

judiciary 1/10

En. pass 1/10 (p. 1277) FILED JAN 6 1979
See Judiciary 2/21

SENATE FILE 4

By MURRAY

Do Pass 1/2 (p. 1270)

Passed Senate, Date 2-16-79 (p. 474) Passed House, Date 4-20-79 (p. 1670)

Vote: Ayes 36 Nays 7 Vote: Ayes 52 Nays 26

Approved January 1, 1979

Repassed Senate 5-8-79 (p. 1578) *35-8*

A BILL FOR

1 An Act relating to theft of library materials and providing a
2 penalty.

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

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5
6
7
8

HOUSE AMENDMENT TO SENATE FILE 4

S-3692

1 Amend Senate File 4 as follows:

2 1. Page 1, by inserting after line 33 the following
3 new paragraphs:

4 "The fact that a person fails to return library
5 materials for six months after the date the person
6 agreed to return the library materials is evidence
7 of intent to deprive the owner, provided a reasonable
8 attempt has been made to reclaim the materials.

9 Notices stating the provisions of this section and
10 of section eight hundred eight point twelve (808.12)
11 of the Code with regard to library materials shall
12 be posted in clear public view in all public libraries,
13 in all libraries of educational, historical or
14 charitable institutions, organizations or societies,
15 in all museums and in all repositories of public
16 records.

17 In the case of lost library materials, arrangements
18 may be made to make a monetary settlement."

S-3692 FILED
MAY 3, 1979

RECEIVED FROM THE HOUSE
Senate - concurred 5/8 (p. 1578)

1 Section 1. Chapter seven hundred two (702), Code 1979,
2 is amended by adding the following new section:

3 NEW SECTION. LIBRARY MATERIALS. "Library materials"
4 include books, plates, pictures, photographs, engravings,
5 paintings, drawings, maps, newspapers, magazines, pamphlets,
6 broadsides, manuscripts, documents, letters, public records,
7 microforms, sound recordings, audiovisual materials in any
8 format, magnetic or other tapes, electronic data processing
9 records, artifacts, and written or printed materials regardless
10 of physical form or characteristics, belonging to, on loan
11 to, or otherwise in the custody of any of the following:

- 12 1. A public library.
- 13 2. A library of an educational, historical, or eleemosynary
14 institution, organization, or society.
- 15 3. A museum.
- 16 4. A repository of public records.

17 Sec. 2. Section seven hundred fourteen point five (714.5),
18 Code 1979, is amended to read as follows:

19 714.5 EVIDENCE OF INTENTION. The fact that any a person
20 has concealed library materials as defined in section one
21 (1) of this Act or unpurchased property of any a store or
22 other mercantile establishment, either on the premises or
23 outside the premises ~~of such store, shall be~~ is material
24 evidence of intent to deprive the owner ~~thereof~~, and the
25 finding of ~~such~~ library materials or unpurchased property
26 concealed, upon the person or among the belongings of ~~such~~
27 the person, shall be is material evidence of intent to deprive
28 and, if ~~such~~ the person conceals, or causes to be concealed,
29 ~~such~~ library materials or unpurchased property, upon the
30 person or among the belongings of another, the finding of
31 the same ~~shall be~~ is also be material evidence of intent to
32 deprive on the part of the person concealing ~~such~~ the library
33 materials or goods.

34 Sec. 3. Section eight hundred eight point twelve (808.12),
35 Code 1979, is amended to read as follows:

1 808.12 DETENTION AND SEARCH IN THEFT OF LIBRARY MATERIALS
 2 AND SHOPLIFTING.

3 1. Persons concealing property as set forth in section
 4 714.5, may be detained and searched by a peace officer, per-
 5 son employed in a facility containing library materials,
 6 merchant, or merchant's employee, provided that the detention
 7 is for a reasonable length of time and that the search is
 8 conducted in a reasonable manner by a person of the same sex
 9 and according to subsection 2 of this section.

10 2. No search of the person under this section shall be
 11 conducted by any person other than someone acting under the
 12 direction of a peace officer except where permission of the
 13 one to be searched has first been obtained.

14 3. The detention or search under this section by a peace
 15 officer, person employed in a facility containing library
 16 materials, merchant, or merchant's employee ~~shall~~ does not
 17 render such-peace-officer,-merchant,-or-merchant's-employee
 18 the person liable, in a criminal or civil action, for false
 19 arrest or false imprisonment provided ~~the-peace-officer,-~~
 20 ~~merchant,-or-merchant's-employee~~ the person conducting the
 21 search or detention had reasonable grounds to believe the
 22 person detained or searched had concealed or was attempting
 23 to conceal property as set forth in section 714.5.

24 Sec. 4. This Act is effective on January first following
 25 its enactment.

26 EXPLANATION

27 Theft of library materials is a crime under chapter 714
 28 of the 1979 Code. Ripping out pages or otherwise defacing
 29 library materials is a crime under chapter 716 of the 1979
 30 Code.

31 This bill treats theft of library materials the same as
 32 shoplifting for the purpose of determining intent to deprive
 33 and for the purpose of detention and search of persons
 34 suspected of having stolen materials.

35 The bill will be effective on January first following its
 36 enactment.

SENATE FILE 4

S-3047

1 Amend Senate File 4 as follows:
2 1. Page 1, by inserting after line 33 the following
3 new paragraph:
4 "The fact that a person fails to return library
5 materials for six months after the date the person
6 agreed to return the library materials is evidence
7 of intent to deprive the owner."

S-3047 FILED *Lost 2/16 (p 478)*
FEBRUARY 7, 1979

BY JOHN S. MURRAY

SENATE FILE 4

H-3747

1 Amend Senate File 4 as follows:
2 1. Page 1, by inserting after line 33 the following
3 new paragraphs:
4 "The fact that a person fails to return library
5 materials for six months after the date the person
6 agreed to return the library materials is evidence
7 of intent to deprive the owner, provided a reasonable
8 attempt has been made to reclaim the materials.
9 Notices stating the provisions of this section and
10 of section eight hundred eight point twelve (808.12)
11 of the Code with regard to library materials shall
12 be posted in clear public view in all public libraries,
13 in all libraries of educational, historical or
14 eleemosynary institutions, organizations or societies,
15 in all museums and in all repositories of public
16 records.
17 In the case of lost library materials, arrangements
18 may be made to make a monetary settlement."

H-3747 FILED *Adopted as amended by*
APRIL 5, 1979 *H.C. 4 4/20 (p 1675)* BY JOHNSON of Howard

SENATE FILE 4

H-4034

1 Amend amendment H-3747 to Senate File 4 as
2 follows:
3 1. Page 1, line 14, by striking the word
4 "eleemosynary" and inserting in lieu thereof the
5 word "charitable".

H-4034 FILED *Adopted 4/20 (p 1675)* BY CLARK of Cerro Gordo
APRIL 20, 1979

SENATE FILE 4

AN ACT

RELATING TO THEFT OF LIBRARY MATERIALS AND PROVIDING A PENALTY.

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

Section 1. Chapter seven hundred two (702), Code 1979, is amended by adding the following new section:

NEW SECTION. LIBRARY MATERIALS. "Library materials" include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

1. A public library.
2. A library of an educational, historical, or eleemosynary institution, organization, or society.
3. A museum.
4. A repository of public records.

Sec. 2. Section seven hundred fourteen point five (714.5), Code 1979, is amended to read as follows:

714.5 EVIDENCE OF INTENTION. The fact that any a person has concealed library materials as defined in section one (1) of this Act or unpurchased property of any a store or other mercantile establishment, either on the premises or outside the premises ~~of such store, shall be~~ is material evidence of intent to deprive the owner thereof, and the finding of such library materials or unpurchased property concealed, upon the person or among the belongings of such the person, shall be is material evidence of intent to deprive and, if such the person conceals, or causes to be concealed,

such library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same shall be also be material evidence of intent to deprive on the part of the person concealing such the library materials or goods.

The fact that a person fails to return library materials for six months after the date the person agreed to return the library materials is evidence of intent to deprive the owner, provided a reasonable attempt has been made to reclaim the materials. Notices stating the provisions of this section and of section eight hundred eight point twelve (808.12) of the Code with regard to library materials shall be posted in clear public view in all public libraries, in all libraries of educational, historical or charitable institutions, organizations or societies, in all museums and in all repositories of public records.

In the case of lost library materials, arrangements may be made to make a monetary settlement.

Sec. 3. Section eight hundred eight point twelve (808.12), Code 1979, is amended to read as follows:

808.12 DETENTION AND SEARCH IN THEFT OF LIBRARY MATERIALS AND SHOPLIFTING.

1. Persons concealing property as set forth in section 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, person employed in a facility containing library

materials, merchant, or merchant's employee shall does not
render such-peace-officer, -merchant, -or-merchant's-employee
the person liable, in a criminal or civil action, for false
arrest or false imprisonment provided ~~the-peace-officer,~~
~~merchant, -or-merchant's-employee~~ the person conducting the
search or detention had reasonable grounds to believe the
person detained or searched had concealed or was attempting
to conceal property as set forth in section 714.5.

Sec. 4. This Act is effective on January first following
its enactment.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 4, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved *June 1*, 1979

ROBERT D. RAY
Governor