

House Amendment 8272

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1 1 Amend House File 2660 as follows:
1 2 ~~#1.~~ Page 19, by inserting after line 1 the
1 3 following:
1 4 <Sec. _____. Section 123.46, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 3A. If a person under the age of
1 7 eighteen commits a violation of this section, the
1 8 matter shall be disposed of in the manner provided in
1 9 chapter 232.
1 10 Sec. _____. Section 123.46, subsection 4, Code 2007,
1 11 is amended to read as follows:
1 12 4. a. A peace officer shall make a reasonable
1 13 effort to identify a person under the age of eighteen
1 14 who violates this section and, ~~if the person is not~~
~~1 15 referred to juvenile court, the law enforcement agency~~
~~1 16 of which the peace officer is an employee shall make a~~
~~1 17 reasonable attempt to notify the person's custodial~~
1 18 parent, or legal guardian, or custodian of the
1 19 violation, ~~whether or not the person is taken into~~
~~1 20 custody, unless the officer has reasonable grounds to~~
~~1 21 believe that notification is not in the best interests~~
~~1 22 of the person or will endanger that person pursuant to~~
1 23 section 232.19, subsection 2.
1 24 b. The peace officer shall also make a reasonable
1 25 effort to identify the elementary or secondary school
1 26 which the person attends if the person is enrolled in
1 27 elementary or secondary school and to notify the
1 28 superintendent or the superintendent's designee of the
1 29 school which the person attends, or the authorities in
1 30 charge of the nonpublic school which the person
1 31 attends, of the violation. ~~If the person is taken~~
~~1 32 into custody, the~~ The peace officer shall notify a
1 33 juvenile court officer who shall make a reasonable
1 34 effort to identify the elementary or secondary school
1 35 the person attends, if any, and to notify the
1 36 superintendent of the school district or the
1 37 superintendent's designee, or the authorities in
1 38 charge of the nonpublic school, of the violation. A
1 39 reasonable attempt to notify the person includes, but
1 40 is not limited to, a telephone call or notice by
1 41 first-class mail.
1 42 Sec. _____. Section 123.47, subsection 3, paragraph
1 43 c, Code 2007, is amended to read as follows:
1 44 c. ~~If the a person who under the age of eighteen~~
1 45 commits a violation of this section is under the age
~~1 46 of eighteen, the matter shall be disposed of in the~~
1 47 manner provided in chapter 232.
1 48 Sec. _____. Section 123.47B, Code 2007, is amended
1 49 to read as follows:
1 50 123.47B PARENTAL AND SCHOOL NOTIFICATION ==
2 1 PERSONS UNDER EIGHTEEN YEARS OF AGE.
2 2 1. A peace officer shall make a reasonable effort
2 3 to identify a person under the age of eighteen
2 4 discovered to be in possession of alcoholic liquor,
2 5 wine, or beer in violation of section 123.47 and ~~if~~
~~2 6 the person is not referred to juvenile court, the law~~
~~2 7 enforcement agency of which the peace officer is an~~
~~2 8 employee shall make a reasonable attempt to notify the~~
2 9 person's custodial parent, or legal guardian, or
2 10 custodian of such possession, ~~whether or not the~~
~~2 11 person is arrested or a citation is issued pursuant to~~
~~2 12 section 805.16, unless the officer has reasonable~~
~~2 13 grounds to believe that such notification is not in~~
~~2 14 the best interests of the person or will endanger that~~
~~2 15 person pursuant to section 232.19, subsection 2.~~
2 16 2. The peace officer shall also make a reasonable
2 17 effort to identify the elementary or secondary school
2 18 which the person attends if the person is enrolled in
2 19 elementary or secondary school and to notify the
2 20 superintendent or the superintendent's designee of the
2 21 school which the person attends, or the authorities in
2 22 charge of the nonpublic school which the person
2 23 attends, of the possession. ~~If the person is taken~~
~~2 24 into custody, the~~ The peace officer shall notify a

2 25 juvenile court officer who shall make a reasonable
2 26 effort to identify the elementary or secondary school
2 27 the person attends, if any, and to notify the
2 28 superintendent of the school district or the
2 29 superintendent's designee, or the authorities in
2 30 charge of the nonpublic school, of the taking into
2 31 custody. A reasonable attempt to notify the person
2 32 includes but is not limited to a telephone call or
2 33 notice by first-class mail.

2 34 Sec. _____. Section 232.8, subsection 1, paragraph
2 35 b, Code 2007, is amended to read as follows:

2 36 b. ~~Violations Except for violations by a child of~~
2 37 section 321.284 or 321.284A, violations by a child of
2 38 provisions of chapter 321, 321G, 321I, 453A, 461A,
2 39 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which
2 40 would be simple misdemeanors if committed by an adult,
2 41 and violations by a child of county or municipal
2 42 curfew or traffic ordinances, are excluded from the
2 43 jurisdiction of the juvenile court and shall be
2 44 prosecuted as simple misdemeanors as provided by law.
2 45 A child convicted of a violation excluded from the
2 46 jurisdiction of the juvenile court under this
2 47 paragraph shall be sentenced pursuant to section
2 48 805.8, where applicable, and pursuant to section
2 49 903.1, subsection 3, for all other violations.

2 50 Sec. _____. Section 321.284, Code 2007, is amended
3 1 to read as follows:

3 2 321.284 OPEN CONTAINERS IN MOTOR VEHICLES ==
3 3 DRIVERS.

3 4 1. A driver of a motor vehicle upon a public
3 5 street or highway shall not possess in the passenger
3 6 area of the motor vehicle an open or unsealed bottle,
3 7 can, jar, or other receptacle containing an alcoholic
3 8 beverage. "Passenger area" means the area designed to
3 9 seat the driver and passengers while the motor vehicle
3 10 is in operation and any area that is readily
3 11 accessible to the driver or a passenger while in their
3 12 seating positions, including the glove compartment.
3 13 An open or unsealed receptacle containing an alcoholic
3 14 beverage may be transported in the trunk of the motor
3 15 vehicle. An unsealed receptacle containing an
3 16 alcoholic beverage may be transported behind the last
3 17 upright seat of the motor vehicle if the motor vehicle
3 18 does not have a trunk. A person convicted of a
3 19 violation of this section is guilty of a simple
3 20 misdemeanor punishable as a scheduled violation under
3 21 section 805.8A, subsection 14, paragraph "e".

3 22 2. If a person under the age of eighteen commits a
3 23 violation of this section, the matter shall be
3 24 disposed of in the manner provided in chapter 232.

3 25 Sec. _____. Section 321.284A, Code 2007, is amended
3 26 by adding the following new subsection:

3 27 NEW SUBSECTION. 5. If a person under the age of
3 28 eighteen commits a violation of this section, the
3 29 matter shall be disposed of in the manner provided in
3 30 chapter 232.

3 31 Sec. _____. Section 805.8A, subsection 14, paragraph
3 32 e, Code 2007, is amended to read as follows:

3 33 e. OPEN CONTAINER VIOLATIONS. For violations
3 34 under sections 321.284 and 321.284A, the scheduled
3 35 fine is one hundred dollars. ~~This paragraph shall not~~
3 36 apply to a person under the age of eighteen who
3 37 commits a violation under section 321.284 or 321.284A.

3 38 Sec. _____. Section 805.8C, subsection 7, Code
3 39 Supplement 2007, is amended to read as follows:

3 40 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS UNDER
3 41 LEGAL AGE. For first offense violations of section
3 42 123.47, subsection 3, the scheduled fine is two
3 43 hundred dollars. ~~This subsection shall not apply to a~~
3 44 person under the age of eighteen who commits a
3 45 violation of section 123.47.

3 46 Sec. _____. Section 805.16, subsection 1, Code 2007,
3 47 is amended to read as follows:

3 48 1. Except as provided in this subsection and in
3 49 subsection 2 of this section, a peace officer shall
3 50 issue a police citation or uniform citation and
4 1 complaint, in lieu of making a warrantless arrest, to
4 2 a person under eighteen years of age accused of
4 3 committing a simple misdemeanor under chapter 321,
4 4 321G, 321I, 461A, 461B, 462A, 481A, 481B, 483A, 484A,
4 5 484B, or a local ordinance not subject to the

4 6 jurisdiction of the juvenile court, and shall not
4 7 detain or confine the person in a facility regulated
4 8 under chapter 356 or 356A. This subsection shall not
4 9 apply to a person under the age of eighteen for
4 10 violations of section 123.46, 123.47, 321.284, or
4 11 321.284A.>
4 12 #2. Title page, line 2, by inserting after the
4 13 word <system> the following: <and providing for
4 14 penalties>.
4 15
4 16
4 17 _____
4 18 ALONS of Sioux
4 19
4 20
4 21 _____
4 22 BAUDLER of Adair
4 23 HF 2660.501 82
4 24 jm/jp/11391