

Sec. 43. The guidelines under section 4 of this Act shall be made available by February 1, 1993.

Sec. 44. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment. The requirements for adoption of rules, written investment policies, audit standards, and other administrative duties shall be implemented as soon as possible but not later than September 1, 1992.

Section 16 of this Act does not apply to an investment made prior to the effective date of this Act. A joint investment trust organized pursuant to chapter 28E existing prior to the effective date of this Act, shall fully comply with this Act, on and after the effective date of this Act, including but not limited to complying with the requirement in section 452.10, subsection 5, paragraph "g", that it be operated in accordance with 17 C.F.R. § 270.2a-7, except that such a joint investment trust shall have until July 1, 1993, to become rated or registered as required by section 452.10, subsection 5, paragraph "g".

Approved April 28, 1992

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## CHAPTER 1157

### VIOLATIONS OF INDIVIDUAL'S RIGHTS — HATE CRIMES

*S.F. 2065*

**AN ACT** relating to violations of an individual's rights, and establishing additional criminal offenses.

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

Section 1. Section 80B.11, subsection 3, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** In-service training under this subsection shall include the requirement that by December 31, 1994, all law enforcement officers complete a course on investigation, identification, and reporting of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The director shall consult with the civil rights commission, the department of public safety, and the prosecuting attorneys training coordinator in developing the requirements for this course and may contract with outside providers for this course.

Sec. 2. Section 692.15, Code 1991, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.

Sec. 3. **NEW SECTION. 708.2C ASSAULT IN VIOLATION OF INDIVIDUAL RIGHTS — PENALTIES.**

1. For the purposes of this chapter, "assault in violation of individual rights" means an assault, as defined in section 708.1, which is a hate crime as defined in section 729A.2.

2. A person who commits an assault in violation of individual rights, with the intent to inflict a serious injury upon another, is guilty of a class "D" felony.

3. A person who commits an assault in violation of individual rights without the intent to inflict a serious injury upon another, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

4. A person who commits an assault in violation of individual rights and uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

5. Any other assault in violation of individual rights, except as otherwise provided, is a serious misdemeanor.

Sec. 4. NEW SECTION. 712.9 VIOLATIONS OF INDIVIDUAL RIGHTS – PENALTIES.

A violation of sections 712.3 through 712.8, which is also a hate crime as defined in section 729A.2, shall be classified and punished as an offense one degree higher than the underlying offense.

Sec. 5. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN VIOLATION OF INDIVIDUAL RIGHTS.

A violation of sections 716.5 through 716.6, which is also a hate crime as defined in section 729A.2, shall be classified and punished as an offense one degree higher than the underlying offense.

Sec. 6. Section 716.8, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 3. A person who knowingly trespasses on the property of another with the intent to commit a hate crime, as defined in section 729A.2, commits a serious misdemeanor.

NEW SUBSECTION. 4. A person committing a trespass as defined in section 716.7 with the intent to commit a hate crime which results in injury to any person or damage in an amount more than one hundred dollars to anything, animate or inanimate, located thereon or therein commits an aggravated misdemeanor.

Sec. 7. Section 729.5, subsections 1, 3, 4, and 5, Code 1991, are amended by striking the subsections.

Sec. 8. NEW SECTION. 729A.1 VIOLATIONS OF AN INDIVIDUAL'S RIGHTS PROHIBITED.

1. Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability.

Sec. 9. NEW SECTION. 729A.2 VIOLATION OF INDIVIDUAL RIGHTS – HATE CRIME.

“Hate crime” means one of the following public offenses when committed against a person or a person’s property because of the person’s race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person’s association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability:

1. Assault in violation of individual rights under section 708.2C.
2. Violations of individual rights under section 712.9.
3. Criminal mischief in violation of individual rights under section 716.7A.
4. Trespass in violation of individual rights under section 716.8, subsections 3 and 4.

Sec. 10. NEW SECTION. 729A.3 LOCAL ORDINANCES.

This chapter does not prohibit political subdivisions from enacting ordinances which are consistent with this chapter. Local ordinances reasonably regulating the time, place, or manner of the exercise of constitutional rights are permissible.

Sec. 11. NEW SECTION. 729A.4 VIOLATION OF INDIVIDUAL RIGHTS – SENSITIVITY TRAINING.

The prosecuting attorneys training coordinator shall develop a course of instruction for law enforcement personnel and prosecuting attorneys designed to sensitize those persons to the existence of violations of individual rights and the criteria for determining whether a violation of individual rights has occurred. The prosecuting attorneys training coordinator shall consult with the civil rights commission, the office of the attorney general, and the department of public safety regarding the content and provision of this course of instruction.

Sec. 12. NEW SECTION. 729A.5 CIVIL REMEDIES.

A victim who has suffered physical, emotional, or financial harm as a result of a violation of this chapter due to the commission of a hate crime is entitled to and may bring an action for injunctive relief, general and special damages, reasonable attorneys fees, and costs.

An action brought pursuant to this section must be brought within two years after the date of the violation of this chapter.

In an action brought pursuant to this section, the burden of proof shall be the same as in other civil actions for similar relief.

This section does not apply to complaints or discriminatory or unfair practices under chapter 601A.

Sec. 13. Section 80.40, Code 1991, is repealed.

Approved April 28, 1992

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## CHAPTER 1158

### EDUCATIONAL FAMILY SUPPORT PROGRAMS

*S.F. 2167*

**AN ACT** to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates.

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

Section 1. **LEGISLATIVE INTENT.** The general assembly finds that research in child development shows that the single most important factor in success in school and life is the involvement of parents in their children's education in order to meet the goal that every child in Iowa will be ready for school. It is the intent of the general assembly to ensure that all children are ready for school and that parents have the opportunity to learn about the developmental needs of young children and values which will benefit the children and society at large. These values include, but are not limited to, self-discipline, responsibility for oneself, hard work, kindness, honesty, respect for authority, and respect for the views of others. It is also the intent of the general assembly to provide access to appropriate health care from birth through age five.

Sec. 2. Section 256.7, Code Supplement 1991, is amended by adding the following new subsection:

**NEW SUBSECTION. 22.** Adopt rules to be effective by July 1, 1993, which set standards for approval of family support preservice and in-service training programs, offered by area education agencies and practitioner preparation institutions, and family support programs offered by or through local school districts.

Sec. 3. Section 256.9, Code Supplement 1991, is amended by adding the following new subsection:

**NEW SUBSECTION. 46.** Develop and provide by July 1, 1993, in-service and preservice training programs through the area education agencies and practitioner preparation institutions and guidelines for school districts for the establishment of family support programs. Guidelines developed shall describe barriers to learning and development which can affect children served by family support programs.