

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. (1) 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 completed fingerprint cards and written authorizations 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 subchapter 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.
 - (2) Nothing in this paragraph "a" shall be construed to prohibit a governmental unit from taking the fingerprints of a child at the Iowa state fair or a county or district fair as defined in section 174.1 as long as the governmental unit complies with the requirements of this paragraph "a".
 - 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.

2005 Acts, ch 132, §3; 2008 Acts, ch 1038, §1