

CHAPTER 130**HUNTING AND FISHING VIOLATIONS — FINES**

S.F. 339

AN ACT relating to scheduled fines for hunting and fishing violations.

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

Section 1. Section 482.15, Code 2001, is amended to read as follows:
482.15 PENALTIES.

A person who violates this chapter or a rule issued under this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 5, paragraph “e”. However, the scheduled fine specified in section 805.8, subsection 5, paragraph “e”, does not apply to a violation of this chapter or a rule for which another scheduled fine is specified in section 805.8, subsection 5.

Sec. 2. Section 483A.42, Code 2001, is amended to read as follows:
483A.42 PENALTIES.

A person who violates this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 5, paragraph “e”. However, the scheduled fine specified in section 805.8, subsection 5, paragraph “e”, does not apply to a violation of this chapter for which another scheduled fine is specified in section 805.8, subsection 5.

Approved May 16, 2001

CHAPTER 131**CRIMES, REPORTS OF CRIMES, AND DEPARTMENT
OF CORRECTIONS ACTIVITIES**

S.F. 346

AN ACT relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for the creation of a new criminal offense with a correctional impact, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for inmate donations for victims’ travel expenses, and for transcription and recording of testimony for certain investigations conducted by the department of corrections.

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

Section 1. Section 232.68, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.

Sec. 2. Section 704.8, Code 2001, is amended to read as follows:
704.8 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 any class of misdemeanor.

Sec. 3. NEW SECTION. 717C.1 BESTIALITY.

1. For purposes of this section:

a. "Animal" means any nonhuman vertebrate, either dead or alive.

b. "Sex act" means any sexual contact between a person and an animal by penetration of the penis into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other.

2. A person who performs a sex act with an animal, is guilty of an aggravated misdemeanor.

3. Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a psychological evaluation and treatment at the person's expense.

Sec. 4. Section 904.202, Code 2001, is amended to read as follows:

904.202 INTAKE AND CLASSIFICATION CENTER.

The director may provide facilities and personnel for a diagnostic intake and classification center. The work of the center shall include a scientific study of each inmate, the inmate's career and life history, the causes of the inmate's criminal acts and recommendations for the inmate's custody, care, training, employment, and counseling with a view to rehabilitation and to the protection of society. To facilitate the work of the center and to aid in the rehabilitation of the inmates, the trial judge, prosecuting attorney, and presentence investigators shall furnish the director ~~upon request~~ with any previously authorized presentence investigation report and a full statement of facts and circumstances attending the commission of the offense so far as known or believed by them. If the department develops and utilizes an inmate classification system, it must, within a reasonable time, present evidence from independent experts as to the effectiveness and validity of the classification system.

Sec. 5. NEW SECTION. 904.303A TRAINING FUND.

A training fund is established under the control of the department. The director shall provide training to all new officers or employees of the department free of charge. The department shall also offer in-service training which shall include classes for officers and employees in the areas of safety, first aid, emergency preparedness, and any other appropriate class determined by the director. Employees of a judicial district may also attend any in-service training offered by the department. The department may recover from the correctional institution or judicial district, the actual costs of planning and conducting the training classes, if an employee of the institution or judicial district attends an in-service training class. The costs that may be recovered by the department include the costs of course development, training materials, equipment and facility rental, instruction, and administration. Moneys received as reimbursement of the costs shall be deposited in the training fund for use in conducting future training classes. All cost reimbursement moneys, grants, or appropriations related to training shall be deposited in the fund. Notwithstanding section 8.33, moneys remaining in the training fund at the end of a fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, interest and earnings deposited in the training fund shall be credited to the training fund.

Sec. 6. Section 904.310, Code 2001, is amended to read as follows:

904.310 CANTEENS.

The director may maintain a canteen at an institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco

products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen and donations designated by inmates for reimbursement of victims' travel expenses. Any money in the fund over the amount needed to do normal business transactions, ~~and to reimburse any accounts which have subsidized the canteen fund, and to reimburse victims' travel expenses,~~ shall be considered profit. This money may remain in the canteen fund and be used for any purchase which the superintendent approves that will directly and collectively benefit the inmates of the institution or to reimburse victims' travel expenses.

Sec. 7. Section 904.405, Code 2001, is amended to read as follows:

904.405 TRANSCRIPT OF TESTIMONY.

The director shall cause the testimony taken at the investigation to be ~~transcribed and recorded.~~ The recording of the testimony shall not be transcribed unless the testimony is part of a case that is appealed or an interested party requests a transcript and pays the cost of preparing the transcript. The recording of the testimony, or the transcription thereof, shall be filed and maintained in the director's office at the seat of government within ten days after the testimony is taken, or as soon as practicable, and when filed the testimony shall be open for the inspection of any person for at least five years from the date the testimony is taken or the date of a final decision in a case involving the testimony, whichever is later. However, a recording of testimony involving any employee of the department shall continue to be filed and maintained until the employee no longer is employed by the department.

Approved May 16, 2001

CHAPTER 132

TRANSPORTATION — ADDITIONAL MISCELLANEOUS CHANGES

S.F. 350

AN ACT making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, commercial vehicle certificates of title, flat registration fees for older vehicles, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport, and providing an effective date.

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

Section 1. Section 321.1, subsection 20A, unnumbered paragraph 1, Code 2001, is amended to read as follows:

"Driver's license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, ~~temporary restricted,~~ or temporary permit.

Sec. 2. Section 321.20A, Code 2001, is amended to read as follows:

321.20A CERTIFICATE OF TITLE — COMMERCIAL VEHICLES.

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle