

Sec. 4. This Act applies retroactively to January 1, 1992, for tax years beginning on or after that date.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 11, 1993

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## CHAPTER 114

### TRAFFIC VIOLATIONS IN ROAD CONSTRUCTION ZONE

*H.F. 193*

**AN ACT** relating to increasing the scheduled fine for traffic violations in a road construction zone.

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

Section 1. Section 321.1, Code 1993, is amended by adding the following new subsection:  
**NEW SUBSECTION. 64A.** "Road construction zone" means the portion of a highway which is identified by posted or moving signs as being under construction. The zone starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the construction zone has ended.

Sec. 2. Section 321.253, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The department shall post signs informing motorists that the scheduled fine for committing a moving traffic violation in a road construction zone is doubled or is one hundred dollars, whichever is less.

Sec. 3. Section 805.8, Code 1993, is amended by adding the following new subsection:  
**NEW SUBSECTION. 2A. MOVING TRAFFIC VIOLATIONS — CONSTRUCTION ZONES.** The scheduled fine for any moving traffic violations under chapter 321 as provided in this section shall be doubled or shall be set at one hundred dollars, whichever is less, if the violation occurs within any road construction zone, as defined in section 321.1.

Approved May 11, 1993

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## CHAPTER 115

### FINGERPRINT RECORDS AND CRIMINAL HISTORY DATA

*H.F. 263*

**\*AN ACT** relating to requirements for fingerprint reporting and access by individuals and their attorneys to criminal history data.

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

Section 1. Section 690.2, Code 1993, is amended to read as follows:

**690.2 FINGER AND PALM PRINTS — DUTY OF SHERIFF AND CHIEF OF POLICE.**

~~It shall be the duty of the~~ The sheriff of every county, and the chief of police of each city regardless of the form of government thereof ~~and having a population of ten thousand or over,~~

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\*Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

to shall take the fingerprints of all persons held either for investigation, for the commission of a felony, as a fugitive from justice, or for bootlegging, the maintenance of an intoxicating liquor nuisance, manufacturing intoxicating liquor, operating a motor vehicle while under the influence of an alcoholic beverage or for illegal transportation of intoxicating liquor, and to take the fingerprints of all unidentified dead bodies in their respective jurisdictions, and all persons who are taken into custody for the commission of a serious misdemeanor, aggravated misdemeanor, or felony and to shall forward such fingerprint records on such forms and in such manner as may be prescribed by the commissioner of public safety, within forty-eight hours two working days after the same fingerprint records are taken, to the bureau of criminal department of public safety and, if appropriate, to the federal bureau of investigation. If the fingerprints of any person are taken under the provisions hereof whose fingerprints are not already on file, and said person is not convicted of any offense, then said fingerprint records shall be destroyed by any officer having them. Fingerprints may be taken of a person who has been arrested for a public offense subject to an enhanced penalty for conviction of a second or subsequent offense. In addition to the fingerprints as herein provided any such officer may also take the photograph and palm prints of any such person and forward them to the department of public safety. If a defendant is convicted by a court of this state of an offense which is a serious misdemeanor, aggravated misdemeanor, or felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprinted and those prints submitted to the department of public safety.

Sec. 2. Section 690.4, Code 1993, is amended to read as follows:

**690.4 FINGERPRINTS AND PHOTOGRAPHS AT INSTITUTIONS.**

It shall be the duty of the wardens The warden of the penitentiary and men's reformatory, Iowa medical and classification center and superintendents superintendent of the Iowa correctional institution for women, and the state training school to shall take or procure the taking of the fingerprints, and, in the case of the penitentiary, men's reformatory, and Iowa correctional institution for women Iowa medical and classification center only, Bertillon photographs of any person received on commitment to their respective institutions, and to shall forward such fingerprint records and photographs within ten days after the same they are taken to the division of criminal investigation and bureau of identification, Iowa department of public safety, and to the federal bureau of investigation. Information obtained from fingerprint cards submitted pursuant to this section may be retained by the department of public safety as criminal history records. If a charge for a serious misdemeanor, aggravated misdemeanor, or felony is brought against a person already in the custody of a law enforcement of\* correctional agency and the charge is filed in a case separate from the case for which the person was previously arrested or confined, the agency shall take the fingerprints of the person in connection with the new case and submit them to the department of public safety.

The wardens and superintendents of all department of corrections' facilities shall procure the taking of a photograph showing a full length view the facial features of each inmate of a state correctional institution in the inmate's release clothing immediately prior to the inmate's discharge from the institution either upon expiration of sentence or commitment or on parole, and shall forward the photograph within two days after it is taken. The photograph shall be placed in the inmate's file and shall be made available to the division of criminal investigation and bureau of identification, Iowa department of public safety upon request.

**Sec. 3. NEW SECTION. 690.5 ADMINISTRATIVE SANCTIONS.**

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

If a criminal justice agency subject to fingerprinting and disposition requirements fails to comply with the requirements, the commissioner of public safety shall order that the agency's

\*"or" probably intended

access to criminal history record information maintained by the repository be denied or restricted until the agency complies with the reporting requirements.

The state court administrator shall develop a policy to ensure that court personnel understand and comply with the fingerprinting and disposition requirements and shall also develop sanctions for court personnel who fail to comply with the requirements.

Sec. 4. Section 692.2, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. A person or the person's attorney but only with regard to the person's own criminal history data, subject to the identification and fee requirements of section 692.2, subsection 6, and section 692.5.

Sec. 5. Section 692.5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Any person or the person's attorney with written authorization and fingerprint identification shall have the right to examine and obtain a copy of criminal history data filed with the bureau department that refers to the person. The person or person's attorney shall present or mail to the department written authorization and the person's fingerprint identification. The department shall not copy the fingerprint identification and shall return or destroy the identification after the copy of the criminal history data is made. The bureau department may prescribe reasonable hours and places of examination.

Sec. 6. Section 692.15, Code 1993, is amended to read as follows:

692.15 REPORTS TO DEPARTMENT.

1. When If it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense has been committed in its jurisdiction, ~~it shall be the duty of the law enforcement agency to~~ shall report information concerning such crimes a public offense to the bureau department on a form to be furnished by the bureau department not more than thirty-five days from the time the crime public offense first comes to the attention of such the law enforcement agency. ~~These~~ The reports shall be used to generate crime statistics. The bureau department shall submit statistics to the governor, legislature the general assembly, and the division of criminal and juvenile justice planning of the department of human rights on a quarterly and yearly basis.

2. When If a sheriff, police department, or other law enforcement agency makes an arrest which is reported to the bureau department, the arresting law enforcement agency and any other law enforcement agency which obtains custody of the arrested person shall furnish a disposition report to the bureau ~~whenever~~ department if the arrested person is transferred to the custody of another law enforcement agency or is released without having a complaint or information filed with any court.

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 shall fill out a final disposition report on each arrest on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney in the county where the arrest occurred.

4. The county attorney of each county shall complete the final disposition report and submit it to the department within thirty days if a preliminary information or citation is dismissed without a new charge being filed. If an indictment is returned or a county attorney's information is filed, the final disposition form shall be forwarded to the clerk of the district court of that county.

5. Whenever If a criminal complaint or information is filed in any court, the clerk shall furnish a disposition report of ~~such~~ the case.

6. The Any disposition report, ~~whether by a law enforcement agency or court,~~ shall be sent to the bureau department within thirty days after disposition on a form provided by the bureau department.

7. The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.

Sec. 7. Section 692.16, Code 1993, is amended to read as follows:

**692.16 REVIEW AND REMOVAL.**

At least every year the bureau shall review and determine current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after five four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

Sec. 8. Section 692.17, Code 1993, is amended to read as follows:

**692.17 EXCLUSIONS – PURPOSES.**

Criminal history data in a computer data storage system shall not include arrest or disposition data after the person has been acquitted or the charges dismissed.

For the purposes of this section, "criminal history data" includes information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data set forth in section 692.1 and also includes the source documents of the information included in the criminal history data and fingerprint records.

Criminal history data may be collected for management or research purposes.

Approved May 11, 1993

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## CHAPTER 116

### FILING OF CERTAIN BIRTH CERTIFICATES

*H.F. 348*

**AN ACT** relating to the filing of certain birth certificates.

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

Section 1. Section 144.13, subsection 4, Code 1993, is amended to read as follows:

4. In the case of a child born out of wedlock, the certificate shall be filed directly with the state registrar. On a monthly basis, the state registrar shall transmit to the appropriate county boards of health such birth certificates for the sole purpose of identifying those children in need of inoculations.\*

If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department.

If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father, unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department.

Approved May 11, 1993

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\*According to enrolled Act