. Failure to submit the quarterly reports
12 shall constitute grounds for revocation of the license.
13 Willful failure to submit quarterly reports is a
14 serious misdemeanor.

15 SEC. _____. Section ninety-nine B point six (99B.6),
16 subsection one (1), paragraph k, Code 1977, is amended
17 to read as follows:

18 k. No person under the age of eighteen years may
19 participate in the gambling except pursuant to sections
20 99B.3, 99B.4, 99B.5 and 99B.7. Any licensee knowingly
21 allowing a person under the age of eighteen to
22 participate in the gambling prohibited by this
23 paragraph or any person knowingly participating in
24 such gambling with a person under the age of eighteen,
25 shall be guilty of a simple misdemeanor and ~~upon~~
26 ~~conviction, be punished by imprisonment in the county~~
27 ~~jail for not more than thirty days and a fine of not~~
28 ~~more than one hundred dollars or both.~~

29 SEC. _____. Section ninety-nine B point six (99B.6),
30 subsection four (4), Code 1977, is amended to read
31 as follows:

32 4. The holder of a license issued pursuant to
33 this section and every agent of that licensee who
34 is required by the licensee to exercise control over
35 the use of the premises who knowingly permits or
36 engages in acts or omissions which constitute a
37 violation of subsection 1 commits a serious
38 misdemeanor. A licensee has knowledge of acts or
39 omissions if any agent of the licensee has knowledge
40 of those acts or omissions.

41 SEC. _____. Section ninety-nine B point nine (99B.9),
42 subsection four (4), Code 1977, is amended to read
43 as follows:

44 4. The holder of a license issued pursuant to
45 this section and every agent of that licensee who
46 is required by the licensee to exercise control over
47 the use of the premises who knowingly permits acts
48 or omissions which constitute a violation of subsection
49 1 commits a serious misdemeanor. A licensee has
50 knowledge of acts or omissions if any agent of the

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1 licensee has knowledge of those acts or omissions.
2 SEC. _____. Section ninety-nine B point fifteen
3 (99B.15), Code 1977, is amended to read as follows:
4 99B.15 APPLICABILITY OF CHAPTER. It is the intent
5 and purpose of this chapter to authorize gambling
6 in this state only to the extent specifically permitted
7 by a section of this chapter. Except as otherwise
8 provided in this chapter, the knowing failure of any
9 person to comply with the limitations imposed by this
10 chapter constitutes unlawful gambling, a serious
11 ~~misdemeanor which is punishable as provided in chapter~~
12 ~~726.~~

13 SEC. _____. Section ninety-nine B point sixteen
14 (99B.16), Code 1977, is amended to read as follows:
15 99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS.
16 A licensee who willfully fails to maintain the records
17 when required by section 99B.2, or who willfully fails
18 to submit records when required by that section commits
19 a serious misdemeanor ~~punishable by imprisonment in~~
20 ~~the county jail for not more than one year, or by~~
21 ~~a fine of not more than one thousand dollars, or by~~
22 ~~both imprisonment and fine.~~

23 Sec. _____. Chapter four (4) is amended by adding
24 the following section after section ninety (90):

25 SEC. _____. Section one hundred nine A point ten
26 (109A.10), Code 1977, is amended to read as follows:
27 109A.10 PENALTIES. Whoever violates any of the
28 provisions of this chapter shall be ~~finned not less~~
29 ~~than ten dollars nor more than one hundred dollars~~
30 ~~or be imprisoned in the county jail not more than~~
31 ~~thirty days~~ guilty of a simple misdemeanor.

32 Sec. _____. Chapter four (4) is amended by adding
33 the following section after section ninety-four (94):

34 SEC. _____. Section one hundred ten B point six
35 (110B.6), Code 1977, is amended to read as follows:
36 110B.6 PENALTY. Any person violating any of the
37 provisions of this chapter shall be guilty of a simple
38 ~~misdemeanor and, upon conviction, shall be fined not~~
39 ~~less than ten dollars nor more than one hundred dollars~~
40 ~~or imprisoned in the county jail for not more than~~
41 ~~thirty days.~~

42 Sec. _____. Chapter four (4) is amended by adding
43 the following sections after section one hundred
44 ninety (190):

45 SEC. _____. Section one hundred seventy-two A point
46 ten (172A.10), unnumbered paragraph two (2), Code
47 1977, is amended to read as follows:

48 Any person convicted of violating any provision
49 of this chapter shall be ~~punished by a fine of not~~
50 ~~less than five hundred dollars nor more than two~~

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~~1 thousand-five-hundred-dollars, or by imprisonment
2 in the county jail for not more than six months, or
3 by both fine and imprisonment~~ guilty of a serious
4 misdemeanor.

5 SEC. _____. Section one hundred seventy-two B point
6 six (172B.6), Code 1977, is amended to read as follows:
7 172B.6 OFFENSES AND PENALTIES.

8 1. A person who is convicted of violating section
9 ~~172B.2 may be sentenced to a fine not to exceed one
10 hundred dollars, or to imprisonment in the county
11 jail for a period not to exceed thirty days, or both
12 the fine and imprisonment~~ shall be guilty of a simple
13 misdemeanor.

14 2. A person who makes or utters a transportation
15 certificate with knowledge that some or all of the
16 information contained in the certificate is false,
17 or a person who alters, forges, or counterfeits a
18 transportation certificate, or the receipt prescribed
19 in section 172B.4, commits a ~~public offense and upon
20 conviction may be sentenced to a term in the state
21 penitentiary not to exceed ten years, to a fine not
22 to exceed five thousand dollars, or to both the fine
23 and imprisonment~~ class C felony.

24 Sec. _____. Chapter four (4) is amended by adding
25 the following section after section two hundred (200):
26 SEC. _____. Section one hundred eighty-five C point
27 thirty-one (185C.31), Code 1977, is amended to read
28 as follows:

29 185C.31 PENALTY. It is a simple misdemeanor for
30 any person to willfully violate any provision of this
31 chapter or for any person to willfully render or
32 furnish a false or fraudulent report, statement, or
33 record required by the secretary."

34 28. Page 45, by inserting after line 4 the
35 following sections:

36 "Sec. _____. Chapter four (4) is amended by adding
37 the following section after section two hundred fifty
38 (250):

39 SEC. _____. Section two hundred thirty-seven A point
40 nineteen (237A.19), Code 1977, is amended to read
41 as follows:

42 237A.19 PENALTY. A person who establishes,
43 conducts, manages, or operates a center without a
44 license shall be guilty of a serious misdemeanor.
45 Each day of continuing violation after conviction,
46 or notice from the department by certified mail of
47 the violation, shall be considered a separate offense.

48 Sec. _____. Chapter four (4) is amended by adding
49 the following section after section two hundred fifty-
50 seven (257):

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1 SEC. _____. Section two hundred fifty-two B point
2 ten (252B.10), subsection one (1), Code 1977, is
3 amended to read as follows:

4 1. Any person who willfully requests, obtains,
5 or seeks to obtain paternity determination and support
6 collection data available under section 252B.9 under
7 false pretenses, or who willfully communicates or
8 seeks to communicate such data to any agency or person
9 except in accordance with this chapter, shall, upon
10 ~~conviction, for each such offense be punished by a~~
11 ~~fine of not more than one thousand dollars or by~~
12 ~~imprisonment in the state penitentiary for not more~~
13 ~~than two years, or by both fine and imprisonment be~~
14 guilty of an aggravated misdemeanor. Any person who
15 knowingly, but without criminal purposes, communicates
16 or seeks to communicate paternity determination and
17 support collection data except in accordance with
18 this chapter shall ~~for each such offense be fined~~
19 ~~not more than one hundred dollars or be imprisoned~~
20 ~~not more than ten days~~ be guilty of a simple
21 misdemeanor.

22 Sec. _____. Chapter four (4) is amended by adding
23 the following section after section two hundred
24 seventy-eight (278):

25 SEC. _____. Section three hundred twenty-one point
26 one hundred ninety (321.190), subsection two (2),
27 unnumbered paragraph one (1), Code 1977, is amended
28 to read as follows:

29 It is a simple misdemeanor, punishable as provided
30 in section 321.482, for any person:

31 Sec. _____. Chapter four (4) is amended by adding
32 the following section after section two hundred eighty-
33 one (281):

34 SEC. _____. Section three hundred twenty-one point
35 two hundred sixty-six (321.266), subsection four (4),
36 Code 1977, is amended to read as follows:

37 4. Any carrier transporting hazardous materials
38 by rail, air, water, or upon a public highway in this
39 state, in the case of an accident involving the
40 transportation of hazardous materials, shall
41 immediately notify the police radio broadcasting
42 system established by the commissioner of public
43 safety pursuant to section 750.1 or shall notify a
44 peace officer of the county, township, or municipality
45 in which the accident occurs. When a local law
46 enforcement agency is informed of the accident, the
47 agency shall notify the Iowa highway safety patrol.
48 For purposes of this section "hazardous substances"
49 shall mean hazardous substances as defined in the
50 federal Transportation Safety Act of 1974 (Public

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1 Law 93-633, section 103}. A person who violates any
2 provision of this subsection shall, upon conviction,
3 be guilty of a serious misdemeanor."

4 29. Page 47, by inserting after line 27 the
5 following section:

6 "Sec. _____. Chapter four (4) is amended by adding
7 the following section after section three hundred
8 seventy-seven (377):

9 SEC. _____. Section four hundred seventy-six A point
10 fourteen (476A.14), subsection three (3), Code 1977,
11 is amended to read as follows:

12 3. Persons convicted of violating any provision
13 of this chapter shall be guilty of a simple misdemeanor
14 ~~and shall be fined not more than one hundred dollars~~
15 ~~or be imprisoned for not more than thirty days."~~

16 30. Page 48, line 2, by striking the words "an
17 aggravated misdemeanor" and inserting in lieu thereof
18 the words "a class D felony".

19 31. Page 48, by inserting after line 2 the
20 following section:

21 "Sec. _____. Chapter four (4) is amended by adding
22 the following section after section four hundred
23 seventy-one (471):

24 SEC. _____. Section five hundred fifty-three point
25 fourteen (553.14), Code 1977, is amended to read as
26 follows:

27 553.14 CRIMINAL PENALTIES. A person or a natural
28 person having substantial control over an enterprise
29 who knowingly and willfully engages in conduct
30 prohibited by this chapter shall be, ~~upon conviction,~~
31 ~~fined not to exceed twenty-five thousand dollars,~~
32 ~~imprisoned in the county jail for not more than six~~
33 ~~months or both so fined and imprisoned~~ guilty of a
34 serious misdemeanor."

35 32. Page 49, by inserting after line 5 the
36 following sections:

37 "Sec. _____. Chapter four (4) is amended by adding
38 the following sections after section five hundred
39 five (505):

40 SEC. _____. Section seven hundred twenty-six point
41 one (726.1), Code 1977, is amended to read as follows:

42 726.1 KEEPING GAMBLING HOUSES. Any person who
43 keeps a house, shop, or place resorted to for the
44 purpose of gambling, or permits any person in any
45 house, shop, or other place under his or her control
46 or care to conduct bookmaking or to play at cards,
47 dice, faro, roulette, equality, punchboard, slot
48 machine or other game for money or other thing, commits
49 a serious misdemeanor.

50 SEC. _____. Section seven hundred twenty-six point

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1 three (726.3], Code 1977, is amended to read as
2 follows:

3 726.3 GAMING AND BETTING--PENALTY. Any person
4 who participates in any game for any sum of money
5 or other property of any value, or who makes any bet
6 or wager for money or other property of value, or
7 who engages in bookmaking commits a serious
8 misdemeanor.

9 Sec. _____. Chapter four (4) is amended by adding
10 the following sections after section five hundred
11 six (506):

12 SEC. _____. Section seven hundred twenty-six point
13 eight (726.8], unnumbered paragraph one (1), Code
14 1977, is amended to read as follows:

15 If any person make or aid in making or establishing,
16 or advertise or make public any scheme for any lottery;
17 or advertise, offer for sale, sell, negotiata, dispose
18 of, purchase, or receive any ticket or part of a
19 ticket in any lottery or number thereof; or have in
20 his or her possession any ticket, part of a ticket,
21 or paper purporting to be the number of any ticket
22 of any lottery, with the intent to sell or dispose
23 of the same on his or her own account or as the agent
24 of another, the person commits a serious misdemeanor.

25 SEC. _____. Section seven hundred twenty-six point
26 fourteen (726.14], Code 1977, is amended to read as
27 follows:

28 726.14 PENALTY. A person who commits an offense
29 declared in this chapter or chapter 99B to be a
30 ~~misdemeanor shall be subject to imprisonment in the~~
31 ~~county jail for a period not exceeding one year, or~~
32 ~~to a fine not exceeding one thousand dollars, or to~~
33 ~~both fine and imprisonment~~ guilty of a serious
34 misdemeanor.

35 SEC. _____. Section seven hundred twenty-six point
36 fifteen (726.15), Code 1977, is amended to read as
37 follows:

38 726.15 PROTECTION MONEY PROHIBITED. Any officer
39 or employee of this state, or of a county, city, or
40 judicial district who asks for, receives or collects
41 any money or other consideration for and with the
42 understanding that the officer or employee will aid,
43 exempt, or otherwise protect another person from
44 detection, arrest or conviction of any violation of
45 this chapter or chapter 99B commits a ~~felony punishable~~
46 ~~by a fine not to exceed five thousand dollars or by~~
47 ~~imprisonment for a term not to exceed two years, or~~
48 ~~by both fine and imprisonment~~ an aggravated
49 misdemeanor.

50 SEC. _____. Section seven hundred twenty-six point

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1 sixteen (726.16), Code 1977, is amended to read as
2 follows:

3 726.16 COLLECTION SERVICE PROHIBITED. Any person
4 who knowingly offers, gives or sells his or her
5 services for use in collecting or enforcing any debt

SENATE FILE 318

S-3654

1 Amend the House amendment, S-3620, to Senate File
2 318 as follows:
3 1. Page 2, by striking lines 10 through 50.
4 2. Page 3, by striking line 1.
5 3. Page 4, by striking lines 45 through 50.
6 4. Page 5, by striking lines 1 through 28.
7 5. Page 8, by striking lines 10 through 16 and
8 inserting in lieu thereof the words "to this citation
9 or (2) if I do not ~~se~~ appear the amount deposited as
10 bail will be forfeited."

S-3654 FILED & LOST (p. 1673) BY BOB RUSH
MAY 18, 1977

SENATE FILE 318

S-3649

1 Amend the House amendment, S-3620, to Senate File
2 318 as follows:
3 1. Page 2, by striking lines 10 through 50.
4 2. Page 3, by striking line 1.
5 3. Page 4, by striking lines 46 through 50.
6 4. Page 5, by striking lines 1 through 28.
7 5. Page 8, by striking lines 10 through 16 and
8 inserting in lieu thereof the words "to this citation
9 or (2) if I do not ~~se~~ appear the amount deposited
10 as bail will be forfeited."

S-3649 FILED *2/10 5/18* (p. 1672) BY BOB RUSH
MAY 17, 1977

SENATE FILE 318

AN ACT

MAKING TECHNICAL CHANGES OF A CORRECTIVE NATURE TO THE CRIMINAL CODE REVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), sections one hundred seven (107), two hundred three (203), three hundred four (304), three hundred five (305), four hundred eight (408), five hundred two (502), seven hundred eight (708), seven hundred nine (709), and seven hundred eleven (711), division eight (VIII), sections nine hundred four (904), nine hundred nine (909), one thousand four hundred one (1401), one thousand four hundred two (1402), one thousand four hundred seven (1407), one thousand four hundred eight (1408), division fourteen (XIV), sections one thousand five hundred one (1501), one thousand six hundred seven (1607), one thousand nine hundred one (1901), one thousand nine hundred six (1906), two thousand four hundred eight (2408), two thousand four hundred nine (2409), two thousand six hundred two (2602), two thousand six hundred four (2604), two thousand six hundred six (2606), and two thousand eight hundred one (2801), are amended by sections two (2) through twenty-eight (28) of this Act as follows:

Sec. 2. Section one hundred seven (107):

SEC. 107. NEW SECTION. FELONY DEFINED AND CLASSIFIED.

A public offense is a felony of a particular class, when the statute defining the crime declares it to be a felony. Felonies are class A felonies, class B felonies, class C felonies, and class D felonies. Where the statute defining the offense declares it to be a felony, but does not state what class of felony it is ~~not provides~~ or ~~provide~~ for a specific penalty, ~~such that~~ felony shall be a class D felony.

Sec. 3. Section two hundred three (203):

SEC. 203. NEW SECTION. ANIMAL. An animal is ~~any~~ a nonhuman, vertebrate.

Sec. 4. Section three hundred four (304), unnumbered paragraph one (1):

An employer, or ~~his~~ an employer's agent, officer, director, or employee who supervises or directs the work of other employees, is guilty of the same public offense committed by an employee acting under ~~his~~ the employer's control, supervision, or direction in any of the following cases:

Sec. 5. Section three hundred five (305), unnumbered paragraph one (1):

A public or private corporation, partnership, or other voluntary association shall ~~be guilty of a public offense~~ have the same level of culpability as an individual committing the crime when any of the following is true:

Sec. 6. Section four hundred eight (408):

SEC. 408. NEW SECTION. ESCAPE FROM PLACE OF CONFINEMENT. A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows or should know is confined on a charge or conviction of a any class of misdemeanor.

Sec. 7. Section five hundred two (502):

SEC. 502. NEW SECTION. RENUNCIATION. It is a defense to a prosecution for solicitation that the defendant, after soliciting another person to commit a felony or aggravated misdemeanor, persuaded the person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "voluntary

and complete" if it is motivated in whole or in part by (a) the person's belief that circumstances exist which increase the possibility of detection or apprehension of the defendant or another or which makes more difficult the consummation of the offense or (b) the person's decision to postpone the offense until another time or, to substitute another victim or another but similar objective.

Sec. 8. Section seven hundred eight (708), headnote:
~~NONCONSENSUAL~~ NONCONSENSUAL TERMINATION.

Sec. 9. Section seven hundred nine (709), headnote:
~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE.

Sec. 10. Section seven hundred eleven (711):

SEC. 711. NEW SECTION. ATTEMPT TO COMMIT ~~HOMICIDE~~ MURDER.

A person commits a class C felony when, with the intent to cause the death of any person and not under circumstances which would justify the person's actions, the person does any act by which he or she expects to set in motion a force or chain of events which will cause or result in the death of such other person.

It is not a defense to an indictment for attempt to commit ~~hemicide~~ murder that the acts proved could not have caused the death of any person, provided that the actor intended to cause the death of some person by so acting, and the actor's expectations were not unreasonable in the light of the facts known to the actor.

Sec. 11. Division eight (VIII), title:

ASSAULT AND BATTERY

Sec. 12. Section nine hundred four (904), subsection four (4), is amended by striking unnumbered paragraph three (3).

Sec. 13. Section nine hundred nine (909), subsection two (2):

2. The person knows or reasonably should know that ~~his~~ the act is offensive to the viewer.

Sec. 14. Section one thousand four hundred one (1401), subsections six (6), seven (7), and eight (8):

6. Makes, utters, draws, delivers, or gives any check, draft, or written order on any bank, person or corporation,

and obtains property or service in exchange therefor, if the person knows that such check, draft or written order will not be paid when presented.

Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.

7. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

8. Any act that is declared to be theft by any provision of the Code.

Sec. 15. Section one thousand four hundred two (1402), subsection two (2):

2. The theft of any property not exceeding five ~~thousand~~ hundred dollars in value by one who has before been twice convicted of theft, or the theft by any other person of property exceeding five hundred dollars but not exceeding five thousand dollars in value or theft of a motor vehicle as defined in chapter three hundred twenty-one (321) of the Code, irrespective of value, is theft in the second degree. Theft in the second degree is a class D felony.

Sec. 16. Section one thousand four hundred seven (1407):

SEC. 1407. NEW SECTION. OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Any person who shall take possession or control of any railroad vehicle, or any self-propelled vehicle, aircraft, or motor boat, the property of another, without the consent of the owner of such, but without the intent to permanently deprive the owner thereof, shall be guilty of an aggravated misdemeanor. A violation of this section may be proved as a lesser included offense on an indictment or

information charging theft.

Sec. 17. Section one thousand four hundred eight (1408), subsection seven (7):

7. Manufactures, sells, or keeps for sale any token or device suitable for the operation of a coin-operated device or vending machine, with the intent that such token or device may be so used, or with the representation that they can be so used; provided, that the owner or operator of any coin-operated device or vending machine may sell slugs or tokens for use in his or her own devices.

Sec. 18. Division fourteen (XIV) is amended by adding the following new section:

NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

1. Except as provided in subsection three (3), it is unlawful for a person knowingly to:

a. Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article without the consent of the owner; or

b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

2. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

3. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in

connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

4. A person who violates the provisions of this section is guilty of theft.

Sec. 19. Section one thousand five hundred one (1501), subsection one (1):

1. A check, bill note, draft, bond receipt, or any writing which ostensibly evidences an obligation of, or surrender of right or claim by, the person who has purportedly executed it or authorized its execution. ~~Writing~~ "Writing" includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

Sec. 20. Section one thousand six hundred seven (1607), subsection two (2), paragraph a:

a. Entering upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, ~~without justification, or without the implied or actual permission of the owner, lessee, or person in lawful possession.~~

Sec. 21. Section one thousand nine hundred one (1901):

SECTION 1901. NEW SECTION. INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. If a person commits an interference with official

acts, as defined in this section, and in so doing he purposely inflicts or attempts to inflict serious injury, or displays a dangerous weapon, or is armed with a firearm, he that person commits an aggravated misdemeanor.

Sec. 22. Section one thousand nine hundred six (1906), unnumbered paragraph one (1):

Any person who introduces into any detention facility or correctional institution any weapon, explosive or incendiary substance, rope, ladder, or any instrument or device by which he that person intends to facilitate the escape of any prisoner, or any person who, not being authorized by law, knowingly causes any such weapon, explosive or incendiary substance, rope, ladder, instrument or device to come into the possession of any prisoner, commits the crime of assisting a prisoner to escape which is subject to the following penalties:

Sec. 23. Section two thousand four hundred eight (2408), subsections five (5) and six (6):

5. The issuing officer reasonably determines from competent evidence that the applicant does not constitute a danger to ~~himself or others~~ any person.

6. He The person has never been convicted of any crime defined in division eight (VIII) of this Act chapter, except "assault" as defined in section eight hundred one (801) of this Act chapter and "harrassment" as defined in section eight hundred ~~eight-(808)~~ seven (807) of this Act chapter.

Sec. 24. Section two thousand four hundred nine (2409):

SEC. 2409. NEW SECTION. APPLICATION. No person shall be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state the full name, social security number, residence, and age of the applicant, and shall state whether the applicant has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, and whether he the person has any history of mental illness or repeated acts of violence. Any person who knowingly

makes a false statement on such application commits an aggravated misdemeanor.

Sec. 25. Section two thousand six hundred two (2602):

SEC. 2602. NEW SECTION. INCEST. A person, except a child as defined in this Act chapter, who has sexual intercourse with any person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class D felony.

Sec. 26. Section two thousand six hundred four (2604):

SEC. 2604. NEW SECTION. HUSBAND OR WIFE MAY BE WITNESS. In all prosecutions under ~~section~~ sections two thousand six hundred three (2603), two thousand six hundred five (2605), or two thousand six hundred six (2606) of this Act chapter, the husband or wife shall be a competent witness for the state and may testify to any relevant acts or communications between them, anything in previous statutes to the contrary notwithstanding, provided, however, that no husband or wife shall be called or compelled to testify against the other under section two thousand six hundred three (2603), two thousand six hundred five (2605), or two thousand six hundred six (2606) of this Act chapter except upon consent of such witness.

Sec. 27. Section two thousand six hundred six (2606):

SEC. 2606. NEW SECTION. WANTON NEGLECT OF A ~~CHILD~~ MINOR. A person who is the parent or adoptive parent or any person having custody of any ~~child-under-the-age-of-eighteen-years~~ minor commits wanton neglect of a child minor when the person does any of the following:

1. The person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of such child minor.

A parent or adoptive parent or person having custody who provides his or her minor child exclusively with nonmedical treatment by a religious method of healing permitted under the laws of this state shall not, for this reason alone, be

considered in violation of this subsection.

2. The person abandons such child minor to fend for himself or herself, knowing that the child minor is unable to do so.

Wanton neglect of a child minor is a serious misdemeanor.

Sec. 28. Section two thousand eight hundred one (2801), subsection seven (7):

7. "Sex act" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia ~~or of~~ another person or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 29. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), sections one hundred four (104), three hundred one (301), three hundred three (303), four hundred two (402), four hundred six (406), four hundred eight (408), four hundred nine (409), four hundred twenty-two (422), four hundred twenty-five (425), four hundred twenty-six (426), five hundred five (505), seven hundred two (702), seven hundred five (705), eight hundred one (801), eight hundred three (803), and eight hundred four (804), division ten (X), sections one thousand one hundred two (1102), one thousand one hundred three (1103), one thousand one hundred six (1106), one thousand one hundred eight (1108), one thousand two hundred two (1202), and one thousand two hundred three (1203), section one thousand three hundred two (1302), Rule fifty-three (53), division fourteen (XIV), sections one thousand four hundred one (1401), one thousand four hundred two (1402), one thousand four hundred three (1403), one thousand four hundred four (1404), one thousand four hundred five (1405), one thousand four hundred six (1406), one thousand four hundred seven (1407), one thousand four hundred nine (1409), one thousand four hundred ten (1410), one thousand four hundred eleven (1411), one thousand four hundred fifteen (1415), one thousand four hundred

seventeen (1417), one thousand four hundred nineteen (1419), one thousand four hundred twenty (1420), one thousand four hundred twenty-two (1422), one thousand four hundred twenty-three (1423), one thousand four hundred twenty-four (1424), one thousand four hundred twenty-five (1425), one thousand four hundred twenty-six (1426), one thousand four hundred twenty-seven (1427), one thousand five hundred seven (1507), one thousand six hundred four (1604), and one thousand nine hundred one (1901), are amended by sections thirty (30) through seventy-eight (78) of this Act as follows:

Sec. 30. Section one hundred four (104), subsection seven (7), paragraphs b, c, and f:

b. Marshals and policemen of cities and towns.

c. ~~Special-agents-appointed-by-the-commissioner-of-public safety-and Peace officer~~ members of the department of public safety, ~~except members of the clerical force,~~ as defined in ~~chapter ninety-seven-A-point-one-(97A-1),~~ subsection two (2) ~~chapter eighty (80)~~ of the Code.

~~f. Employees of the director of the department of general services pursuant to section eighteen-point-twelve-(18-12), subsection two (2) of the Code.~~

Sec. 31. Section one hundred four (104), by adding the following new subsection:

NEW SUBSECTION. "Indictable offense" means an offense other than a simple misdemeanor.

Sec. 32. Section three hundred one (301), subsection one (1), unnumbered paragraph one (1), and subsection two (2):

1. A person is subject to prosecution in this state for an offense which the person commits within or outside this state, by the person's own conduct or that of another for which he or she is legally accountable, if:

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a homicide murder victim is found within the state, the death is presumed to have occurred within the state.

Sec. 33. Section three hundred three (303), by striking subsection five (5) and inserting in lieu thereof the following:

5. If the offense is a traffic offense or a scheduled offense under section seven hundred fifty-three point fifteen (753.15) of the Code, section seven hundred fifty-three point twenty (753.20) of the Code shall apply.

Sec. 34. Section four hundred two (402):

SEC. 402. NEW SECTION. CONTENTS OF ARREST WARRANT. The warrant must be directed to any peace officer in the state; give the name of the defendant, if known, to the magistrate; if unknown, may designate "name unknown"; and must state by name or general description an offense which authorizes a warrant to issue, the date of issuing it, the county, or city, ~~ex-town~~ where issued, and be signed by the magistrate with the magistrate's name of office.

Sec. 35. Section four hundred six (406):

SEC. 406. NEW SECTION. PERSONS AUTHORIZED TO MAKE AN ARREST. An arrest pursuant to a warrant ~~may~~ shall be made only by a peace officer; in other cases, an arrest may be made by a peace officer or by a private person as provided in this division.

Sec. 36. Section four hundred eight (408), unnumbered paragraph two (2):

At the time of the ~~arrent~~ arrest, the law enforcement officer shall inform the person of:

Sec. 37. Section four hundred nine (409):

SEC. 409. NEW SECTION. INITIAL APPEARANCE OF ARRESTED MATERIAL WITNESS BEFORE MAGISTRATE--~~ARREST-OF-MATERIAL-WITNESS~~. The officer shall, without unnecessary delay, take the person arrested pursuant to section four hundred eight (408) of this chapter before the nearest and or most accessible magistrate to the place where the arrest occurred.

At the appearance before the magistrate, the law enforcement officer shall make a showing to the magistrate, by sworn affidavit, that probable cause exists to believe that a person is a necessary and material witness to a felony and that such

person might be unavailable for service of a subpoena. The magistrate may order the person released pursuant to chapter two (2), section one thousand one hundred two (1102) of this Act.

Sec. 38. Section four hundred twenty-two (422):

SEC. 422. NEW SECTION. INITIAL APPEARANCE BEFORE MAGISTRATE--ARREST BY WARRANT.

1. Any person arrested in obedience to a warrant shall, without unnecessary delay, be taken before the nearest and or most accessible magistrate to the place where the arrest occurred, and the officer must at the same time deliver to the magistrate the warrant, with the officer's return thereon endorsed and subscribed by the officer with his or her official title.

2. Where the offense be is bailable, the magistrate shall fix bail giving due consideration to the bail endorsed on the warrant or other conditions stipulated on the warrant for the defendant's appearance in the court which issued the warrant; if such person is not released on bail, the magistrate must redeliver the warrant to the officer, ~~the warrant~~ and the officer shall retain custody of the arrested person until his or her removal to appear before the magistrate who issued the warrant.

3. If the magistrate who issued the warrant is absent or unable to act, the arrested person shall be taken to the nearest and or most accessible magistrate in the judicial district where the offense occurred, and all documents on which the warrant was issued must be sent to such magistrate, or if they cannot be procured, the informant and his or her witnesses must be subpoenaed to make new affidavits.

Sec. 39. Section four hundred twenty-five (425):

SEC. 425. NEW SECTION. BAIL--DISCHARGE. Any magistrate ~~or clerk~~ who receives bail as provided for in sections four hundred twenty-two (422), subsection two (2), and four hundred twenty-three (423), subsection two (2), of this division shall endorse, on the order of commitment or on the warrant, an order for the discharge from custody of the arrested person,

who shall forthwith be discharged, and shall transmit by mail, or otherwise, as soon as it can be conveniently done, to the court at which the person is bound to appear, the affidavits, order of commitment or warrant, and discharge, together with the undertaking of bail.

Sec. 40. Section four hundred twenty-six (426):

SEC. 426. NEW SECTION. OFFICER'S RETURN. In all cases, the peace officer, when he or she takes a person committed to the officer under an order as provided in this division before a magistrate ~~or clerk of the district court~~, either for the purpose of giving bail, if bail be taken, or for trial or preliminary examination, must make his or her return on such order, and sign such return with his or her name of office, and deliver the same to the magistrate ~~or clerk~~.

Sec. 41. Section five hundred five (505):

SEC. 505. NEW SECTION. FAILURE TO APPEAR.

~~1~~ Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the original citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously. ~~This subsection shall not apply in any case in which the citation alleges a simple misdemeanor and in which the person cited has submitted bond as provided in subsection two (2) of this section.~~

~~2~~ In the case of a citation which alleges the commission of a simple misdemeanor and in which the person cited has submitted an appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code, the court

~~shall not issue an arrest warrant for failure to appear, but shall order a forfeiture of the bond as provided in subsection four (4) of section one thousand one hundred six (1106) of chapter two (2) of this Act.~~

Sec. 42. Section seven hundred two (702):

SEC. 702. NEW SECTION. FORM OF THE SUMMONS. The summons may be in substantially the following form:

County of _____ (as the case may be.)

"In the name of the people of the State of Iowa:

"To the (naming the corporation),

"You are hereby summoned to appear before me, at (naming the place) on (specifying the day and hour), to answer a charge made against you, upon the complaint of A.B., for (designating the offense, generally.)

"Dated at the city ~~(or town)~~ of _____, the _____ day of _____,

G. H. Magistrate"

(or as the case may be.)

Sec. 43. Section seven hundred five (705), subsection one (1):

1. The clerk of the court wherein such indictment is found or the information filed, or the judge, must issue a summons signed by him or her with his or her name of office, requiring such corporation to appear and plead to the indictment, at a time and place to be specified in such summons, such time to be not less than twenty days after the issue thereof. The summons may be substantially in the following form:

District Court, _____ County.

The People of the State of Iowa

vs.

The A. B. Company,

You are hereby summoned to appear in this court at (naming the place) on (stating the day and hour), and plead to an indictment filed against you by the grand jury of this county, on the _____ day of _____,

charging you with the crime of (designating the offense, generally), and in case of your failure to so appear and answer, judgment will be pronounced against you.

Dated at the city ~~(or-town)~~ of _____,
the _____ day of _____,
C.D.,

Clerk of the District Court.
(or by order of the court)

Sec. 44. Section eight hundred one (801), subsection one (1):

1. "Search warrant" means an order in writing pursuant to the requirements of section eight hundred three (803) of this chapter, in the name of the state, signed by a magistrate, and directed to a peace officer commanding him or her to search a person, premises, or thing.

Sec. 45. Section eight hundred three (803):

SEC. 803. NEW SECTION. APPLICATION FOR SEARCH WARRANTS. Any person may make application for the issuance of a search warrant by submitting before any magistrate a written application, supported by the person's oath or affirmation, and setting forth therein facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that such grounds exist. The application shall describe the person, place, or thing to be searched and the property to be seized with such specificity so as to enable an independent reasonable man with reasonable effort to ascertain and identify such person, place, or thing. If the magistrate thereafter issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue such warrant together with the abstract of each witness' testimony, or his or her affidavit. However, if the grounds for issuance ~~is~~ are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given.

The magistrate may in his or her discretion require that any witness upon whom the applicant relies for information ~~to~~ appear personally and be examined concerning such information.

Sec. 46. Section eight hundred four (804):

SEC. 804. NEW SECTION. ISSUANCE. Upon a finding of probable cause for grounds to issue a search warrant, the magistrate shall issue a warrant, signed by the magistrate with his or her name of office, directed to any authorized person peace officer, commanding ~~the-person that peace officer~~ forthwith to search the named person, place, or thing within the state for the property specified, and to bring any property seized before the magistrate.

Sec. 47. Division ten (X), title:

BENEFITS-AND NONTESTIMONIAL IDENTIFICATION

Sec. 48. Section one thousand one hundred two (1102), subsection six (6), paragraphs a and b:

a. A defendant who is detained, or whose release on a condition requiring the defendant to return to custody after specified hours is continued, after review of the defendant's application pursuant to subsections three (3) or five (5) of this section, by a magistrate, other than a district ~~court~~ judge or district associate judge having original jurisdiction of the offense with which he the defendant is charged, may make application to a district ~~court~~ judge or district associate judge having jurisdiction to amend the order. Said motion shall be promptly set for hearing and a record made thereof.

b. In any case in which a court denied a motion under paragraph a of this subsection to amend an order imposing conditions of release, or a defendant is detained after conditions of release have been imposed or amended upon such a motion, an appeal may be taken ~~to-the-supreme-court~~ from the district court. The appeal shall be determined summarily, without briefs, on the record made. However, the defendant may elect to file briefs and may be heard in oral argument, in which case the prosecution shall have a right to respond as in an ordinary appeal from a criminal conviction. The

supreme appellate court may, on its own motion, order the parties to submit briefs and set the time in which such briefs shall be filed. Any order so appealed shall be affirmed if it is supported by the proceeding below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the defendant released pursuant to subsection one (1) of this section.

Sec. 49. Section ~~one thousand one hundred three~~ (1103), subsection one (1):

1. Insurance companies doing business in this state under the provisions of section five hundred fifteen point forty-eight (515.48), subsection two (2) of the Code, may act as surety. Resident property owners of property which is located within the state, and which is worth the amount specified in the undertaking, may act as surety, and must in all cases justify by an affidavit taken before an officer authorized to administer oaths that such surety possesses such qualifications.

Sec. 50. Section one thousand one hundred six (1106), subsections one (1), three (3), and four (4):

1. A defendant released pursuant to this division shall appear at arraignment, trial, judgment, or such other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when his or her personal appearance is lawfully required, or to surrender himself or herself in execution of the judgment, the court must direct an entry of such failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of such entry, except as provided in rule ~~forty-three-(43)~~ fifty-three (53), rules of criminal procedure, the court shall direct the sheriff of the county to give ten days' notice in writing to the defendant and his or her sureties to appear and show cause, if any, why judgment should not be entered for the amount of such bail. If such appearance is not made, judgment shall be entered by the court. If such appearance is made, the

court shall set the case down for immediate hearing as an ordinary action.

3. The court may, upon application, set aside such judgment if, within sixty days from the date thereof, the defendant shall voluntarily surrender himself or herself to the sheriff of the county, or his or her bondsmen sureties shall, at their own expense, deliver the defendant to the custody of the sheriff. Such judgment shall not be set aside, however, unless as a condition precedent thereto, the defendant and the defendant's sureties shall have paid all costs and expenses incurred in connection therewith.

~~4.--The provisions of subsections one-(1), two-(2) and three-(3) of this section shall not apply to a case in which a simple misdemeanor is charged by police citation pursuant to section five hundred five-(505) of chapter two-(2) of this Act or by uniform citation and complaint pursuant to section seven hundred fifty three point fifteen-(753.15) of the Code, and in which the defendant has submitted appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty one point one-(321.1) of the Code.--Where a defendant fails to appear as required in such a case, the court shall enter a judgment of forfeiture of the bond which shall be final upon entry and shall not be set aside.~~

Sec. 51. Section one thousand one hundred eight (1108):

SEC. 1108. NEW SECTION. SURRENDER OF DEFENDANT.

1. At any time before the forfeiture of ~~the defendant's~~ the undertaking, the bail surety may surrender the defendant, or the defendant may surrender himself or herself, to the officer to whose custody the defendant was committed at the time of giving bail, and such officer shall detain the defendant as upon a commitment and must, upon such surrender and the receipt of a certified copy of the undertaking of bail, acknowledge the surrender by a certificate in writing.

2. Upon the filing of the undertaking and the certificate of the officer, or the certificate of the officer alone if money has been deposited instead of bail, the court or clerk

shall immediately order return of the money deposited to the person who deposited the same, or order an exoneration of the bondsman surety.

3. For the purpose of surrendering the defendant, the bail surety, at any time before finally charged and at any place within the state, may arrest the defendant, or, by a written authority endorsed on a certified copy of the undertaking, may empower any person of suitable age and discretion to do so.

Sec. 52. Section one thousand two hundred two (1202), subsection three (3):

3. The person shall be entitled to representation by counsel, including appointed counsel for indigent persons, and shall be entitled to the right of cross-examination and to present information, to testify, and to present witnesses in his or her own behalf.

Sec. 53. Section one thousand two hundred three (1203):

SECTION 1203. NEW SECTION. MENTAL INCOMPETENCY OF ACCUSED. If at any stage of a criminal proceeding it reasonably appears that the defendant is suffering from a mental disorder which prevents him or her from appreciating the charge against him, understanding the proceedings, or assisting effectively in his the defense, further proceedings must be suspended and a hearing had upon that question.

Sec. 54. Section one thousand three hundred two (1302), Rule fifty-three (53):

Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE. In a specified simple misdemeanor other than one charged upon a uniform citation and complaint a court may accept a forfeiture of collateral security in lieu of appearance, as a proper disposition of a case, ~~except for nonscheduled traffic violations~~. Each judicial district, by action of a majority of the district judges, may determine the misdemeanors subject to such disposition and promulgate by rule a list of same and disseminate to all magistrates in the district. A copy of such rule shall be transmitted to the clerk of the supreme court. Prior to termination of the case by forfeiture under

this rule, the defendant must execute a written request for same. Unless vacated upon application within thirty days of the forfeiture, such forfeiture shall constitute a conviction in satisfaction.

In the event a simple misdemeanor is charged upon the uniform citation and complaint defined in section seven hundred fifty-three point thirteen (753.13) of the Code and the defendant either has submitted unsecured appearance bond as provided in that section or has submitted bail as provided in subsection three (3) of section seven hundred fifty-three point sixteen (753.16) of the Code, the court may enter a conviction pursuant to his or her written appearance and may enter a judgment of forfeiture of the collateral in satisfaction of the judgment and sentence; provided that if the defendant submitted unsecured appearance bond or if bail remains uncollected, execution may issue upon the judgment of the court at any time after entry of the judgment.

Sec. 55. Division fourteen (XIV), title:

~~APPEALS IN THE SUPREME COURT~~ FROM THE DISTRICT COURT

Sec. 56. Section one thousand four hundred one (1401):

SECTION 1401. NEW SECTION. DEFINITION OF APPEAL AND DISCRETIONARY REVIEW. For the purposes of this division, unless the context otherwise requires:

1. "Appeal" is the right of both the defendant and the state to have specified actions of the ~~lower~~ district court considered by ~~the supreme~~ an appellate court.

2. "Discretionary review" is the process by which ~~the supreme an appellate~~ court may exercise its discretion, in like manner as under the rules pertaining to interlocutory appeals and certiorari in civil cases, to review specified matters not subject to appeal as a matter of right. The supreme court may adopt additional rules to control access to discretionary review.

Sec. 57. Section one thousand four hundred two (1402):

SEC. 1402. NEW SECTION. PARTIES--HOW DESIGNATED ON APPEAL. The party seeking review shall be known as the appellant and the adverse party as the appellee, but the title of the action

shall not be changed from that in the district court below.

Sec. 58. Section one thousand four hundred three (1403):

SEC. 1403. NEW SECTION. APPEALS IN CASES INVOLVING MORE THAN ONE DEFENDANT. When defendants are tried jointly, they may seek discretionary review or may appeal separately or they may join. The supreme appellate court may, in the interest of justice, consolidate appeals or applications for discretionary review.

Sec. 59. Section one thousand four hundred four (1404):

SEC. 1404. NEW SECTION. PERFECTION OF AN APPEAL AND APPLICATION FOR DISCRETIONARY REVIEW. An appeal is perfected by filing a written notice within sixty days after judgment or order with the clerk of the district court wherein the judgment or order was issued. Application for discretionary review is made by filing a written notice within ten days after judgment or order with the clerk of the district court wherein the judgment or order was issued.

Sec. 60. Section one thousand four hundred five (1405), subsection one (1), unnumbered paragraph one (1):

Appeal Right of appeal is granted the state from:

Sec. 61. Section one thousand four hundred six (1406), subsection one (1), unnumbered paragraph one (1) and paragraph b:

Appeal Right of appeal is granted the defendant from:

b. An order for the commitment of the defendant for insanity or drug addiction, ~~or an order for the indeterminate commitment of the defendant as a mentally disordered sex offender.~~

Sec. 62. Section one thousand four hundred seven (1407):

SEC. 1407. NEW SECTION. DUTY OF CLERK WHEN APPEAL IS PERFECTED OR APPLICATION MADE. When an appeal or an application for discretionary review is filed, the clerk of the court in which the judgment or order was rendered shall:

1. Immediately prepare and transmit to the adverse party and his or her attorney of record, and if the defendant is the moving party, to the attorney general and the clerk of the supreme appellate court, a true copy of the notice of appeal or application, together with the date of filing.

2. Immediately prepare and transmit to the clerk of the supreme appellate court and the attorney general a transcript of all record entries relevant to the appeal or application, together with copies of all papers in the case on file in the clerk's office, except those returned by the examining magistrate on the preliminary examination, all duly certified under seal of his or her court.

Sec. 63. Section one thousand four hundred nine (1409):

SEC. 1409. NEW SECTION. INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a defendant in a criminal cause has perfected an appeal from a judgment against him or her and shall satisfy the judge of the lower district court that he or she is indigent, such judge may order the transcript made at the expense of the county where the defendant was tried. When an attorney of record is representing such indigent, said attorney shall make application to the lower district court for the transcript.

Sec. 64. Section one thousand four hundred ten (1410):

SEC. 1410. NEW SECTION. INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause has been granted discretionary review from an action of a lower the district court ~~by the supreme court~~ and the supreme appellate court deems a transcript or portions thereof are necessary to proper review of the question or questions raised, the ~~judge of the lower~~ district court shall order the transcript made at the expense of the county where the defendant was tried, if the defendant is indigent.

Sec. 65. Section one thousand four hundred eleven (1411):

SEC. 1411. NEW SECTION. INDIGENT'S RIGHT TO COUNSEL. An indigent defendant is entitled to appointed counsel on the appeal of all indictable offenses. Such appointment is subject to the ~~rules and regulations which are or may be promulgated by~~ of the supreme court ~~of the state~~.

Sec. 66. Section one thousand four hundred fifteen (1415):

SEC. 1415. NEW SECTION. APPEALS AND APPLICATIONS, WHEN DOCKETED, WHEN DETERMINED. When a proper appeal is perfected in a criminal case and the clerk's transcript of the record

as required by section one thousand four hundred seven (1407) of this division is filed in the supreme appellate court, the cause shall be docketed. Such causes shall take precedence over other business, and the supreme appellate court shall hear and determine appeals in criminal actions at the earliest time it may be done considering the rights of parties and proper administration of justice. A similar rule shall apply to applications for discretionary review.

Sec. 67. Section one thousand four hundred seventeen (1417):

SEC. 1417. NEW SECTION. PERSONAL APPEARANCE OF THE DEFENDANT. The personal appearance of the defendant in the supreme appellate court on the trial of an appeal, or upon the hearing of a matter of discretionary review, is in no case necessary.

Sec. 68. Section one thousand four hundred nineteen (1419):

SEC. 1419. NEW SECTION. HEARING IN THE SUPREME APPELLATE COURT, RULES OF PROCEDURE. The record and case shall be presented to the supreme appellate court as provided by its rules in the rules of appellate procedure; and the provisions of law in civil procedure relating to the filing of decisions and opinions of the supreme appellate court shall apply in such cases.

Sec. 69. Section one thousand four hundred twenty (1420):

SEC. 1420. NEW SECTION. DECISIONS ON APPEALS OR APPLICATIONS BY DEFENDANT. An appeal or application taken by the defendant shall not be dismissed for an informality or defect in taking it if corrected as directed by the supreme appellate court. The supreme appellate court, after an examination of the entire record, may dispose of the case by affirmation, reversal or modification of the lower district court judgment. It may also dismiss the appeal or application if it determines that there has been no substantial miscarriage of justice, and no violation of the rights of the accused, and that the arguments do not present definite grounds for a hearing. The supreme appellate court may also order a new trial, or reduce the punishment, but cannot increase it.

Sec. 70. Section one thousand four hundred twenty-two (1422):

SEC. 1422. NEW SECTION. REVERSAL--EFFECT. If a judgment against the defendant is reversed, such reversal shall be deemed an order for a new trial, unless the supreme appellate court shall direct a different disposition. In reversing the case, the supreme appellate court may direct that the defendant be discharged and the defendant's bail exonerated, or if money is deposited instead, that it be returned to the defendant.

Sec. 71. Section one thousand four hundred twenty-three (1423):

SEC. 1423. NEW SECTION. AFFIRMANCE--EFFECT. On a judgment of affirmance against the defendant, the original judgment shall be carried into execution as the supreme appellate court shall direct.

Sec. 72. Section one thousand four hundred twenty-four (1424):

SEC. 1424. NEW SECTION. DECISION RECORDED AND TRANSMITTED. The decision of the supreme appellate court with any opinion filed or judgment rendered must be recorded by its clerk. After the expiration of the period allowed for a rehearing, or as ordered by the court or provided by its rules, a certified copy of the decision and opinion shall be transmitted to the clerk of the trial district court, filed and entered of record by the clerk.

Sec. 73. Section one thousand four hundred twenty-five (1425):

SEC. 1425. NEW SECTION. JURISDICTION OF APPELLATE COURT CEASES AFTER JUDGMENT. The jurisdiction of the supreme appellate court shall cease after the certified copy of the decision and opinion is transmitted to the clerk of the trial district court. All proceedings for executing the judgment shall be had in the trial district court or by its clerk.

Sec. 74. Section one thousand four hundred twenty-six (1426):

SEC. 1426. NEW SECTION. JUDGMENT ENFORCED. Unless some

proceeding in the district court is directed, ~~a copy~~ copies of the judgment of the ~~trial~~ district court and of the decision on appeal or review, or a copy of the judgment and decision on appeal or review, certified by the clerk of the ~~trial~~ district court, shall be delivered to the sheriff or proper officer as an execution. He shall be authorized to execute the judgment of the court, or take any legal measures required to bring the action to a conclusion.

Sec. 75. Section one thousand four hundred twenty-seven (1427):

SEC. 1427. NEW SECTION. TIME OF CONFINEMENT DEDUCTED. A defendant, confined during the pendency of an unsuccessful review or appeal, or convicted at a new trial ordered by the supreme appellate court, shall have the period of his or her former confinement deducted from the period of confinement fixed on the last verdict of conviction by the district court.

Sec. 76. Section one thousand five hundred seven (1507):

SEC. 1507. NEW SECTION. FEES TO ATTORNEYS. An attorney appointed by the court to represent any person charged with a crime in this state shall be entitled to a reasonable compensation which shall be the ordinary and customary charges for like services in the community to be decided in each case by the district ~~court~~ judge, including such sum or sums as the court may determine are necessary for investigation in the interests of justice and in the event of appeal the cost of obtaining the transcript of the trial and the printing of the trial record and necessary briefs in behalf of the defendant. Such attorney need not follow the case into another county or into the supreme appellate court unless so directed by the court at the request of the defendant, where grounds for further litigation are not capricious or unreasonable, but if such attorney does so his or her fee shall be determined accordingly. Only one attorney fee shall be so awarded in any one case except that in class A felony cases, two may be authorized.

Sec. 77. Section one thousand six hundred four (1604):

SEC. 1604. NEW SECTION. TRIAL OF FORMER JEOPARDY ISSUE.

When the defendant's only plea to the indictment is a former conviction or acquittal, the order of trial prescribed in rule eighteen (18), rules of criminal procedure, shall be reversed, and the defendant shall first offer ~~his~~ the evidence in support of ~~his~~ the defense.

Sec. 78. Section one thousand nine hundred one (1901), subsection two (2):

2. A judge of a court of record in the other state certifies under the seal of such court that there is a criminal action pending in such court or that a grand jury investigation has commenced; that a person residing or physically present within this state is a material witness in such action or grand jury investigation; and that ~~his~~ the person's presence will be required for a number of days which shall be specified in such certification.

Sec. 79. Chapter two (2) is amended by adding the following new section to division five (V):

SEC. ____ . NEW SECTION. OTHER CITATION FORMS. The provisions of sections three hundred twenty-one point four hundred eighty-five (321.485) through three hundred twenty-one point four hundred eighty-seven (321.487) of the Code shall govern with respect to offenses charged in the manner provided in section three hundred twenty-one point four hundred eighty-five (321.485) of the Code. The provisions of chapter seven hundred fifty-three (753) of the Code shall govern with respect to offenses chargeable upon a uniform citation and complaint.

Sec. 80. Chapter two (2) is amended by adding the following new section to division eleven (XI):

SEC. ____ . NEW SECTION. FORFEITURE OF APPEARANCE BOND. Sections one thousand one hundred six (1106), one thousand one hundred seven (1107), and one thousand one hundred eight (1108) of this chapter shall not apply in a case where a scheduled offense is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section seven hundred fifty-three point twenty-one (753.21) of the Code, or guaranteed

arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code. When a defendant fails to appear as required in such cases, the court shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside.

Sec. 81. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), sections one hundred two (102), one hundred five (105), three hundred three (303), six hundred four (604), six hundred eight (608), six hundred fourteen (614), seven hundred two (702), seven hundred three (703), seven hundred seven (707), seven hundred eight (708), eight hundred five (805), eight hundred six (806), and eight hundred eight (808), are amended by sections eighty-two (82) through ninety-four (94) of this Act as follows:

Sec. 82. Section one hundred two (102), unnumbered paragraph one (1):

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any public offense may be rendered, the court shall receive from the state 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, ~~and, if the offense is a felony, shall order that a presentence investigation be made. -- If the offense is not a felony, the court may, in its discretion, order that a presentence investigation be made whenever the maximum period of confinement which may be imposed is in excess of thirty days.~~ The court shall order a presentence investigation when the offense is a class B, class C, or class D felony. The court may order a presentence investigation when the offense is an aggravated or serious misdemeanor.

Sec. 83. Section one hundred five (105), subsection two (2):

2. If the defendant is ~~neither a dangerous offender nor an incorrigible~~ not an habitual offender as defined by sections ~~section~~ two hundred eight (208) ~~and two hundred ten (210)~~

of this chapter, the court may pronounce judgment and impose a fine.

Sec. 84. Section three hundred three (303):

SEC. 303. NEW SECTION. WORK-RELEASE. The court may direct that a prisoner, sentenced to confinement for ninety days or less, or a prisoner who has served all but ninety days or less of his or her sentence, be released from custody during specified hours, as provided by sections three hundred fifty-six point twenty-six (356.26) through three hundred fifty-six point ~~thirty-six (356.36)~~ thirty-five (356.35) of the Code.

Sec. 85. Section six hundred four (604):

SEC. 604. NEW SECTION. PAROLE PROCEDURE. Within one year after the commitment of any person other than a class A felon to the custody of the director of the division of adult corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider his or her prospects for parole. At such time, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of such person, the person's conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of his or her sentence. Every person while on parole shall be under the supervision of the department of social services, which shall prescribe regulations for governing persons on parole. The board may adopt ~~such~~ other rules not inconsistent with the above as it may deem proper or necessary for the performance of its functions.

Sec. 86. Section six hundred eight (608), headnote:
CLOTHING, TRANSPORTATION, AND MONEY.

Sec. 87. Section six hundred fourteen (614):

SEC. 614. NEW SECTION. PAROLE TIME COUNTED. The time when a prisoner is on parole from the institution shall be held to apply upon the sentence against the parolee even if the parole is subsequently revoked, except that the time when the parolee is in violation of the terms of his the parole agreement shall not apply upon the sentence.

The time when a prisoner is absent from the institution by reason of an escape shall not apply upon the sentence against the prisoner.

Sec. 88. Section seven hundred two (702), subsection one (1), is amended by striking paragraph b.

Sec. 89. Section seven hundred three (703):

SEC. 703. NEW SECTION. DEFERRED JUDGMENT DOCKET. Any deferment of judgment under ~~this-subsection~~ section seven hundred two (702) of this chapter shall be reported promptly to the supreme court administrator who shall maintain a permanent record thereof including the name of the defendant, the district court docket number, the nature of the offense, and the date of the deferment. Before granting deferment in any case, the court shall request of the supreme court administrator a search of the deferred judgment docket and shall consider any prior record of a deferment of judgment against the defendant. The permanent record provided for in this ~~subsection~~ section shall constitute a confidential record exempted from public access under section sixty-eight A point seven (68A.7) of the Code and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges, and judicial magistrates requesting information pursuant to this ~~subsection~~ section.

Sec. 90. Section seven hundred seven (707), subsection three (3), unnumbered paragraph two (2):

In each case wherein the court shall order said person committed to the custody, care, and supervision of the

probation and parole service, the clerk of the district court shall at once furnish the chief parole officer with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the chief parole officer, by letter, that the defendant has been placed under the supervision of the probation and parole service and give to the chief parole officer a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the probation and parole service for the defendant's employment and he or she has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to his or her whereabouts.

Sec. 91. Section seven hundred eight (708):

SEC. 708. NEW SECTION. DISCHARGE FROM PROBATION. At any time that the court determines that the purposes of probation have been fulfilled, the court may order the discharge of any person from probation. At the expiration of the period of probation, in cases where the court fixes the term of probation, the court shall order the discharge of such person from probation, and the court shall forward to the governor a recommendation for or against restoration of citizenship rights to such person. A person who has been discharged from probation shall no longer be held to answer for his or her offense. Upon discharge from probation, if judgment has been deferred under section seven hundred two (702) of this division, the court's criminal record with reference to the deferred judgment shall be expunged. The record maintained by the supreme court administrator as required by section seven hundred three (703) of this division

shall not be expunged. The court's record shall never not be expunged in any other circumstances except-as-provided in-section-six-hundred-two-point-fifteen-(602-45)-of-the-Code.

Sec. 92. Section eight hundred five (805):

SEC. 805. NEW SECTION. WAIVER OF PROBABLE CAUSE HEARING.

The alleged parole violator may waive the probable cause hearing, in which event the magistrate shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the magistrate shall inform the alleged violator of the charge against-him-or-her, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that he-or-she-has-violated-his-or-her parole has been violated, and that if the alleged-violator-waives the hearing that-he-or-she is waived, the alleged violator will be committed to the custody of the department of social services without further proceedings, to await the determination of his-future-status-by the parole board. The magistrate shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 93. Section eight hundred six (806):

SEC. 806. NEW SECTION. DISPOSITION BY MAGISTRATE. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of his-or-her parole, the magistrate shall order the arrested person to be released from custody and continued on parole. If it appears that there is probable cause to believe that the arrested person has violated the conditions of his-or-her parole, the magistrate shall commit the arrested person to the custody of the department of social services, and the procedure prescribed in section one hundred seven (107) of this chapter shall apply to such commitment; or the magistrate may admit the arrested person to bail as provided in section eight hundred two (802) of this chapter. The magistrate shall make a summary of the testimony and other evidence considered by-the-liaison-officer and a statement of the facts relied on by-the-liaison-officer as a basis for his-or-her the finding of probable cause or no probable cause, and shall without

delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged parole violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 94. Section eight hundred eight (808):

SEC. 808. NEW SECTION. PROCEEDING WITHOUT ARREST. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on such charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the magistrate on a finding of no probable cause. The presence of the alleged violator at such hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and his-or-her the parole officer shall give the alleged violator such assistance as he-or-she-may-need is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If he-or-she the alleged violator fails without good cause to appear as commanded by the summons, such failure shall be considered a violation of the parole, and the board may proceed to revoke his-or-her parole. If the parole is revoked, the board shall issue a warrant for his-or-her the person's arrest and return to the custody of the department of social services. Upon his or her return to custody, the board shall, upon request, give him-or-her the person an opportunity to present any matters in defense or mitigation of his the conduct if-he-so-requests.

Sec. 95. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections seventy-eight (78), one hundred forty (140), two hundred thirty-one (231), two hundred forty-two (242), two hundred eighty-one (281), three hundred twenty-nine (329), three hundred seventy-eight (378), four hundred ninety-one (491), five hundred sixteen (516), five hundred seventeen (517), five hundred eighteen (518), five

hundred nineteen (519), and five hundred twenty-five (525), are amended by sections ninety-seven (97) through one hundred three (103), and sections one hundred five (105) through one hundred eleven (111) of this Act as follows:

Sec. 96. Section ninety-nine B point eleven (99B.11), subsection two (2), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. Cribbage, bridge, chess, checkers, dominoes, pinochle and similar contests, leagues or tournaments. The provisions of this paragraph are retroactive to August 15, 1975.

Sec. 97. Section seventy-eight (78), amending section one hundred three A point twenty-one (103A.21), subsection two (2), unnumbered paragraph two (2) of the 1975 Code:

~~Violations of this section shall be simple misdemeanors, and magistrates and district associate judges courts shall have exclusive jurisdiction to originally hear and determine charges of violations.~~

Sec. 98. Section one hundred forty (140), amending section one hundred thirty-five C point twenty-one (135C.21) of the 1975 Code is amended by striking the section and inserting in lieu thereof the following:

SEC. 140. Section one hundred thirty-five C point twenty-one (135C.21), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Any person establishing, conducting, managing, or operating any health care facility without a license shall be guilty of a serious misdemeanor ~~and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not more than six months, or both.~~ Each day of continuing violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. Any such person establishing, conducting, managing or operating any health care facility without a license may be by any court of competent jurisdiction temporarily or permanently restrained

therefrom in any action brought by the state.

2. Any person who prevents or interferes with or attempts to impede in any way any duly authorized representative of the department or of any of the agencies referred to in section 135C.17 in the lawful enforcement of this chapter or of the rules adopted pursuant to it is guilty of a simple misdemeanor ~~and, upon conviction, shall be subject to a fine of not less than fifty nor more than five hundred dollars or imprisonment in the county jail for not more than ninety days or both.~~ As used in this subsection, lawful enforcement includes but is not limited to:

Sec. 99. Section two hundred thirty-one (231), amending section two hundred four point four hundred ten (204.410) of the 1975 Code:

SEC. 231. Section two hundred four point four hundred ten (204.410), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver a controlled substance, if the prosecution proves that the defendant violated the provisions of section two hundred four point four hundred one (204.401), subsection one (1), of the Code, but fails to prove that the defendant delivered or possessed with intent to deliver the controlled substance for the purpose of making a profit, the defendant shall be guilty of an accommodation offense and shall be sentenced as if ~~he had been~~ convicted of a violation of section two hundred four point four hundred one (204.401), subsection three (3) of the Code. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver a controlled substance in violation of section two hundred four point four hundred one (204.401), subsection one (1), of the Code.

The effective date of this section shall be July 1, 1976.

Sec. 100. Section two hundred forty-two (242), amending section two hundred seventeen point fourteen (217.14), subsection seven (7), unnumbered paragraph two (2) of the

1975 Code:

SEC. 242. Section two hundred seventeen point fourteen (217.14), subsection seven (7), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The commissioner of social services may establish for any inmate sentenced pursuant to chapter three (3), section two hundred ~~two-(202)~~ three (203) of this Act a furlough program under which inmates sentenced to and confined in an institution under the jurisdiction of the department of social services may be temporarily released. Furloughs for a period not to exceed fourteen days may be granted when an immediate member of the inmate's family is seriously ill or has died, when an inmate is to be interviewed by a prospective employer, or when an inmate is authorized to participate in a training program not available within the institution. Furloughs for a period not to exceed fourteen days may also be granted in order to allow the inmate to participate in programs or activities that serve rehabilitative objectives. The commissioner of social services shall promulgate rules ~~and-regulations~~ to carry out the provisions of this paragraph.

SEC. 101. Section two hundred eighty-one (281), amending section three hundred twenty-one point two hundred eighteen (321.218) of the 1975 Code:

SEC. 281. Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended to read as follows:

321.218 DRIVING WHILE LICENSE DENIED, SUSPENDED OR REVOKED. Any person whose operator's or chauffeur's license or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a simple misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of chapter three (3), section 709A-4 seven hundred two (702) of this Act or any other provision of statute. The department, upon receiving the

record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was suspended or revoked, shall extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during such additional period.

SEC. 102. Section three hundred twenty-nine (329), amending section three hundred fifty-six A point three (356A.3) of the 1975 Code:

SEC. 329. Section three hundred fifty-six A point three (356A.3), Code 1975, is amended to read as follows:

356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any ~~municipal~~ ~~or~~ district court judge may sentence and commit a person to a facility established and maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A district court judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon his or her own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the ~~detention~~ detention or commitment; that the detained or committed person shall abide by the terms and conditions of this chapter and the rules ~~and-regulations~~ of the facility to which committed or transferred. The order shall be read to the detained, committed or transferred person in open court. The committing court or a district court judge may order any person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines such person has been refractory, or disorderly, has willfully destroyed or injured any property in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules ~~and-regulations~~ of the facility wherein the person was detained or committed. Any violations of the order of detention, commitment, or transfer shall further be punished as contempt of court

pursuant to chapter 665. The provisions of chapter one (1), section one thousand nine hundred four (1904) of this Act shall be applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged shall be liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining such person in the facility. The county's expense shall be levied and paid out of the court expense fund pursuant to section 444.10.

Sec. 103. Section three hundred seventy-eight (378), amending section four hundred seventy-seven point fifteen (477.15) of the 1975 Code, is amended by striking section three hundred seventy-eight (378) and inserting in lieu thereof the following:

SEC. 378. Section three hundred twenty-seven F point nine (327F.9), Code 1977, is amended to read as follows:

327F.9 VIOLATIONS. Any railroad corporation operating a train or engine using any freight car, caboose, or other car contrary to the provisions of sections 327F.6 and 327F.7 shall be guilty of a public offense and shall be subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense, and moneys so collected shall be credited to the railroad assistance fund.

Sec. 104. Section six hundred two point forty-two (602.42), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. A member of a judicial magistrate nominating commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements shall be payable out of the court expense fund of the county in which the member serves, upon certification of such expenses to the county auditor by the district court clerk. Each judicial district may make rules under rule three hundred seventy-two (372) of the rules of civil procedure to provide for the administration of this subsection.

Sec. 105. Section four hundred ninety-one (491), amending

section six hundred seven point two (607.2) of the 1975 Code:

SEC. 491. Section six hundred seven point two (607.2), Code 1975, is amended by striking ~~subsections three-(3)-four-(4)-five-(5)-and subsection~~ six (6).

Sec. 106. Chapter four (4) is amended by striking section five hundred sixteen (516) and inserting in lieu thereof the following:

SEC. 516. Section seven hundred fifty-three point thirteen (753.13), Code 1977, and the division title immediately preceding that section are amended by striking those provisions and inserting in lieu thereof the following:

TRAFFIC AND SCHEDULED VIOLATIONS

753.13 UNIFORM CITATION AND COMPLAINT.

1. a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section seven hundred fifty-three point fifteen (753.15) of the Code to be scheduled violations. This subsection shall not be deemed to prevent the charging of any of those violations by information, by private complaint filed under the provisions of division four (IV) of chapter two (2) of this Act, or by a simple notice of fine where permitted by subsection one (1) of section three hundred twenty-one point two hundred thirty-six (321.236) of the Code. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section three hundred twenty-one point two hundred seven (321.207) of the Code when applicable. The uniform citation and complaint shall contain spaces for the parties names; the address of the alleged offender; the registration number of

the offender's vehicle; the information required by section five hundred two (502) of chapter two (2) of this Act; a promise to appear as provided in section five hundred three (503) of chapter two (2) of this Act and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section seven hundred fifty-three point fifteen (753.15) of the Code, either separately or by group, and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, shall be five dollars; a brief explanation of sections seven hundred fifty-three point sixteen (753.16) and seven hundred fifty-three point seventeen (753.17) of the Code; a space where the defendant may sign an admission of the violation when permitted by section seven hundred fifty-three point sixteen (753.16) of the Code; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine.

b. The uniform citation and complaint shall contain the following statement with a space immediately below it for the signature of the person being charged:

"I hereby give my unsecured appearance bond in the amount of _____ dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty plus court costs."

c. Unless the officer issuing the citation arrests the alleged offender, or permits admission or requires submission of bail as provided in subsection three (3) of section seven hundred fifty-three point sixteen (753.16) of the Code, the officer shall enter in the blank contained in the statement required by paragraph a of this subsection one of the following

amounts and shall require the person to sign the written appearance:

(1) If the offense is one to which a scheduled fine is applicable, an amount equal to one and one-half times the scheduled fine plus five dollars costs; or

(2) If the offense is one for which a court appearance is mandatory, the amount of one hundred dollars plus five dollars costs.

d. The written appearance defined in paragraph b of this subsection shall not be used for any offense other than a simple misdemeanor.

2. In addition to those violations which are required by subsection one (1) of this section to be charged upon a uniform citation and complaint, a violation of chapter three hundred twenty-one (321) of the Code which is punishable as a simple, serious, or aggravated misdemeanor may be charged upon a uniform citation and complaint, whether or not the alleged offender is arrested by the officer making the charge.

3. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the court expense fund of the county. Supplies of the uniform citation and complaint for all other agencies shall be paid for out of the budget of the agency concerned.

4. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified before the chief officer of the law enforcement agency, or his or her designee, and the chief officer of each law enforcement agency of the state is authorized to designate specific individuals to administer oaths and certify verifications.

5. The commissioner of public safety and the state conservation director, acting jointly, shall design and publish a compendium of scheduled violations and scheduled fines, containing other information which they deem appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the

department of public safety and out of the budget of the state conservation commission, each budget being liable for half of those costs. Copies shall be made available to individuals upon request, and a charge may be collected which does not exceed the cost of printing.

6. Nothing contained in this section shall be deemed to invalidate forms of uniform citation and complaint in existence prior to January 1, 1978. Existing forms may be used until supplies are exhausted.

Sec. 107. Section five hundred seventeen (517), amending section seven hundred fifty-three point fourteen (753.14), subsection two (2) of the 1975 Code:

2. COLLECTION BOXES. The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations. Such boxes shall be used solely for the deposit of fines and costs received upon written admissions of those scheduled violations applicable to commercial carriers. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or his or her designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

Sec. 108. Section five hundred eighteen (518), amending section seven hundred fifty-three point fifteen (753.15) of the 1975 Code, is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

SEC. 518. Section seven hundred fifty-three point fifteen (753.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

Sec. 109. Section five hundred eighteen (518), subsection one (1) and subsection two (2), paragraphs b, k, l and n, amending section seven hundred fifty-three point fifteen (753.15) of the 1975 Code:

1. Except as otherwise indicated, violations of sections of the Code specified in this section shall be scheduled violations, and the scheduled fine for each of those violations shall be as provided in this section, whether the violation

is of state law or of county resolution or city ordinance.

b. For registration violations under sections three hundred twenty-one point seventeen (321.17), three hundred twenty-one point thirty-two (321.32), three hundred twenty-one point thirty-four (321.34), three hundred twenty-one point thirty-seven (321.37), three hundred twenty-one point thirty-eight (321.38), three hundred twenty-one point forty-one (321.41), ~~three hundred twenty-one point ninety-eight (321.98)~~ and three hundred twenty-one point one hundred ninety (321.190) of the Code, the scheduled fine is five dollars. For violations of section three hundred twenty-one point one hundred ninety (321.190) of the Code, the case shall be dismissed without imposition of fine or costs if a license valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

k. For violations of traffic signs and signals, and for failure to obey an officer under sections three hundred twenty-one point two hundred twenty-nine (321.229), three hundred twenty-one point two hundred thirty-six (321.236), subsections two (2), and six (6), three hundred twenty-one point two hundred fifty-six (321.256), three hundred twenty-one point two hundred fifty-seven (321.257), subsections two (2) and three (3), three hundred twenty-one point two hundred fifty-eight (321.258), three hundred twenty-one point two hundred ninety-four (321.294), three hundred twenty-one point three hundred four (321.304), subsection three (3), three hundred twenty-one point three hundred twenty-two (321.322), three hundred twenty-one point three hundred forty-one (321.341), three hundred twenty-one point three hundred forty-two (321.342), three hundred twenty-one point three hundred forty-three (321.343), and three hundred twenty-one point three hundred forty-five (321.345) of the Code, the scheduled fine is twenty dollars.

l. For height, weight, length, width and load violations and towed vehicle violations under sections three hundred twenty-one point three hundred nine (321.309), three hundred twenty-one point three hundred ten (321.310), three hundred

twenty-one point three hundred eighty-one (321.381), three hundred twenty-one point three hundred ninety-four (321.394), three hundred twenty-one point four hundred thirty-seven (321.437), three hundred twenty-one point four hundred fifty-four (321.454), three hundred twenty-one point four hundred fifty-five (321.455), three hundred twenty-one point four hundred fifty-six (321.456), three hundred twenty-one point four hundred fifty-seven (321.457), three hundred twenty-one point four hundred fifty-eight (321.458), three hundred twenty-one point four hundred sixty-one (321.461), three hundred twenty-one point four hundred sixty-two (321.462), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code, the scheduled fine is twenty-five dollars. For weight violations under sections three hundred twenty-one point four hundred fifty-nine (321.459) and three hundred twenty-one point four hundred sixty-six (321.466) of the Code, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

n. For violation of intrastate hauling on foreign registration under sections three hundred twenty-one point fifty-four (321.54) and three hundred twenty-one point fifty-five (321.55) of the Code; use of registration under section three hundred twenty-one point ninety-nine (321.99) of the Code; and display of registration or plates under section three hundred twenty-one point ninety-eight (321.98) of the Code, the scheduled fine is twenty dollars.

For no evidence or improper evidence of intrastate authority carried or displayed under section three hundred twenty-five point thirty-four (325.34); operation of vehicle by an unqualified driver under sections three hundred twenty-five point thirty-four (325.34) and three hundred twenty-seven point twenty-two (327.22); and operating a vehicle in violation of maximum hours of service or failure to maintain and display evidence of hours of service under sections three hundred twenty-five point thirty-four (325.34) and three hundred twenty-seven point twenty-two (327.22) of the Code, the scheduled fine is twenty-five dollars.

For no or improper carrier identification markings under section three hundred twenty-seven B point one (327B.1) of the Code, the scheduled fine is fifteen dollars.

For no or improper evidence of interstate authority carried or displayed under section three hundred twenty-seven B point one (327B.1) of the Code, the scheduled fine is one hundred dollars.

Sec. 110. Section five hundred nineteen (519), amending section seven hundred fifty-three point sixteen (753.16) of the Code is amended by striking the section and inserting in lieu thereof the following:

SEC. 519. Section seven hundred fifty-three point sixteen (753.16), subsections one (1), two (2), and three (3), Code 1977, are amended to read as follows:

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, plus five dollars costs, to a traffic scheduled violations office in the county. The office shall, if the offense is a moving violation under chapter three hundred twenty-one (321) of the Code, forward a copy of the citation and complaint and admission to the commissioner-of-public-safety department of transportation as required by section 321.207. Thereupon the defendant shall not be required to appear before the court. The admission shall constitute a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time he or she is required to appear before the court, deliver or mail such copies, together with his or her admission, fine, and five dollars costs, to the traffic scheduled violations office in the county. The procedure, fine, and costs shall be the same as when the charge is by citation and complaint, with the admission and the number of the defendant's operator's or chauffeur's license placed upon the information when the violation involves the

use of a motor vehicle.

3. When section 753.15 and this section are applicable but the officer does not deem it advisable to release the defendant and no court in the county is in session:

a. If the defendant wishes to admit the violation, the officer may release the defendant upon observing him the person mail the citation and complaint, admission, and minimum fine, together with five dollars costs, to a traffic violations office in the county, in an envelope furnished by the officer. The admission shall constitute a conviction and judgment in the amount of the scheduled fine plus five dollars costs. The officer may allow the defendant to use a credit card pursuant to rules adopted pursuant to section 753.21 by the department of public safety or to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

b. If the defendant does not comply with paragraph "a" of this subsection, the officer may release the defendant upon observing him mail to a court in the county the citation and complaint and one and one-half times the minimum fine together with five dollars costs, or in lieu of one and one-half times the fine and the costs, a guaranteed arrest bond certificate as provided in section 321.1, subsection 71, as bail together with the following statement signed by the defendant:

"I agree that either (1) I will appear pursuant to this citation or (2) if I do not ~~so~~ appear ~~the amount deposited as bail will be forfeited~~ in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of one and one-half times the scheduled fine plus five dollars costs."

c. If the defendant does not comply with paragraph "a" or "b", or in any event when section ~~755.4~~ four hundred seven (407) of chapter two (2) of this Act is applicable, the officer

may arrest and confine the defendant if authorized by the latter section, and proceed with him according to ~~chapter 757-~~or~~-758~~ division four (IV) of chapter two (2) of this Act.

Sec. 111. Section five hundred twenty-five (525):

SEC. 525. Sections one hundred point thirty-seven (100.37), two hundred forty-five point fourteen (245.14), two hundred forty-six point nine (246.9), two hundred forty-six point ten (246.10), two hundred forty-six point twenty-three (246.23), two hundred forty-six point forty-four (246.44), two hundred forty-seven point one (247.1), two hundred forty-seven point two (247.2), two hundred forty-seven point three (247.3), two hundred forty-seven point four (247.4), two hundred forty-seven point five (247.5), two hundred forty-seven point six (247.6), two hundred forty-seven point seven (247.7), two hundred forty-seven point eight (247.8), two hundred forty-seven point nine (247.9), two hundred forty-seven point ten (247.10), two hundred forty-seven point eleven (247.11), two hundred forty-seven point twelve (247.12), two hundred forty-seven point thirteen (247.13), two hundred forty-seven point fourteen (247.14), two hundred forty-seven point fifteen (247.15), ~~two hundred forty-seven point sixteen (247.16)~~, two hundred forty-seven point seventeen (247.17), two hundred forty-seven point eighteen (247.18), two hundred forty-seven point nineteen (247.19), two hundred forty-seven point twenty-four (247.24), two hundred forty-seven point twenty-five (247.25), two hundred forty-seven point twenty-six (247.26), two hundred forty-seven point twenty-seven (247.27), two hundred forty-seven point twenty-eight (247.28), two hundred forty-seven point thirty-three (247.33), two hundred forty-seven A point six (247A.6), two hundred fifty-two point nineteen (252.19), two hundred eighty-seven point four (287.4), two hundred ninety-nine point twelve (299.12), three hundred twenty-one point seventy-six (321.76), three hundred twenty-one point seventy-seven (321.77), three hundred twenty-one point eighty (321.80), three hundred twenty-one point eighty-two (321.82), three hundred twenty-one point eighty-three (321.83), three hundred thirty-four point four

(334.4), three hundred thirty-eight point ten (338.10), three hundred forty-three point six (343.6), three hundred fifty-six point thirty-six (356.36), four hundred forty-one point fifty-three (441.53), four hundred fifty-four point twenty-seven (454.27), four hundred seventy-four point forty-one (474.41), ~~four-hundred-seventy-seven-point-fifty-eight (477.58)~~, ~~four-hundred-seventy-seven-point-fifty-nine (477.59)~~, ~~four-hundred-seventy-seven-point-sixty (477.60)~~, ~~four-hundred-seventy-nine-point-nineteen (479.49)~~, ~~four-hundred-seventy-nine-point-one-hundred-nine (479.409)~~, ~~four-hundred-seventy-nine-point-one-hundred-ten (479.410)~~, ~~four-hundred-seventy-nine-point-one-hundred-eleven (479.411)~~, ~~four-hundred-seventy-nine-point-one-hundred-twelve (479.412)~~, ~~four-hundred-seventy-nine-point-one-hundred-thirteen (479.413)~~, ~~four-hundred-seventy-nine-point-one-hundred-fourteen (479.414)~~, ~~four-hundred-seventy-nine-point-one-hundred-fifteen (479.415)~~, five hundred eleven point nineteen (511.19), five hundred fifty-two point three (552.3), six hundred two point fifteen (602.15), seven hundred thirteen point one (713.1), seven hundred thirteen point two (713.2), seven hundred thirteen point three (713.3), seven hundred thirteen point four (713.4), seven hundred thirteen point five (713.5), seven hundred thirteen point six (713.6), seven hundred thirteen point seven (713.7), seven hundred thirteen point eight (713.8), seven hundred thirteen point nine (713.9), seven hundred thirteen point ten (713.10), seven hundred thirteen point eleven (713.11), seven hundred thirteen point twelve (713.12), seven hundred thirteen point thirteen (713.13), seven hundred thirteen point fourteen (713.14), seven hundred thirteen point fifteen (713.15), seven hundred thirteen point sixteen (713.16), seven hundred thirteen point twenty-two (713.22), seven hundred thirteen point twenty-three (713.23), seven hundred thirteen point twenty-six (713.26), seven hundred thirteen point twenty-seven (713.27), seven hundred thirteen point twenty-eight (713.28), seven hundred thirteen point twenty-nine (713.29), seven hundred thirteen point thirty (713.30), seven hundred thirteen point thirty-one (713.31), seven hundred thirteen point thirty-two

(713.32), seven hundred thirteen point thirty-three (713.33), seven hundred thirteen point thirty-four (713.34), seven hundred thirteen point thirty-five (713.35), seven hundred thirteen point thirty-six (713.36), seven hundred thirteen point thirty-seven (713.37), seven hundred thirteen point thirty-eight (713.38), seven hundred thirteen point thirty-nine (713.39), seven hundred thirteen point forty (713.40), seven hundred thirteen point forty-one (713.41), seven hundred thirteen point forty-two (713.42), seven hundred thirteen point forty-three (713.43), seven hundred forty point one (740.1), seven hundred forty point two (740.2), seven hundred forty point three (740.3), seven hundred forty point four (740.4), seven hundred forty point five (740.5), seven hundred forty point six (740.6), seven hundred forty point seven (740.7), seven hundred forty point eight (740.8), seven hundred forty point nine (740.9), seven hundred forty point ten (740.10), seven hundred forty point eleven (740.11), seven hundred forty point twelve (740.12), seven hundred forty point nineteen (740.19), seven hundred forty point twenty (740.20), seven hundred fifty-three point one (753.1), seven hundred fifty-three point two (753.2), seven hundred fifty-three point three (753.3), seven hundred fifty-three point four (753.4), seven hundred fifty-three point five (753.5), seven hundred fifty-three point six (753.6), seven hundred fifty-three point seven (753.7), seven hundred fifty-three point eight (753.8), and seven hundred fifty-three point nine (753.9), Code 1975, are repealed.

Sec. 112. Chapter four (4) is amended by adding the following section after section four (4):

SEC. ____ . Section eighteen point five (18.5), Code 1977, is amended to read as follows:

18.5 PROHIBITED INTERESTS. The director shall not have any pecuniary interest, directly or indirectly, in any contract for supplies furnished to the state, or in any business enterprise involving any expenditure by the state. A violation of the provisions of this section shall be a serious misdemeanor, and on conviction thereof the director shall

~~be fined in a sum not exceeding one thousand dollars and removed from office in addition to any other penalty.~~

Sec. 113. Chapter four (4) is amended by adding the following section after section twenty-five (25):

SEC. ____ . Section fifty-six point twenty-nine (56.29), subsection five (5), Code 1977, is amended to read as follows:

5. Any person convicted of a violation of any of the provisions of this section shall be ~~subject to imprisonment in the county jail for not more than one year and by a fine not to exceed one thousand dollars~~ guilty of a serious misdemeanor.

Sec. 114. Chapter four (4) is amended by adding the following section after section twenty-eight (28):

SEC. ____ . Section sixty-eight B point eight (68B.8), Code 1977, is amended to read as follows:

68B.8 ADDITIONAL PENALTY. In addition to any penalty contained in any other provision of law, ~~any a~~ person who knowingly and intentionally violates the provisions of section 68B.3 through 68B.6 and this section shall be guilty of a serious misdemeanor and may be suspended from his or her position.

Sec. 115. Chapter four (4) is amended by adding the following section after section thirty-eight (38):

SEC. ____ . Section eighty-three A point thirteen (83A.13), subsection four (4), Code 1977, is amended to read as follows:

4. A person who falsifies information required to be submitted under this section shall be guilty of a simple misdemeanor ~~and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment for a period not to exceed thirty days or be punished by both such fine and imprisonment.~~

Sec. 116. Chapter four (4) is amended by adding the following sections after section sixty-nine (69):

SEC. ____ . Section ninety-nine B point two (99B.2), subsection three (3), Code 1977, is amended to read as follows:

3. Each licensee required by subsection 2 to maintain records shall submit quarterly reports to the department on

forms furnished by the department. The reports shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the three-month period for which the report is submitted. Failure to submit the quarterly reports shall constitute grounds for revocation of the license. Willful failure to submit quarterly reports is a serious misdemeanor.

SEC. ____ . Section ninety-nine B point six (99B.6), subsection one (1), paragraph k, Code 1977, is amended to read as follows:

k. No person under the age of eighteen years may participate in the gambling except pursuant to sections 99B.3, 99B.4, 99B.5 and 99B.7. Any licensee knowingly allowing a person under the age of eighteen to participate in the gambling prohibited by this paragraph or any person knowingly participating in such gambling with a person under the age of eighteen, shall be guilty of a simple misdemeanor ~~and upon conviction, be punished by imprisonment in the county jail for not more than thirty days and a fine of not more than one hundred dollars or both.~~

SEC. ____ . Section ninety-nine B point six (99B.6), subsection four (4), Code 1977, is amended to read as follows:

4. The holder of a license issued pursuant to this section and every agent of that licensee who is required by the licensee to exercise control over the use of the premises who knowingly permits or engages in acts or omissions which constitute a violation of subsection 1 commits a serious misdemeanor. A licensee has knowledge of acts or omissions if any agent of the licensee has knowledge of those acts or omissions.

SEC. ____ . Section ninety-nine B point nine (99B.9), subsection four (4), Code 1977, is amended to read as follows:

4. The holder of a license issued pursuant to this section and every agent of that licensee who is required by the licensee to exercise control over the use of the premises who knowingly permits acts or omissions which constitute a violation of subsection 1 commits a serious misdemeanor.

A licensee has knowledge of acts or omissions if any agent of the licensee has knowledge of those acts or omissions.

SEC. _____. Section ninety-nine B point fifteen (99B.15), Code 1977, is amended to read as follows:

99B.15 APPLICABILITY OF CHAPTER. It is the intent and purpose of this chapter to authorize gambling in this state only to the extent specifically permitted by a section of this chapter. Except as otherwise provided in this chapter, the knowing failure of any person to comply with the limitations imposed by this chapter constitutes unlawful gambling, a serious misdemeanor, which is punishable as provided in chapter 726.

SEC. _____. Section ninety-nine B point sixteen (99B.16), Code 1977, is amended to read as follows:

99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS. A licensee who willfully fails to maintain the records when required by section 99B.2, or who willfully fails to submit records when required by that section commits a serious misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both imprisonment and fine.

Sec. 117. Chapter four (4) is amended by adding the following section after section ninety (90):

SEC. _____. Section one hundred nine A point ten (109A.10), Code 1977, is amended to read as follows:

109A.10 PENALTIES. Whoever violates any of the provisions of this chapter shall be fined not less than ten dollars nor more than one hundred dollars or be imprisoned in the county jail not more than thirty days guilty of a simple misdemeanor.

Sec. 118. Chapter four (4) is amended by adding the following section after section ninety-four (94):

SEC. _____. Section one hundred ten B point six (110B.6), Code 1977, is amended to read as follows:

110B.6 PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a simple misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county

~~jail for not more than thirty days.~~

Sec. 119. Chapter four (4) is amended by adding the following sections after section one hundred ninety (190):

SEC. _____. Section one hundred seventy-two A point ten (172A.10), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person convicted of violating any provision of this chapter shall be ~~punished by a fine of not less than five hundred dollars nor more than two thousand five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment~~ guilty of a serious misdemeanor.

SEC. _____. Section one hundred seventy-two B point six (172B.6), Code 1977, is amended to read as follows:

172B.6 OFFENSES AND PENALTIES.

1. A person who is convicted of violating section 172B.2 ~~may be sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the county jail for a period not to exceed thirty days, or both the fine and imprisonment~~ shall be guilty of a simple misdemeanor.

2. A person who makes or utters a transportation certificate with knowledge that some or all of the information contained in the certificate is false, or a person who alters, forges, or counterfeits a transportation certificate, or the receipt prescribed in section 172B.4, commits a ~~public offense and upon conviction may be sentenced to a term in the state penitentiary not to exceed ten years, to a fine not to exceed five thousand dollars, or to both the fine and imprisonment~~ class C felony.

Sec. 120. Chapter four (4) is amended by adding the following section after section two hundred (200):

SEC. _____. Section one hundred eighty-five C point thirty-one (185C.31), Code 1977, is amended to read as follows:

185C.31 PENALTY. It is a simple misdemeanor for any person to willfully violate any provision of this chapter or for any person to willfully render or furnish a false or fraudulent report, statement, or record required by the

secretary.

Sec. 121. Chapter four (4) is amended by adding the following section after section two hundred twenty-six (226):

SEC. ____ . Section two hundred four point four hundred one (204.401), subsection three (3), Code 1977, is amended to read as follows:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor, ~~and upon conviction shall be punished by imprisonment in the county jail for not to exceed one year, or by a fine of not more than one thousand dollars, or both such imprisonment and fine.~~ If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. All or any part of a sentence imposed pursuant to this section may be suspended and the person placed upon probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court.

Sec. 122. Chapter four (4) is amended by adding the following section after section two hundred fifty (250):

SEC. ____ . Section two hundred thirty-seven A point nineteen (237A.19), Code 1977, is amended to read as follows:

237A.19 PENALTY. A person who establishes, conducts, manages, or operates a center without a license shall be guilty of a serious misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

Sec. 123. Chapter four (4) is amended by adding the following section after section two hundred fifty-seven (257):

SEC. ____ . Section two hundred fifty-two B point ten (252B.10), subsection one (1), Code 1977, is amended to read as follows:

1. Any person who willfully requests, obtains, or seeks to obtain paternity determination and support collection data available under section 252B.9 under false pretenses, or who willfully communicates or seeks to communicate such data to any agency or person except in accordance with this chapter, ~~shall, upon conviction, for each such offense be punished by a fine of not more than one thousand dollars or by imprisonment in the state penitentiary for not more than two years, or by both fine and imprisonment~~ be guilty of an aggravated misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate paternity determination and support collection data except in accordance with this chapter shall ~~for each such offense be fined not more than one hundred dollars or be imprisoned not more than ten days~~ be guilty of a simple misdemeanor.

Sec. 124. Chapter four (4) is amended by adding the following section after section two hundred seventy-eight (278):

SEC. ____ . Section three hundred twenty-one point one hundred ninety (321.190), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

It is a simple misdemeanor, punishable as provided in section 321.482, for any person:

Sec. 125. Chapter four (4) is amended by adding the following section after section two hundred eighty-one (281):

SEC. ____ . Section three hundred twenty-one point two hundred sixty-six (321.266), subsection four (4), Code 1977, is amended to read as follows:

4. Any carrier transporting hazardous materials by rail, air, water, or upon a public highway in this state, in the case of an accident involving the transportation of hazardous materials, shall immediately notify the police radio broadcasting system established by the commissioner of public safety pursuant to section 750.1 or shall notify a peace

officer of the county, township, or municipality in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the Iowa highway safety patrol. For purposes of this section "hazardous substances" shall mean hazardous substances as defined in the federal Transportation Safety Act of 1974 (Public Law 93-633, section 103). A person who violates any provision of this subsection shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 126. Chapter four (4) is amended by adding the following sections after section two hundred ninety (290):

SEC. ____ . Section three hundred twenty-one point four hundred eighty-five (321.485), Code 1977, is amended to read as follows:

321.485 NOTICE TO APPEAR--PROMISE TO APPEAR.

~~1. Except as provided in sections 753.43 to 753.20, when-~~
1. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this chapter punishable as a simple, serious, or aggravated misdemeanor, such officer may:

1 a. Immediately arrest such person and take him or her before a magistrate; or

2 b. Without arresting the person, either

~~a. (1)~~ Prepare a written citation to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number, if any, of his or her vehicle, the offense charged, and the time when and place where such person shall appear in court; or

~~b. (2)~~ Prepare a memorandum of the alleged traffic violation containing the name and address of such person, the registration number, if any, of his or her vehicle, the offense alleged to have been committed, and such other information as may be prescribed by the commissioner of public safety with the concurrence of the director.

2. If the officer prepares either a citation or a memorandum as provided in this section, the alleged offender

shall be requested to sign it. If the person signs, the person may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in the citation. A copy of the citation shall be presented to the person named therein. If a memorandum is prepared, the original shall be retained by the officer, and a copy shall be sent to the department, and a copy shall be presented to the person named therein.

3. For preparing the summons or memorandum referred to in paragraphs "a" or "b" of this subsection section, there shall be charged to the person named in the summons or memorandum, upon ~~his~~ conviction, a fee of two dollars. The fee shall be assessed as part of the court costs and shall be paid into the general fund of the county.

4. The number of copies and the form of the citations and memorandums authorized by this section shall be as prescribed by the commissioner of public safety with the concurrence of the director.

5. This section shall not apply to a traffic offense which must be charged upon a uniform citation and complaint as provided in section seven hundred fifty-three point thirteen (753.13) of the Code.

SEC. ____ . Section three hundred twenty-one point four hundred eighty-six (321.486), Code 1977, is amended to read as follows:

321.486 ~~PROMISE TO APPEAR--GUARANTEED-ARREST-BOND-CERTIFICATE AUTHORIZED BOND FORMS. In lieu of bail the magistrate may release the arraigned person upon his written promise to appear in court for trial at time and place designated by such magistrate.~~

When bond or bail is required under section one thousand one hundred two (1102) of chapter two (2) of this Act to guarantee appearance for any offense charged under this chapter, the following nonexclusive forms shall be permitted subject to the following limitations:

1. A current guaranteed arrest bond certificate as defined in section 321.1, subsection 71 shall be considered

sufficient surety if the defendant is charged with an offense where the penalty does not exceed two hundred dollars.

2. A valid credit card, as defined in section 537.1301, subsection 17, may be used and shall be sufficient surety when the defendant is charged with any scheduled offense under section 753.15. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A.

~~If the officer prepares either a citation or a memorandum as provided in section 324.485, the alleged offender shall be requested to sign the same, and if he does sign may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in said citation. A copy of the citation shall be presented to the person named therein. If memorandum is prepared, the original shall be retained by the officer, a copy sent to the department, and a copy presented to the person named therein.~~

Sec. 127. Chapter four (4) is amended by adding the following section after section three hundred fifty-two (352):

SEC. _____. Section four hundred twenty-five point thirty-six (425.36), Code 1977, is amended to read as follows:

425.36 DISCRIMINATION IN RENTALS OR RENT CHARGES. Discrimination by a landlord in the rental of or in rent charges for a homestead because the tenant has received or is eligible for reimbursement under this division is a simple misdemeanor and the punishment shall be the same as provided in section 425.29.

Sec. 128. Chapter four (4) is amended by adding the following section after section three hundred seventy-seven (377):

SEC. _____. Section four hundred seventy-six A point fourteen (476A.14), subsection three (3), Code 1977, is amended to read as follows:

3. Persons convicted of violating any provision of this chapter shall be guilty of a simple misdemeanor and shall be fined not more than one hundred dollars or be imprisoned

~~for not more than thirty days.~~

Sec. 129. Chapter four (4) is amended by adding the following section after section four hundred six (406):

SEC. _____. Section five hundred two point six hundred five (502.605), subsection one (1), Code 1977, is amended to read as follows:

1. Any person who willfully and knowingly violates any provision of this chapter, or any rule or order under this chapter, shall upon conviction be fined not more than five thousand dollars or imprisoned not more than three years, or both be guilty of a class D felony.

Sec. 130. Chapter four (4) is amended by adding the following section after section four hundred seventy-one (471):

SEC. _____. Section five hundred fifty-three point fourteen (553.14), Code 1977, is amended to read as follows:

553.14 CRIMINAL PENALTIES. A person or a natural person having substantial control over an enterprise who knowingly and willfully engages in conduct prohibited by this chapter shall be, upon conviction, fined not to exceed twenty-five thousand dollars, imprisoned in the county jail for not more than six months or both so fined and imprisoned guilty of a serious misdemeanor.

Sec. 131. Chapter four (4) is amended by adding the following sections after section four hundred eighty-three (483):

SEC. _____. Section six hundred point eight (600.8), subsection eleven (11), Code 1977, is amended to read as follows:

11. Any person who assists in or impedes the placement or adoption of a minor person in violation of the provisions of this section shall be, upon conviction, guilty of a simple misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

SEC. _____. Section six hundred point nine (600.9), subsection two (2), Code 1977, is amended to read as follows:

12. A natural parent shall not receive any thing of value as a result of the natural parent's child or former child

being placed with and adopted by another person, unless that thing of value is commensurate with some necessary service provided the natural parent in relation to childbirth, child raising, or delivering the child for adoption. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered. If the natural parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, each such person shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 132. Chapter four (4) is amended by adding the following section after section four hundred eighty-four (484):

SEC. _____. Section six hundred point sixteen (600.16), subsection four (4), Code 1977, is amended to read as follows:

4. Any person, other than the adopting parents or the adopted person, who discloses information in violation of the provisions of this section shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 133. Chapter four (4) is amended by adding the following sections after section five hundred five (505):

SEC. _____. Section seven hundred twenty-six point one (726.1), Code 1977, is amended to read as follows:

726.1 KEEPING GAMBLING HOUSES. Any person who keeps a house, shop, or place resorted to for the purpose of gambling, or permits any person in any house, shop, or other place under his or her control or care to conduct bookmaking or to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other thing, commits a serious misdemeanor.

SEC. _____. Section seven hundred twenty-six point three (726.3), Code 1977, is amended to read as follows:

726.3 GAMING AND BETTING--PENALTY. Any person who participates in any game for any sum of money or other property of any value, or who makes any bet or wager for money or other property of value, or who engages in bookmaking commits a serious misdemeanor.

Sec. 134. Chapter four (4) is amended by adding the following sections after section five hundred six (506):

SEC. _____. Section seven hundred twenty-six point eight (726.8), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If any person make or aid in making or establishing, or advertise or make public any scheme for any lottery; or advertise, offer for sale, sell, negotiate, dispose of, purchase, or receive any ticket or part of a ticket in any lottery or number thereof; or have in his or her possession any ticket, part of a ticket, or paper purporting to be the number of any ticket of any lottery, with the intent to sell or dispose of the same on his or her own account or as the agent of another, the person commits a serious misdemeanor.

SEC. _____. Section seven hundred twenty-six point fourteen (726.14), Code 1977, is amended to read as follows:

726.14 PENALTY. A person who commits an offense declared in this chapter or chapter 99B to be a misdemeanor shall be subject to imprisonment in the county jail for a period not exceeding one year, or to a fine not exceeding one thousand dollars, or to both fine and imprisonment guilty of a serious misdemeanor.

SEC. _____. Section seven hundred twenty-six point fifteen (726.15), Code 1977, is amended to read as follows:

726.15 PROTECTION MONEY PROHIBITED. Any officer or employee of this state, or of a county, city, or judicial district who asks for, receives or collects any money or other consideration for and with the understanding that the officer or employee will aid, exempt, or otherwise protect another person from detection, arrest or conviction of any violation of this chapter or chapter 99B commits a felony punishable by a fine not to exceed five thousand dollars or by

~~imprisonment-for-a-term-not-to-exceed-two-years,-or-by-both fine-and-imprisonment~~ an aggravated misdemeanor.

SEC. _____. Section seven hundred twenty-six point sixteen (726.16), Code 1977, is amended to read as follows:

726.16 COLLECTION SERVICE PROHIBITED. Any person who knowingly offers, gives or sells his or her services for use in collecting or enforcing any debt arising from gambling, whether or not lawful gambling, commits ~~a felony,-punishable by-a-fine-not-to-exceed-five-thousand-dollars-or-by imprisonment-for-a-term-not-to-exceed-two-years,-or-by-both fine-and-imprisonment~~ an aggravated misdemeanor.

Sec. 135. Chapter four (4) is amended by adding the following section after section five hundred seven (507):

SEC. _____. Section seven hundred forty point twenty-two (740.22), Code 1977, is amended to read as follows:

740.22 PUNISHMENT. A violation of section ~~740-20-or~~ 740.21 shall be ~~punishable-as~~ a serious misdemeanor.

Sec. 136. Chapter one thousand two hundred forty-two (1242), Acts of the Sixty-sixth General Assembly, 1976 Session, section one (1), codified as section seven hundred thirty-two point twenty-five (732.25) in the 1977 Code, is amended to read as follows:

SECTION 1. NEW SECTION. PAY TOILETS. No person shall make a charge or require any special device, key or slug for the use of a toilet located in a room provided for use of the public. Violation of this Act is a simple misdemeanor.

The Code editor shall codify this section in chapter one hundred thirty-five (135) of the Code.

Sec. 137. Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a simple misdemeanor ~~and-punished-by-a-fine-of-not-less-than-five-nor more-than-fifty-dollars.~~

Sec. 138. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section four hundred twenty-nine (429), is repealed.

Sec. 139. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections forty-six (46), forty-seven (47), three hundred eighty-two (382), four hundred two (402), four hundred three (403), four hundred four (404), four hundred five (405), four hundred six (406), four hundred eighty-three (483), and four hundred eighty-four (484), are repealed.

Sec. 140. Sections three hundred thirty-nine point five (339.5) and seven hundred thirteen point forty-five (713.45), Code 1977, are repealed.

Sec. 141. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 318, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved 7/10, 1977

ROBERT D. RAY
Governor