

Senate File 204 - Enrolled

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SENATE FILE 204

AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY PRACTICES AND PROCEDURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 80.9, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~They~~ A peace officer shall not exercise ~~their~~ the general powers of a peace officer within the limits of any city, except:

Sec. 2. Section 80.9, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

In more particular, ~~their~~ the duties of a peace officer shall be as follows:

Sec. 3. Section 80.9, subsection 3, Code 2007, is amended to read as follows:

3. ~~They~~ A peace officer may administer oaths, acknowledge signatures, and take voluntary testimony pursuant to ~~their~~ the peace officer's duties as provided by law.

Sec. 4. Section 81.2, subsection 6, Code 2007, is amended to read as follows:

6. A person required to register as a sex offender shall submit a DNA sample for DNA profiling pursuant to section 81.4.

Sec. 5. NEW SECTION. 692.3 REDISSEMINATION OF ARREST DATA AND OTHER INFORMATION.

A criminal or juvenile justice agency may disseminate arrest data, and the name, photograph, physical description, and other identifying information concerning a person who is wanted or being sought if a warrant for the arrest of that person has been issued. Information relating to any threat the person may pose to the public may also be disseminated. The information may be disseminated through any written, audio, or visual means utilized by a criminal or juvenile justice agency. Any dissemination of information pursuant to this section shall also include the statement provided in section 692.2, subsection 1, paragraph "b", subparagraph (5).

Sec. 6. Section 692.6, Code 2007, is amended to read as follows:

692.6 CIVIL REMEDY.

Any person may institute a civil action for damages under chapter 669 or 670 or to restrain the dissemination of the person's criminal history data or intelligence data in violation of this chapter, ~~and.~~ Notwithstanding any provisions of chapter 669 or 670 to the contrary, any person, agency, or governmental body proven to have disseminated or to have requested and received criminal history data or intelligence data in violation of this chapter shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorneys' fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

Sec. 7. Section 692.15, subsection 3, Code 2007, is amended to read as follows:

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 or taking a juvenile into custody and securing fingerprints pursuant to section 232.148 shall fill out a final disposition report on each arrest or taking into custody on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney, or at the discretion of the county attorney, to the clerk of the district court, in the county where the arrest or taking into custody occurred, or to the juvenile court officer who received the referral, whichever is deemed appropriate under the circumstances.

Sec. 8. Section 692.16, Code 2007, is amended to read as follows:

692.16 REVIEW AND REMOVAL.

3 4 At least every year the division shall review and determine
3 5 current status of all Iowa arrests or takings into custody
3 6 reported, which are at least ~~one year~~ four years old with no
3 7 disposition data. Any Iowa arrest or taking of a juvenile
3 8 into custody recorded within a computer data storage system
3 9 which has no disposition data after four years shall be
3 10 removed unless there is an outstanding arrest warrant or
3 11 detainer on such charge.

3 12 Sec. 9. Section 725.9, subsection 2, Code 2007, is amended
3 13 by striking the subsection.

3 14 Sec. 10. Section 725.9, subsection 3, Code 2007, is
3 15 amended to read as follows:

3 16 3. "Gambling device" means a device used or adapted or
3 17 designed to be used for gambling and includes, but is not
3 18 limited to, roulette wheels, klondike tables, punchboards,
3 19 faro layouts, keno layouts, numbers tickets, slot machines,
3 20 pachislo skill=stop machine or any other similar machine or
3 21 device, pinball machines, push cards, jar tickets and
3 22 pull=tabs. However, "gambling device" does not include an
3 23 antique slot machine, ~~antique pinball machine,~~ or any device
3 24 regularly manufactured and offered for sale and sold as a toy,
3 25 except that any use of such a toy, or antique slot machine ~~or~~
3 26 ~~antique pinball machine~~ for gambling purposes constitutes
3 27 unlawful gambling.

3 28 Sec. 11. Section 809A.3, subsection 4, Code 2007, is
3 29 amended to read as follows:

3 30 4. Notwithstanding subsections 1 through 3, violations of
3 31 chapter 321 or 321J shall not be considered conduct giving
3 32 rise to forfeiture, except for violations of the following:

3 33 a. Section 321.232.

3 34 ~~a. b.~~ A second or subsequent violation of section
3 35 321J.4B, subsection 2, paragraph "b".

4 1 ~~b. c.~~ Section 321J.4B, subsection 9.

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY
Speaker of the House

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4 13 I hereby certify that this bill originated in the Senate and
4 14 is known as Senate File 204, Eighty=second General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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4 20 Approved _____, 2007

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CHESTER J. CULVER
Governor