

CHAPTER 132

FINGERPRINTING OF CHILDREN

H.F. 685

AN ACT establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

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

Section 1. NEW SECTION. 726.21 SHORT TITLE.

This division shall be known as and may be cited as the “Child Identification and Protection Act”.

Sec. 2. NEW SECTION. 726.22 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. “Child” means any person under eighteen years of age.
2. “Governmental unit” means the state, or any county, municipality, or other political subdivision of the state, or any department, board, division, or other agency of any of these entities; an authorized representative of the state, or any county, municipality, or other political subdivision of the state, or of a department, board, division, or other agency of any of these entities; or a school district or an authorized representative of a school district.

Sec. 3. NEW SECTION. 726.23 FINGERPRINTING OF CHILDREN PROHIBITED — EXCEPTION — CONDITIONS.

1. Except as provided in subsection 2, a governmental unit shall not fingerprint a child.
2. A governmental unit may fingerprint a child if one or more of the following conditions apply:
 - a. A parent or guardian has given written authorization for the taking of the fingerprints for use in the future in case the child becomes a runaway or a missing child. Only one set of prints shall be taken and the fingerprint cards shall be given to the parent or guardian. The fingerprints, written authorizations for fingerprinting, or notice of the fingerprints’ existence shall not be recorded, stored, or kept in any manner by a law enforcement agency, except as provided in this division or except at the request of the parent or guardian if the child becomes a runaway or a missing child. When the child is located or the case is otherwise disposed of, the fingerprint cards shall be returned to the parents or guardian.
 - b. Fingerprints are required to be taken pursuant to section 232.148, 690.2, or 690.4.
 - c. Fingerprints are required by court order.
 - d. Fingerprints are voluntarily given with the written permission of the child and parent or guardian, upon request of a law enforcement officer, to aid in a specific criminal investigation. Only one set of prints shall be taken and, upon completion of the investigation, the law enforcement agency shall return the fingerprint cards to the parent or guardian of the child.

Approved May 20, 2005