

CHAPTER 1055**ADDITIONAL DISTRICT JUDGE FOR PENITENTIARY'S DISTRICT***H.F. 2045*

AN ACT relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

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

Section 1. Section 602.6201, subsection 3, paragraph b, Code 1989, is amended to read as follows:

b. All other judicial election districts are entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

- (1) The combined civil and criminal filings in the election district divided by four hundred fifty.
- (2) The election district's population divided by forty thousand.

However, the judicial election district in which the Iowa state penitentiary is located is entitled to one additional judgeship.

Sec. 2. Section 602.6201, subsection 10, Code 1989, is amended to read as follows:

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed one hundred one during the period commencing January July 1, 1987 1990.

Approved March 26, 1990

CHAPTER 1056**MANDATORY DOMESTIC ABUSE ARRESTS***H.F. 2160*

AN ACT relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor.

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

Section 1. Section 236.12, subsection 2, Code Supplement 1989, is amended to read as follows:

2. a. A peace officer may, with or without a warrant, arrest a person under section 708.2, subsection 4, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which did not result in any injury to the alleged victim.

b. A Except as otherwise provided in subsection 3A, a peace officer shall, with or without a warrant, arrest a person under section 708.2, subsection 2, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which resulted in the alleged victim's suffering a bodily injury.

c. A Except as otherwise provided in subsection 3A, a peace officer shall, with or without a warrant, arrest a person under section 708.2, subsection 1, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed with the intent to inflict a serious injury.

d. A Except as otherwise provided in subsection 3A, a peace officer shall, with or without a warrant, arrest a person under section 708.2, subsection 3, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable

cause to believe that a domestic abuse assault has been committed and that the alleged abuser used or displayed a dangerous weapon in connection with the assault.

Sec. 2. Section 236.12, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. As described in subsection 2, paragraph "b", "c", or "d", the peace officer shall arrest the person whom the peace officer believes to be the primary physical aggressor. The duty of the officer to arrest extends only to those persons involved who are believed to have committed an assault. Persons acting with justification, as defined in section 704.3, are not subject to mandatory arrest. In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between the persons involved. A peace officer's identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment.

Approved March 26, 1990

CHAPTER 1057

MOTOR VEHICLE DEALER'S BOND

H.F. 2165

AN ACT relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond and increasing the amount of the bond.

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

Section 1. Section 322.4, subsection 7, Code 1989, is amended to read as follows:

7. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of ~~twenty-five~~ thirty-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

Approved March 26, 1990