

718C.4 Order to return to foreign nation.

1. A judge during a person's initial appearance following an arrest for a violation of [this chapter](#) may, after making a determination that probable cause exists for the arrest, order the person released from custody and issue a written order in accordance with [subsection 3](#).

2. The judge in a person's case at any time after the person's initial appearance may, in lieu of continuing the prosecution of or entering an adjudication regarding an offense under [this chapter](#), dismiss the charge pending against the person and issue a written order in accordance with [subsection 3](#).

3. A written order authorized by [subsection 1 or 2](#) shall discharge the person and require the person to return to the foreign nation from which the person entered or attempted to enter, and may be issued only if all of the following requirements are met:

a. The person agrees to the order.

b. The person has not previously been convicted of an offense under [this chapter](#), or previously obtained a discharge under an order under [subsection 1 or 2](#).

c. The person is not charged with another offense that is punishable as an aggravated misdemeanor or any higher category of offense.

d. Before the issuance of the order, the arresting law enforcement agency has done all of the following:

(1) Collected all available identifying information of the person, which must include taking fingerprints from the person and using other applicable photographic and biometric measures to identify the person.

(2) Cross-referenced the collected information with all relevant local, state, and criminal databases and federal lists or classifications used to identify a person as a threat or potential threat to national security.

4. Upon a person's conviction of an offense under [this chapter](#), the judge shall enter in the judgment in the case an order requiring the person to return to the foreign nation from which the person entered or attempted to enter. An order issued under [this subsection](#) takes effect on completion of the term of confinement or imprisonment imposed by the judgment.

5. An order issued under [this section](#) must include all of the following:

a. The manner of transportation of the person to a port of entry.

b. The law enforcement officer or state agency responsible for monitoring compliance with the order.

6. An order issued under [this section](#) must be filed with the county clerk of the county in which the person was arrested for an order described by [subsection 1](#), or with the clerk of the court exercising jurisdiction in the case for an order described by [subsection 2 or 4](#).

7. Not later than the seventh day after the date an order is issued under [this section](#), the law enforcement officer or state agency required to monitor compliance with the order shall report the issuance of the order to the department of public safety for inclusion in the computerized criminal history system.

[2024 Acts, ch 1020, §4](#); [2024 Acts, ch 1154, §23](#)

NEW section