

Senate File 2382

S-5051

1 Amend Senate File 2382 as follows:

2 1. Page 1, by striking lines 17 through 19 and inserting
3 <record of the conviction and the conviction for a violation
4 of a local ordinance that arose from the same transaction or
5 occurrence be expunged by the clerk of the district court.>

6 2. Page 1, line 31, after <offense> by inserting <in the
7 county where the conviction occurred>

8 3. By striking page 1, line 34, through page 2, line 5, and
9 inserting <have passed since the date of the conviction, the
10 defendant has no pending criminal charges, and all court costs,
11 fees, fines, and restitution>

12 4. Page 2, by striking lines 8 and 9 and inserting:

13 <2. Upon objection by the county attorney to the
14 application, the court shall dismiss the application if any of
15 the following apply:>

16 5. Page 3, after line 9 by inserting:

17 <z. The defendant is the subject of a protective order or a
18 no-contact order.

19 aa. The defendant has been subsequently convicted of or
20 granted a deferred judgment for any criminal offense, other
21 than a simple misdemeanor conviction under chapter 321 or of a
22 similar local ordinance.

23 ab. The defendant has previously been granted two deferred
24 judgments.>

25 6. Page 3, line 10, by striking <allowed to apply for> and
26 inserting <granted>

27 7. By striking page 3, line 34, through page 4, line 19.

28 8. Page 5, line 7, by striking <a.>

29 9. Page 5, by striking lines 14 through 23.

30 10. Page 17, line 8, by striking <information, or
31 indictment> and inserting <information, indictment, or jury
32 instruction>

33 11. Page 18, line 6, after <applicant,> by inserting
34 <applicant's attorney,>

35 12. Page 18, by striking lines 21 through 23 and inserting

1 <paragraph "a", any information provided by an attorney,
2 law enforcement agency, witness, or any person with relevant
3 information to the medical examiner conducting the autopsy.>

4 13. Page 18, line 28, after <cause and> by inserting <cause
5 or>

6 14. Page 19, by striking line 8 and inserting <provided by
7 an attorney, investigative agency, or witness, and any report
8 deemed necessary by the medical examiner to accurately certify
9 the cause and manner of death which are included in the report
10 of the medical examiner>

11 15. Page 19, by striking lines 22 through 26 and inserting:

12 <b. In conducting an investigation or autopsy under this
13 part, including but not limited to developing a clinical
14 history of the decedent and formulating findings and
15 conclusions or forming opinions as to the cause and manner of
16 death, the state medical examiner or county medical examiner
17 may use any information provided or available for review,
18 including but not limited to information or statements by a
19 witness, a suspect, or any other person with information which
20 is provided by or obtained in the course of a law enforcement
21 investigation. Such information or statements which the
22 medical examiner has used in making the findings, conclusions,
23 and opinions may also be included in the report of the medical
24 examiner. A court shall not exclude the medical examiner's
25 report or opinion as to the cause or manner of death on the
26 basis that the medical examiner relied on information from
27 other persons or from a law enforcement agency in forming that
28 report or opinion. Admission of such a report or opinion shall
29 not constitute reversible error.>

30 16. Page 19, by striking lines 27 through 31.

31 17. Page 22, after line 1 by inserting:

32 <Sec. _____. Section 321J.20, subsection 10, Code 2018, is
33 amended to read as follows:

34 10. Notwithstanding any other provision of law to the
35 contrary, in any circumstance in which **this chapter** requires

1 the installation of an ignition interlock device in all
2 vehicles owned or operated by a person as a condition of the
3 person's license or privilege to operate noncommercial motor
4 vehicles, the department shall require the person to be a
5 participant in and in compliance with a sobriety and drug
6 monitoring program established pursuant to chapter 901D if the
7 person's offense under this chapter qualifies as an eligible
8 offense as defined in section 901D.2, and the person's offense
9 occurred in a participating jurisdiction, as defined in section
10 901D.2. The requirement to participate in and comply with a
11 sobriety and drug monitoring program shall continue for such
12 period as is required under section 901D.7. The department of
13 public safety shall notify the department when the participant
14 has completed participation in the sobriety and drug monitoring
15 program. This subsection shall not apply if the court enters
16 an order finding the person is not required to participate
17 in a sobriety and drug monitoring program. The department,
18 in consultation with the department of public safety, may
19 adopt rules for issuing and accepting a certification of
20 participation in and compliance with a program established
21 pursuant to chapter 901D. This subsection shall be construed
22 and implemented to comply with 23 U.S.C. §164(a), as amended by
23 the federal Fixing America's Surface Transportation Act, Pub.
24 L. No. 114-94, §1414, and shall not apply if such application
25 results in a finding of noncompliance with 23 U.S.C. §164 that
26 results or will result in a reservation or transfer of funds
27 pursuant to 23 U.S.C. §164(b). This subsection shall not
28 authorize the operation of a motor vehicle for any purpose not
29 otherwise authorized by this chapter.>

30 18. Page 22, line 4, by striking <twenty-five> and inserting
31 <thirty>

32 19. Page 22, after line 20 by inserting:

33 <Sec. _____. Section 901D.7, subsection 2, Code 2018, is
34 amended to read as follows:

35 2. An order or directive placing a participant in the

1 program shall include the type of testing required to be
2 administered in the program and the length of time that the
3 participant is required to remain in the program. The length
4 of the program shall not be less than ninety days and the order
5 or directive shall include a requirement that the participant
6 not have a failed test result or have missed a required test
7 thirty days prior to the end of participation in the program.
8 The person issuing the order or directive shall send a copy of
9 the order or directive to the law enforcement agency of the
10 participating jurisdiction.>
11 20. By renumbering as necessary.

DAN DAWSON