

FILED FEB 12 1986

HOUSE DOCUMENTS

SENATE FILE 2208

BY VILLSACK

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act establishing a public nuisance task force pilot project
 2 and making appropriations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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(An act establishing a public nuisance task force pilot project
 and making appropriations...)

S.F. 2208

1 Section 1. Section 331.756, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 58. Commence legal proceedings to enforce
4 laws, rules, or ordinances and prosecute violations related to
5 alcohol and drug nuisances pursuant to chapter 657B.

6 Sec. 2. NEW SECTION. 657B.1 PURPOSE.

7 The purpose of the public nuisance task force pilot project
8 is to improve the quality of life of the citizens of the pilot
9 project communities by facilitating the cooperation of
10 citizens and government to work together to eliminate drug and
11 alcohol nuisances in the community.

12 Sec. 3. NEW SECTION. 657B.2 DEFINITIONS.

13 As used in this chapter, unless the context otherwise
14 requires:

15 1. "Alcohol nuisance" means any establishment violating
16 section 123.47, 123.49, 123.51, 123.52, 123.59, or 123.60.

17 2. "Collective enforcement action" means the coordination,
18 collaboration, and exercise of the collective efforts of task
19 force members listed in section 657B.4 to seek an abatement of
20 a nuisance.

21 3. "Drug nuisance" means a property such as a house,
22 apartment, or business in which illegal drugs are sold, used,
23 or stored and where use of the premises disturbs the
24 community.

25 Sec. 4. NEW SECTION. 657B.3 PILOT PROJECT -- GOALS.

26 1. The department of justice shall implement and
27 administer a public nuisance task force pilot project in three
28 metropolitan areas in the state and one rural area in the
29 state.

30 2. The pilot project shall be designed to meet the
31 following goals:

32 a. Provide assistance to community organizations to
33 improve the quality of life in the community through a
34 partnership of public and private entities.

35 b. Streamline, coordinate, and integrate existing law

1 enforcement and private resources.

2 c. Provide assistance to improve quality of life in the
3 community through community empowerment.

4 d. Sustain improvements in quality of life in the
5 community through long-range community organization and
6 development.

7 Sec. 5. NEW SECTION. 657B.4 TASK FORCE.

8 A task force shall be established in each community where
9 the pilot project is implemented. Each task force shall
10 consist of the following persons:

11 1. The attorney general or the attorney general's
12 designee.

13 2. The director of the Iowa department of public health or
14 the director's designee.

15 3. A representative of the division of beer and liquor law
16 enforcement of the department of public safety.

17 4. A representative of the investigations division of the
18 department of inspections and appeals.

19 5. The county attorney or the county attorney's designee.

20 6. A representative of the police department.

21 7. A representative of the sheriff's office.

22 Sec. 6. NEW SECTION. 657B.5 COMMUNITY MOBILIZATION.

23 A community group shall be established in each community
24 where the pilot project is implemented. Each community group
25 shall designate a community liaison to organize all meetings
26 of the community group and collect affidavits filled out by
27 all community members in the community group.

28 Sec. 7. NEW SECTION. 657B.6 ACTION ON COMPLAINTS.

29 1. The community group shall send a complaint letter to an
30 owner of a property deemed to be a drug nuisance or alcohol
31 nuisance. If corrective action is not taken by the owner of
32 the property, the complaint shall be referred to the county
33 attorney's office for a determination of whether a civil or
34 criminal action may be initiated by the county attorney
35 pursuant to section 331.756, subsection 58.

1 2. The county attorney shall forward all complaints, for
2 which no civil or criminal action is taken, to the task force.
3 Any participating agency in the task force may refer
4 complaints to the task force.

5 3. The task force shall compile and maintain an active
6 list of the top sixteen ranked complaints referred to the task
7 force. The task force shall rank all complaints received by
8 using considerations such as the level of community
9 involvement, evidence of nuisance activity, ability to sustain
10 relief, existence of a long-range plan for the community, and
11 status of ownership of the property which is the subject of
12 the complaint. The task force shall investigate and use
13 collective enforcement action on the active list of
14 complaints. As complaints are resolved, the task force shall
15 add complaints to the active list.

16 Sec. 8. APPROPRIATION. There is appropriated from the
17 general fund of the state to the department of justice for the
18 fiscal year beginning July 1, 1998, and ending June 30, 1999,
19 the following amount, or so much thereof as is necessary, to
20 be used for the purposes designated:

21 For the public nuisance task force pilot project, including
22 salaries, support, maintenance, and miscellaneous purposes:
23 \$ 350,000

24 Notwithstanding section 8.33, moneys appropriated by this
25 section which remain unobligated or unexpended on June 30,
26 1999, shall not revert to the general fund of the state but
27 shall be available for expenditure during the fiscal year
28 beginning July 1, 1999, for the same purposes.

29 EXPLANATION

30 This bill establishes a public nuisance task force pilot
31 program and appropriates \$350,000 to the department of justice
32 for implementing and administering pilot projects in three
33 metropolitan communities and one rural community.

34 A community group shall be established in each community
35 where the pilot project is implemented. The community group

1 shall send a complaint letter to an owner of a property deemed
2 to be a drug nuisance or alcohol nuisance. If action is not
3 taken by the owner, the complaint shall be referred to the
4 county attorney for a determination of whether a civil or
5 criminal action should be initiated by the county attorney.
6 The county attorney shall forward all complaints for which no
7 action is taken by the county attorney to the task force.

8 The bill provides that a task force shall be established in
9 each community where the pilot project is implemented
10 consisting of the attorney general, the director of the
11 department of public health, a representative of the division
12 of beer and liquor law enforcement of the department of public
13 safety, a representative of the investigations division of the
14 department of inspections and appeals, a representative of the
15 police department, and a representative of the sheriff's
16 office.

17 The task force shall compile and maintain an active list of
18 the top sixteen complaints ranked based on various
19 considerations. The task force shall investigate and use
20 collective enforcement action on the active list complaints.

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