

Local Gov. 3/18 Amend (5417) + D. Pass 3/20 (p. 812)

FEB 28 1986

HOUSE FILE 2393

Place On Calendar

BY COMMITTEE ON LOCAL GOVERNMENT

(Formerly House Study Bill 639)

Passed House, Date 3-11-86 (p. 677) Passed Senate, Date 4-10-86 (p. 1177)

Vote: Ayes 83 Nays 3 Vote: Ayes 38 Nays 11

Approved May 21, 1986

Motion to reconsider (p. 684) lost 3/13 (p. 735) *Motion to reconsider (p. 1183) w/d 4/14 (1214) +/R (1292)*
Passed House 4-29-86 (p. 1909) *Passed Senate 5-1-86 (p. 1499)*
78-13 **A BILL FOR** 31-10

Motion to reconsider w/d (p. 1502)

- 1 An Act authorizing cities and counties to establish civil
- 2 penalties for violations of ordinances.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2393

H-5335

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, by striking lines 5 through 7 and
- 3 inserting the following: "an ordinance which is
- 4 classified as a municipal infraction. A".
- 5 2. Page 1, by striking lines 12 through 14 and
- 6 inserting the following: "violation."
- 7 3. Page 3, by striking lines 21 through 23 and
- 8 inserting the following: "an ordinance which is
- 9 classified as a county infraction. A county".
- 10 4. Page 3, by striking lines 28 through 30 and
- 11 inserting the following: "violation."

H-5335 FILED MARCH 13, 1986 BY VAN CAMP of Scott

Placed out of order 3/14 (p. 736)

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1 Section 1. Section 364.3, Code Supplement 1985, is amended
2 by adding the following new subsection:

533-3 NEW SUBSECTION. 5. A city shall not provide a civil
5-5492 4 penalty in excess of one hundred dollars for the violation of
5 an ordinance which is classified as a municipal infraction or
6 if the infraction is a repeat offense, a civil penalty not to
7 exceed two hundred dollars for each repeat offense. A
8 municipal infraction is not punishable by imprisonment.

9 Sec. 2. NEW SECTION. 364.22 MUNICIPAL INFRACTIONS.

5-5492 553610 1. A municipal infraction is a civil offense punishable by
11 a civil penalty of not more than one hundred dollars for each
12 violation or if the infraction is a repeat offense, a civil
13 penalty not to exceed two hundred dollars for each repeat
14 offense.

5417 15 2. A city by ordinance may provide that a violation of an
16 ordinance is a municipal infraction.

17 3. An officer authorized by a city to enforce a city code
18 or regulation may issue a civil citation to a person who
19 commits a municipal infraction. The citation may be served by
20 personal service or by certified mail return receipt
21 requested. A copy of the citation shall be retained by the
22 issuing officer, and one copy shall be sent to the clerk of
23 the district court. The citation shall serve as notification
24 that a civil offense has been committed and shall contain the
25 following information:

- 26 a. The name and address of the violator.
- 27 b. The name or description of the infraction attested to
28 by the officer issuing the citation.
- 29 c. The location and time of the infraction.
- 30 d. The amount of civil penalty to be assessed or the
31 alternate relief sought, or both.
- 32 e. The manner, location, and time in which the penalty may
33 be paid.
- 34 f. The time and place of court appearance.
- 35 g. The penalty for failure to appear in court.

1 4. In proceedings before the court for a municipal in-
2 fraction:

5411 3 a. The city has the burden of proof that the municipal
4 infraction occurred and that the violator committed the
5 infraction. The proof shall be by clear, satisfactory, and
6 convincing evidence. The court shall apply evidentiary
7 standards as prescribed by law or the Iowa rules of criminal
8 procedure for the trial of criminal offenses.

5479 b. The court shall ensure that the violator has received a
10 copy of the charges and that the violator understands the
11 charges. The violator may question all witnesses who appear
12 for the city, produce evidence or witnesses on the violator's
13 behalf, and testify if the violator elects to do so.

14 c. The violator may be represented by counsel of the
15 violator's own selection and at the violator's own expense.

16 d. The violator may enter a plea admitting or denying the
17 infraction.

18 e. The verdict of the court for a municipal infraction
19 shall be "guilty" of the municipal infraction or "not guilty"
20 of the municipal infraction.

S-5492 21 5. All penalties or forfeitures collected by the court for
22 municipal infractions shall be remitted to the city in the
23 same manner as fines and forfeitures are remitted for criminal
24 violations under section 602.8106. If the person named in the
25 citation is served as provided in this section and fails
26 without good cause to appear in response to the civil
27 citation, judgment shall be entered against the person cited.

S-5492 28 6. A person found guilty of a municipal infraction is
29 liable for the court costs and fees.

30 7. Seeking a civil penalty as authorized in this section,
31 does not preclude a city from seeking alternative relief from
541732 the court.

33 8. When a violator has been found guilty of a municipal
34 infraction and a civil penalty has been imposed, the court may
35 direct that payment of the penalty be suspended or deferred

1 under conditions established by the court. If a violator
2 willfully fails to pay the civil penalty imposed by the court,
3 the failure is contempt.

4 9. A violator who has been found guilty of a municipal
5 infraction may file a motion for a new trial or a motion for a
5476 reversal of a judgment as provided by law or rule of criminal
7 procedure.

8 10. This section does not preclude a peace officer of a
9 city from issuing a criminal citation for a violation of a
10 city code or regulation if criminal penalties are also
11 provided for the violation. Each day that a violation occurs
12 or is permitted to exist by the violator, constitutes a
13 separate offense.

14 11. The issuance of a civil citation for a municipal
15 infraction or the ensuing court proceedings do not provide an
16 action for false arrest, false imprisonment, or prosecution.

17 Sec. 3. Section 331.302, Code 1985, is amended by adding
18 the following new subsection:

537 19 NEW SUBSECTION. 15. A county shall not provide a civil
20 penalty in excess of one hundred dollars for the violation of
21 an ordinance which is classified as a county infraction or if
22 the infraction is a repeat offense, a civil penalty not to
23 exceed two hundred dollars for each repeat offense. A county
24 infraction is not punishable by imprisonment.

25 Sec. 4. NEW SECTION. 331.307 COUNTY INFRACTIONS.

538 26 1. A county infraction is a civil offense punishable by a
27 civil penalty of not more than one hundred dollars for each
28 violation or if the infraction is a repeat offense a civil
29 penalty not to exceed two hundred dollars for each repeat
30 offense.

31 2. A county by ordinance may provide that a violation of
32 an ordinance is a county infraction.

33 3. An officer authorized by a county to enforce a county
34 code or regulation may issue a civil citation to a person who
35 commits a county infraction. The citation may be served by

1 personal service or by certified mail return receipt
2 requested. A copy of the citation shall be retained by the
3 issuing officer, and one copy shall be sent to the clerk of
4 the district court. The citation shall serve as notification
5 that a civil offense has been committed and shall contain the
6 following information:

7 a. The name and address of the violator.

8 b. The name or description of the infraction attested to
9 by the officer issuing the citation.

10 c. The location and time of the infraction.

11 d. The amount of civil penalty to be assessed or the
12 alternate relief sought, or both.

13 e. The manner, location, and time in which the penalty may
14 be paid.

15 f. The time and place of court appearance.

16 g. The penalty for failure to appear in court.

17 4. In proceedings before the court for a county in-
18 fraction:

5417 19 a. The county has the burden of proof that the county
20 infraction occurred and that the violator committed the
21 infraction. The proof shall be by clear, satisfactory, and
22 convincing evidence. The court shall apply evidentiary
23 standards as prescribed by law or the Iowa rules of criminal
24 procedure for the trial of criminal offenses.

5417 25 b. The court shall ensure that the violator has received a
26 copy of the charges and that the violator understands the
27 charges. The violator may question all witnesses who appear
28 for the county, produce evidence or witnesses on the
29 violator's behalf, and testify if the violator elects to do
30 so.

31 c. The violator may be represented by counsel of the
32 violator's own selection and at the violator's own expense.

33 d. The violator may enter a plea admitting or denying the
34 infraction.

35 e. The verdict of the court for a county infraction shall

1 be "guilty" of the county infraction or "not guilty" of the
2 county infraction.

3 5. Notwithstanding section 602.8106, subsection 3,
4 penalties or forfeitures collected by the court for county
5 infractions shall be remitted to the county in the same manner
6 as fines and forfeitures are remitted to cities for criminal
7 violations under section 602.8106. If the person named in the
8 citation is served as provided in this section and fails
9 without good cause to appear in response to the civil
10 citation, judgment shall be entered against the person cited.

11 6. A person found guilty of a county infraction is liable
12 for the court costs and fees.

13 7. Seeking a civil penalty as authorized in this section,
14 does not preclude a county from seeking alternative relief
15 from the court.

5. 16 8. When a violator has been found guilty of a county
17 infraction and a civil penalty has been imposed, the court may
18 direct that payment of the penalty be suspended or deferred
19 under conditions established by the court. If a violator
20 willfully fails to pay the civil penalty imposed by the court,
21 the failure is contempt.

22 9. A violator who has been found guilty of a county
23 infraction may file a motion for a new trial or a motion for a
547 24 reversal of a judgment as provided by law or rule of criminal
25 procedure.

26 10. This section does not preclude a peace officer of a
27 county from issuing a criminal citation for a violation of a
28 county code or regulation if criminal penalties are also
29 provided for the violation. Each day that a violation occurs
30 or is permitted by the violator to exist, constitutes a
31 separate offense.

32 11. The issuance of a civil citation for a county infrac-
33 tion or the ensuing court proceedings do not provide an action
34 for false arrest, false imprisonment, or prosecution.

35 EXPLANATION

1 This bill authorizes cities and counties to provide a civil
2 penalty not exceeding one hundred dollars for the violation of
3 an ordinance and not exceeding two hundred dollars for repeat
4 violations. A city or county may classify as a municipal in-
5 fraction any ordinance violation. The bill also establishes
6 procedures for issuing civil citations, provides for the
7 content of the citation, and specifies general provisions for
8 the court proceedings.

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FISCAL NOTE TO
HOUSE FILE 2393

In compliance with a written request received April 4, 1986, a fiscal note for HOUSE FILE 2393 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2393 authorizes cities and counties to provide a civil penalty not exceeding \$100 for the violation of an ordinance and not exceeding \$200 for repeat violations. A city or county may classify as a municipal infraction any ordinance violation. The bill also establishes procedures for issuing civil citations, and specifies general provisions for the court proceedings.

FISCAL EFFECT: The amount of additional revenue that will be generated by this bill for cities and counties depends upon the number of ordinance violations that these entities will classify as municipal or county infractions, and the number of violators who will be cited. It is not possible to estimate these amounts, but they are not expected to be significant.

If cities and counties classify as infractions offenses which are also violations of state law, and if violators are prosecuted under local instead of state statute, there will be a decrease in fine and court cost revenues to the state general fund. This cannot be accurately projected.

Sources: Iowa League of Cities
City of Des Moines Building Inspection Department
Judicial Department

(LSB 7739H, JMN)

Filed by Doyle April 9, 1986 DENNIS C. PROUTY, DIRECTOR, LEGISLATIVE
FISCAL BUREAU

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HOUSE FILE 2393

5492

1 Amend House File 2393 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 5 through 7 and
4 inserting the following: "an ordinance which is
5 classified as a municipal infraction. A".

6 2. Page 1, by striking lines 12 through 14 and
7 inserting the following: "violation."

8 3. Page 3, by striking lines 21 through 23 and
9 inserting the following: "an ordinance which is
10 classified as a county infraction. A county".

11 4. Page 3, by striking lines 28 through 30 and
12 inserting the following: "violation."

S-5492 Filed March 27, 1986 BY HOLDEN

Lost 4/10 (p. 1177)

HOUSE FILE 2393

S-5644

1 Amend the amendment S-5417 to House File 2393 as
2 passed by the House as follows:

3 1. Page 1, line 5, by striking the words "shall
4 not" and inserting the word "may".

5 2. Page 1, by striking line 8 and inserting the
6 following: "licensing of small firearms, as defined
7 by the commissioner of public safety, but shall not
8 enact such ordinance for any other firearm when the
9 ownership, possession,".

S-5644 Filed April 9, 1986

BY MANN

Lost 4/10/86 (p. 1175)

HOUSE FILE 2393

S-5417

1 Amend House File 2393, as passed by the House, as
2 follows:

5657 3 1. Page 1, line 16, by striking the word
4 "infraction." and inserting the following:
5668 5 "infraction; however, a city shall not enact an
6 ordinance regulating the ownership, possession, legal
7 transfer, lawful transportation, registration, or
5641 8 licensing of firearms when the ownership, possession,
9 transfer, or transportation is otherwise lawful under
10 the laws of this state."

5625 11 2. Page 2, by striking lines 6 through 8 and
12 inserting the following: "convincing evidence."

13 3. Page 2, line 12, by striking the word "city,"
14 and inserting the words "city and".

15 4. Page 2, by striking line 13 and inserting the
16 following: "behalf."

17 5. Page 2, line 32, by inserting after the word
18 "court" the words "in the same action".

19 6. By striking page 2 line 34 through page 3,
20 line 2 and inserting the following: "infraction, the
21 court may impose a civil penalty or may grant
22 appropriate relief to abate or halt the violation, or
23 both, and the court may direct that payment of the
24 civil penalty be suspended or deferred under
25 conditions established by the court. If a violator
26 willfully fails to pay the civil penalty or violates
27 the terms of any other order imposed by the court,".

28 7. Page 3, line 6, by striking the word
29 "criminal" and inserting the word "civil".

5668 30 8. Page 4, by striking lines 22 through 24 and
31 inserting the following: "convincing evidence."

32 9. Page 4, line 28, by striking the word
33 "county," and inserting the words "county and".

34 10. Page 4, by striking lines 29 and 30 and
35 inserting the following: "violator's behalf."

36 11. Page 5, line 15, by inserting after the word
37 "court" the words "in the same action".

38 12. Page 5, by striking lines 17 through 20 and
39 inserting the following: "infraction, the court may
40 impose a civil penalty or may grant appropriate relief
41 to abate or halt the violation, or both, and the court
42 may direct that payment of the civil penalty be
43 suspended or deferred under conditions established by
44 the court. If a violator willfully fails to pay the
45 civil penalty or violates the terms of any other order
46 imposed by the court,".

47 13. Page 5, line 24, by striking the word
5657 48 "criminal" and inserting the word "civil".

S-5417 Filed March 20, 1986

BY COMM. ON LOCAL GOV'T, A. MILLER, CHAIR

Adopted as amended by 5668 4/10/86 (p. 1176)

HOUSE FILE 2393

S-5657

1 Amend the amendment S-5417, to House File 2393, as
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2, the
4 following:

5 "_____. Page 1, by inserting before line 1, the
6 following:

7 "Sec. _____. Section 80.11, subsection 9, Code 1985,
8 is amended to read as follows:

9 9. Small arms and stun gun instruction.

10 Sec. _____. Section 80A.13, subsection 1, Code
11 Supplement 1985, is amended to read as follows:

12 1. File with the sheriff of the county in which
13 the campus is located evidence that the individual has
14 successfully completed an approved firearms and stun
15 gun training program under section 724.9. This
16 requirement does not apply to armored car personnel."

17 2. Page 1, by inserting after line 48, the
18 following:

19 "_____. Page 5, by inserting after line 34, the
20 following:

21 "Sec. 3. Section 702.7, Code 1985, is amended to
22 read as follows:

23 702.7 DANGEROUS WEAPON.

24 A "dangerous weapon" is any instrument or device
25 designed primarily for use in inflicting death or
26 injury upon a human being or animal, and which is
27 capable of inflicting death upon a human being when
28 used in the manner for which it was designed.

29 Additionally, any instrument or device of any sort
30 whatsoever which is actually used in such a manner as
31 to indicate that the defendant intends to inflict
32 death or serious injury upon the other, and which,
33 when so used, is capable of inflicting death upon a
34 human being, is a dangerous weapon. Dangerous weapons
35 include, but are not limited to, any offensive weapon,
36 pistol, revolver, or other firearm, stun gun, dagger,
37 razor, stiletto, or knife having a blade of three
38 inches or longer in length.

39 Sec. 4. NEW SECTION. 702.24 STUN GUN.

40 "Stun gun" means a device which by electrical
41 impulse or current is capable of immobilizing a human
42 being temporarily, whether or not the device is
43 capable of inflicting death or serious injury.
44 However, the term does not include a device designed
45 exclusively to move or control livestock when the
46 device is so used.

47 Sec. 5. Section 724.4, unnumbered paragraph 1,
48 Code 1985, is amended to read as follows:

49 A person who goes armed with a dangerous weapon
50 concealed on or about the person, or who, within the

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1 limits of any city, goes armed with a pistol, or
2 revolver, or stun gun, or any loaded firearm of any
3 kind, whether concealed or not, or who knowingly
4 carries or transports in a vehicle a pistol, or
5 revolver, or stun gun, commits an aggravated
6 misdemeanor, ~~provided that~~. However, this section
7 ~~shall~~ does not apply to any of the following:

8 Sec. 6. Section 724.4, subsection 6, Code 1985, is
9 amended to read as follows:

10 6. Any person who for any lawful purpose carries
11 or transports an unloaded pistol, or revolver, or stun
12 gun in any vehicle inside a closed and fastened
13 container or securely wrapped package which is too
14 large to be concealed on the person or inside a cargo
15 or luggage compartment where the pistol, or revolver,
16 or stun gun will not be readily accessible to any
17 person riding in the vehicle or common carrier.

18 Sec. 7. Section 724.5, Code 1985, is amended to
19 read as follows:

20 724.5 DUTY TO CARRY PERMIT TO CARRY WEAPONS.

21 ~~It shall be the duty of any~~ A person armed with a
22 revolver, pistol, stun gun, or pocket billy concealed
23 upon the person ~~to~~ shall have in the person's
24 immediate possession the permit provided for in
25 section 724.4, subsection 8 and ~~to~~ shall produce ~~same~~
26 the permit for inspection at the request of any peace
27 officer. Failure to so produce ~~such the~~ permit ~~shall~~
28 constitute is a simple misdemeanor.

29 Sec. 8. Section 724.9, Code 1985, is amended to
30 read as follows:

31 724.9 FIREARM AND STUN GUN TRAINING PROGRAM.

32 A training program to qualify persons in the safe
33 use of firearms and stun guns shall be provided by the
34 issuing officer of permits, as provided in section
35 724.11. The commissioner of public safety shall
36 approve the training program, and the county sheriff
37 or the commissioner of public safety conducting the
38 training program within their respective jurisdictions
39 may contract with a private organization or use the
40 services of other agencies, or may use a combination
41 of the two, to provide such training. Any person
42 eligible to be issued a permit to carry weapons may
43 enroll in such a course. A fee sufficient to cover
44 the cost of the program may be charged each person
45 attending. Certificates of completion, on a form
46 prescribed and published by the commissioner of public
47 safety, shall be issued to each person who
48 successfully completes the program. ~~No~~ A person shall
49 not be issued either a professional or nonprofessional
50 permit unless the person has received a certificate of

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1 completion or is a certified peace officer. No A
2 peace officer or correctional officer, except a
3 certified peace officer, shall not go armed with a
4 pistol, or revolver, or stun gun unless the officer
5 has received a certificate of completion, ~~provided~~
6 ~~that~~. However, this requirement ~~shall~~ does not apply
7 to ~~persons who are employed in this state as peace~~
8 ~~officers on January 17, 1978 until July 17, 1978, or to~~
9 peace officers of other jurisdictions exercising their
10 legal duties within this state.

11 Sec. 9. Section 724.15, Code 1985, is amended to
12 read as follows:

13 724.15 ANNUAL PERMIT TO ACQUIRE PISTOLS, OR
14 REVOLVERS, OR STUN GUNS.

15 1. Any A person who acquires ownership of any a
16 pistol, or revolver, or stun gun shall first obtain an
17 annual permit. An annual permit shall not be issued
18 to any person unless all of the following apply:

19 a. The person is twenty-one years of age or older.

20 b. The person has never been convicted of a
21 felony.

22 c. The person is not addicted to the use of
23 alcohol or a controlled substance.

24 d. The person has no history of repeated acts of
25 violence.

26 e. The person has never been convicted of a crime
27 defined in chapter 708, except "assault" as defined in
28 section 708.1 and "harassment" as defined in section
29 708.7.

30 f. The person has never been adjudged mentally
31 defective.

32 2. Any A person who acquires ownership of a
33 pistol, or revolver ~~shall~~, or stun gun is not be
34 required to obtain an annual permit if any of the
35 following apply:

36 a. The person transferring the pistol, or
37 revolver, or stun gun and the person acquiring the
38 pistol, or revolver, or stun gun are licensed firearms
39 dealers under federal law.

40 b. The pistol or revolver acquired is an antique
41 firearm, a collector's item, a device which is not
42 designed or redesigned for use as a weapon, a device
43 which is designed solely for use as a signaling,
44 pyrotechnic, line-throwing, safety, or similar device,
45 or a firearm which is unserviceable by reason of being
46 unable to discharge a shot by means of an explosive
47 and is incapable of being readily restored to a firing
48 condition, ~~or~~.

49 c. The person acquiring the pistol, or revolver,
50 or stun gun is authorized to do so on behalf of a law

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1 enforcement agency.

2 3. The annual permit to acquire pistols, or
3 revolvers shall authorize, or stun guns authorizes the
4 permit holder to acquire one or more pistols, or
5 revolvers, or stun guns during the period that the
6 permit remains valid. If the issuing officer
7 determines that the applicant has become disqualified
8 under the provisions of subsection 1, the issuing
9 officer may immediately invalidate the permit.

10 Sec. 10. Section 724.16, Code 1985, is amended to
11 read as follows:

12 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED.

13 Any A person who acquires ownership of a pistol, or
14 revolver, or stun gun without a valid annual permit to
15 acquire pistols, or revolvers, or stun guns or any a
16 person who transfers ownership of a pistol, or
17 revolver, or stun gun to a person who does not have in
18 the person's possession a valid annual permit to
19 acquire pistols, or revolvers, or stun guns is guilty
20 of a simple misdemeanor.

21 Sec. 11. Section 724.17, Code 1985, is amended to
22 read as follows:

23 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE.

24 The application for an annual permit to acquire
25 pistols, or revolvers, or stun guns may be made to the
26 sheriff of the county of the applicant's residence and
27 shall be on a form prescribed and published by the
28 commissioner of public safety. The application shall
29 state the full name of ~~the applicant~~, the social
30 security number of ~~the applicant~~, the residence of ~~the~~
31 applicant, and the age of the applicant.

32 Sec. 12. Section 724.18, Code 1985, is amended to
33 read as follows:

34 724.18 PROCEDURE FOR MAKING APPLICATION FOR ANNUAL
35 PERMIT TO ACQUIRE.

36 A person may personally request the sheriff to mail
37 an application for an annual permit to acquire
38 pistols, or revolvers, or stun guns, and the sheriff
39 shall immediately forward to such person an
40 application for an annual permit to acquire pistols,
41 or revolvers, or stun guns. A person shall upon
42 completion of the application personally deliver such
43 the application to the sheriff who shall note the
44 period of validity on the application and shall
45 immediately issue the annual permit to acquire
46 pistols, or revolvers, or stun guns to the applicant.
47 For the purposes of this section the date of
48 application shall be the date on which the sheriff
49 received the completed application.

50 Sec. 13. Section 724.19, Code 1985, is amended to

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1 read as follows:

2 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

3 The annual permit to acquire pistols, or revolvers,
4 or stun guns shall be issued to the applicant
5 immediately upon completion of the application unless
6 the applicant is disqualified under ~~the provisions of~~
7 section 724.15 and shall be on a form prescribed and
8 published by the commissioner of public safety. The
9 permit shall contain the name ~~of the permittee~~, the
10 social security number ~~of the permittee~~, and the
11 residence of the permittee, and the effective date of
12 the permit.

13 Sec. 14. Section 724.20, Code 1985, is amended to
14 read as follows:

15 724.20 VALIDITY OF ANNUAL PERMIT TO ACQUIRE
16 PISTOLS, OR REVOLVERS, OR STUN GUNS.

17 The permit ~~shall be~~ is valid throughout the state
18 ~~and shall be valid~~ three days after the date of
19 application and ~~shall be~~ is invalid one year after the
20 date of application.

21 Sec. 15. Section 724.21, Code 1985, is amended to
22 read as follows:

23 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING
24 WEAPON.

25 A person who gives a false name or presents false
26 identification, or otherwise gives false information
27 to one from whom the person seeks to acquire a pistol,
28 or revolver, or stun gun, commits an aggravated
29 misdemeanor.

30 Sec. 16. Section 724.22, Code 1985, is amended to
31 read as follows:

32 724.22 SALE TO MINORS.

33 1. Except as provided in subsection 3, a person
34 who sells, loans, gives, or makes available a rifle or
35 shotgun or ammunition for a rifle or shotgun to a
36 minor commits a simple misdemeanor.

37 2. Except as provided in subsections 4 and 5, a
38 person who sells, loans, gives, or makes available a
39 pistol, or revolver, or stun gun or ammunition for a
40 pistol or revolver to a person below the age of
41 twenty-one commits a simple misdemeanor.

42 3. A parent, guardian, spouse who is eighteen
43 years of age or older, or another with the express
44 consent of the minor's parent or guardian or spouse
45 who is eighteen years of age or older may allow a
46 minor to possess a rifle or shotgun or the ammunition
47 therefor for it which may be lawfully used.

48 4. A person eighteen, nineteen, or twenty years of
49 age may possess a stun gun or firearm and the
50 ammunition therefor for it while on military duty or

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1 while a peace officer, security guard, or correctional
2 officer, when such duty requires the possession of
3 such a weapon or while the person receives instruction
4 in the proper use thereof of the weapon from an
5 instructor who is twenty-one years of age or older.

6 5. A parent or guardian or spouse who is twenty-
7 one years of age or older, of a person fourteen years
8 of age but less than twenty-one may allow the person
9 to possess a pistol, or revolver, or stun gun or the
10 ammunition therefor of a pistol or revolver for any
11 lawful purpose while under the direct supervision of
12 the parent or guardian or spouse who is twenty-one
13 years of age or older, or while the person receives
14 instruction in the proper use thereof from an
15 instructor twenty-one years of age or older, with the
16 consent of such parent, guardian or spouse.

17 6. For the purposes of this section, caliber .22
18 rimfire ammunition ~~shall be~~ is deemed to be rifle
19 ammunition.

20 Sec. 17. Section 724.26, Code 1985, is amended to
21 read as follows:

22 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION OF
23 FIREARMS, STUN GUNS, AND DESTRUCTIVE DEVICES BY
24 FELONS.

25 Any A person who is convicted of a felony in any
26 state or federal court and who subsequently possesses,
27 receives, or transports or causes to be transported a
28 firearm, stun gun, or offensive weapon is guilty of an
29 aggravated misdemeanor.

30 Sec. 18. Section 724.27, Code 1985, is amended to
31 read as follows:

32 724.27 EXCEPTION TO SECTIONS 724.8, SUBSECTION 2,
33 724.15, SUBSECTION 1, AND 724.26.

34 ~~The provisions of sections~~ Sections 724.8,
35 subsection 2, 724.15, subsection 1, paragraphs "b" and
36 "e", and 724.26 ~~shall do~~ do not apply to a person who is
37 pardoned or has had the person's civil rights restored
38 by the President president of the United States or the
39 chief executive of a state and who is expressly
40 authorized by the President president of the United
41 States or such chief executive to receive, transport,
42 or possess firearms, stun guns, or destructive
43 devices."

44 3. By numbering and renumbering as necessary.

S-5657 Filed April 9, 1986
BY GENTLEMAN

56667
Quoted of 6 4/10/86 (p. 1176)

S-5668

1 Amend the committee amendment, S-5417, to House
2 File 2393, as passed by the House, as follows:

3 1. Page 1, by inserting after line 10 the
A 4 following:
5 "____". Page 1, by inserting after line 16 the
6 following:

7 "3. A city shall not provide that a violation of
8 an ordinance is a municipal infraction if the
9 violation is a felony or misdemeanor by state law.""

10 2. Page 1, by inserting after line 29 the
B 11 following:
12 "____". Page 3, by inserting after line 32 the
13 following:

14 "3. A county shall not provide that a violation of
15 an ordinance is a county infraction if the violation
16 is a felony or misdemeanor by state law.""

S-5668 Filed April 9, 1986

BY DOYLE

Adopted 4/10/86 (p. 1176)

HOUSE FILE 2393

S-5666

1 Amend amendment S-5657 to House File 2393 as passed
2 by the House as follows:

3 1. Page 6, by inserting after line 43, the
4 following:

5 "Sec. 19. NEW SECTION. 724.31 REPORT OF LOSS OR
6 THEFT OF PISTOL, REVOLVER, OR STUN GUN.

7 A person who possesses or owns a pistol, revolver,
8 or stun gun which is lost or stolen shall, within
9 forty-eight hours of the discovery of loss or theft,
10 report the loss or theft to a law enforcement agency
11 within the jurisdiction where the loss or theft
12 occurred. A person violating this section commits a
13 simple misdemeanor.

14 Sec. 20. NEW SECTION. 724.32 STORAGE OF PISTOL,
15 REVOLVER, OR STUN GUN.

16 A person who possesses or owns a pistol, revolver,
17 or stun gun shall secure the pistol, revolver, or stun
18 gun in a locked opaque container accessible only by
19 use of a key or combination lock when the pistol,
20 revolver, or stun gun is not in the person's immediate
21 possession or control. A person who violates this
22 section may be held liable for damages to any person
23 injured as a result of the loss or theft of the
24 unsecured pistol, revolver, or stun gun.

25 Sec. 21. NEW SECTION. 724.33 FINANCIAL
26 RESPONSIBILITY FOR OWNERSHIP OF PISTOL OR REVOLVER.

27 1. A person who applies for a permit to acquire or
28 carry a pistol or revolver under this chapter shall
29 demonstrate, in such form as shall be required by the
30 department of public safety, proof of and maintain
31 financial responsibility in an amount of at least one
32 hundred thousand dollars to insure against injury
33 caused by the negligent or criminal use of the
34 person's pistol or revolver. A person who violates
35 this subsection commits a serious misdemeanor.

36 2. A sheriff shall ascertain compliance with the
37 financial responsibility requirements of this section
38 before issuing or reissuing a permit to carry or
39 acquire a pistol or revolver."

S-5666 Filed April 9, 1986

BY MANN

Revised one of order 4/10/86 (p. 1175)

SENATE AMENDMENT TO HOUSE FILE 2393

H-5857

1 Amend House File 2393, as passed by the House, as
2 follows:

3 1. Page 1, line 16, by striking the word
4 "infraction." and inserting the following:
5 "infraction; however, a city shall not enact an
6 ordinance regulating the ownership, possession, legal
7 transfer, lawful transportation, registration, or
8 licensing of firearms when the ownership, possession,
9 transfer, or transportation is otherwise lawful under
10 the laws of this state."

11 2. Page 1, by inserting after line 16 the
12 following:

13 "3. A city shall not provide that a violation of
14 an ordinance is a municipal infraction if the
15 violation is a felony or misdemeanor by state law."

16 3. Page 2, by striking lines 6 through 8 and
17 inserting the following: "convincing evidence."

18 4. Page 2, line 12, by striking the word "city,"
19 and inserting the words "city and".

20 5. Page 2, by striking line 13 and inserting the
21 following: "behalf."

22 6. Page 2, line 32, by inserting after the word
23 "court" the words "in the same action".

24 7. By striking page 2 line 34 through page 3,
25 line 2 and inserting the following: "infraction, the
26 court may impose a civil penalty or may grant
27 appropriate relief to abate or halt the violation, or
28 both, and the court may direct that payment of the
29 civil penalty be suspended or deferred under
30 conditions established by the court. If a violator
31 willfully fails to pay the civil penalty or violates
32 the terms of any other order imposed by the court,".

33 8. Page 3, line 6, by striking the word
34 "criminal" and inserting the word "civil".

35 9. Page 3, by inserting after line 32 the
36 following:

37 "3. A county shall not provide that a violation of
38 an ordinance is a county infraction if the violation
39 is a felony or misdemeanor by state law."

40 10. Page 4, by striking lines 22 through 24 and
41 inserting the following: "convincing evidence."

42 11. Page 4, line 28, by striking the word
43 "county," and inserting the words "county and".

44 12. Page 4, by striking lines 29 and 30 and
45 inserting the following: "violator's behalf."

46 13. Page 5, line 15, by inserting after the word
47 "court" the words "in the same action".

48 14. Page 5, by striking lines 17 through 20 and
49 inserting the following: "infraction, the court may
50 impose a civil penalty or may grant appropriate relief

H-5857
Page Two

1 to abate or halt the violation, or both, and the court
2 may direct that payment of the civil penalty be
3 suspended or deferred under conditions established by
4 the court. If a violator willfully fails to pay the
5 civil penalty or violates the terms of any other order
6 imposed by the court,".

7 15. Page 5, line 24, by striking the word
8 "criminal" and inserting the word "civil".

H-5857 FILED APRIL 18, 1986 RECEIVED FROM THE SENATE

House amended (6037) & concurred 4/29 (g. 1969)

HOUSE FILE 2393

H-6026

1 Amend the Senate amendment, H-5857, to House File
2 2393 as passed by the House as follows:

3 1. Page 1, by striking lines 3 through 10.

4 2. Page 1, by inserting after line 21 the
5 following:

6 "____. Page 2, line 29, by inserting after the
7 word "fees." the following: "Where the action is
8 disposed of without payment, or provision for
9 assessment, of court costs, the clerk shall at once
10 enter judgment for costs against the city.""

11 3. Page 1, by inserting after line 45 the
12 following:

13 "____. Page 5, line 12, by inserting after the
14 word "fees." the following: "Where the action is
15 disposed of without payment, or provision for
16 assessment, of court costs, the clerk shall at once
17 enter judgment for costs against the county.""

18 4. By renumbering as necessary.

H-6026 FILED APRIL 24, 1986 BY O'KANE of Woodbury

H/S 4/29 (g. 1969)

H-6037

1 Amend the Senate amendment, H-5857, to House File
2 2393 as passed by the House as follows:

3 1. Page 1, by striking lines 3 through 10.

4 2. Page 1, by inserting after line 21 the
5 following:

6 " . Page 2, line 29, by inserting after the
7 word "fees." the following: "If a person is found not
8 guilty of a municipal infraction or the action is
9 dismissed, the city is liable for the court costs and
10 court fees. Where the action is disposed of without
11 payment, or provision for assessment, of court costs,
12 the clerk shall at once enter judgment for costs
13 against the city.""

14 3. Page 1, by inserting after line 45 the
15 following:

16 " . Page 5, line 12, by inserting after the
17 word "fees." the following: "If a person is found not
18 guilty of a county infraction or the action is
19 dismissed, the county is liable for the court costs
20 and court fees. Where the action is disposed of
21 without payment, or provision for assessment, of court
22 costs, the clerk shall at once enter judgment for
23 costs against the county.""

24 4. By renumbering as necessary.

H-6037 FILED APRIL 25, 1986 BY O'KANE of Woodbury

Adopted 4/29 (p. 1909)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2393

S-5805

- 1 Amend the Senate amendment, H-5857, to House File
- 2 2393 as passed by the House as follows:
- 3 1. Page 1, by striking lines 3 through 10.
- 4 2. Page 1, by inserting after line 21 the
- 5 following:
- 6 "____. Page 2, line 29, by inserting after the
- 7 word "fees." the following: "If a person is found not
- 8 guilty of a municipal infraction or the action is
- 9 dismissed, the city is liable for the court costs and
- 10 court fees. Where the action is disposed of without
- 11 payment, or provision for assessment, of court costs,
- 12 the clerk shall at once enter judgment for costs
- 13 against the city.""
- 14 3. Page 1, by inserting after line 45 the
- 15 following:
- 16 "____. Page 5, line 12, by inserting after the
- 17 word "fees." the following: "If a person is found not
- 18 guilty of a county infraction or the action is
- 19 dismissed, the county is liable for the court costs
- 20 and court fees. Where the action is disposed of
- 21 without payment, or provision for assessment, of court
- 22 costs, the clerk shall at once enter judgment for
- 23 costs against the county.""
- 24 4. By renumbering as necessary.

S-5805 Filed April 30, 1986 REC'D FROM THE HOUSE

Senate concurred 5/1 (p. 1499)

Platt
Baxter
O'Kane

Now
HF 2393

NSB 639
LOCAL GOVERNMENT

Study Bill 639

Local Government: Platt, Chair; Baxter and O'Kane.

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing cities to establish civil penalties not to
2 exceed one hundred dollars for violations of city codes,
3 zoning ordinances, and regulations.

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

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1 Section 1. Section 364.3, Code Supplement 1985, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 5. A city shall not provide a civil
4 penalty in excess of one hundred dollars for the violation of
5 an ordinance which is classified as a municipal infraction. A
6 municipal infraction is not punishable by imprisonment.

7 Sec. 2. NEW SECTION. 364.22 MUNICIPAL INFRACTIONS.

8 1. A municipal infraction is a civil offense punishable by
9 a civil penalty of not more than one hundred dollars for each
10 violation.

11 2. A city council may provide that a violation of an or-
12 dinance is a municipal infraction unless the violation is de-
13 clared to be a felony or misdemeanor by state law or a simple
14 misdemeanor by ordinance. A city council may classify as a
15 municipal infraction a violation of the following:

16 a. A city construction or maintenance code including, but
17 not limited to, a plumbing code, mechanical code, building
18 code, housing code, and fire code.

19 b. Zoning regulations.

20 3. An officer authorized by a city to enforce a city code
21 or regulation may issue a civil citation to a person who
22 commits a municipal infraction. Issuance of a citation
23 requires personal service upon the person cited. At the time
24 of service, the defendant shall sign the citation which
25 includes a promise to appear in court. A copy of the citation
26 shall be retained by the issuing officer, one copy given to
27 the person cited, and one copy sent to the clerk of the
28 district court. The citation shall contain the following
29 information:

30 a. The name and address of the defendant.

31 b. The name or description of the infraction attested to
32 by the officer issuing the citation.

33 c. The location and time of the infraction.

34 d. The amount of civil penalty to be assessed.

35 e. The manner, location, and time in which the penalty may

1 be paid.

2 f. The time and place of court appearance.

3 g. The penalty for failure to appear in court.

4 4. In proceedings before the court for a municipal in-
5 fraction:

6 a. The city has the burden of proof that the municipal
7 infraction occurred and that the defendant committed the
8 infraction. The proof shall be beyond a reasonable doubt.
9 The court shall apply evidentiary standards as prescribed by
10 law or the Iowa rules of criminal procedure for the trial of
11 criminal offenses.

12 b. The court shall ensure that the defendant has received
13 a copy of the charges and that the defendant understands the
14 charges. The defendant may question all witnesses who appear
15 for the city, produce evidence or witnesses on the defendant's
16 behalf, and testify if the defendant elects to do so.

17 c. The defendant may be represented by counsel of the de-
18 fendant's own selection and at the defendant's own expense.

19 d. The defendant may enter a plea admitting or denying the
20 infraction.

21 e. The verdict of the court for a municipal infraction
22 shall be "guilty" of the municipal infraction or "not guilty"
23 of the municipal infraction.

24 5. All penalties or forfeitures collected by the court for
25 municipal infractions shall be remitted to the city in the
26 same manner as fines and forfeitures are remitted for criminal
27 violations under section 602.8106. Failure to appear in
28 response to a civil citation under this section is a separate
29 civil offense. If the defendant fails to appear before the
30 court, a warrant for the defendant's arrest shall be issued.

31 6. A person found guilty of a municipal infraction is
32 liable for the court costs and fees.

33 7. In addition to seeking a civil penalty as authorized in
34 this section, a city may seek alternative relief from the
35 court as follows:

1 a. An order preventing unlawful erection, construction,
2 reconstruction, alteration, repair, conversion, or maintenance
3 of a facility.

4 b. An order to restrain, correct, or abate a violation of
5 a municipal ordinance.

6 c. An order to prevent the occupancy of a building or
7 structure.

8 d. An order to prevent any illegal act, conduct, business,
9 or use of a premise.

10 8. When a defendant has been found guilty of a municipal
11 infraction and a civil penalty has been imposed, the court may
12 direct that payment of the penalty be suspended or deferred
13 under conditions established by the court. If a defendant
14 willfully fails to pay the civil penalty imposed by the court,
15 the failure is contempt.

16 9. A defendant who has been found guilty of a municipal
17 infraction may file a motion for a new trial or a motion for a
18 reversal of a judgment as provided by law or rule of criminal
19 procedure.

20 10. This section does not preclude a peace officer of a
21 city from issuing a criminal citation for a violation of a
22 city code or regulation if criminal penalties are also
23 provided for the violation.

24 11. The issuance of a civil citation for a municipal
25 infraction or the ensuing court proceedings do not provide an
26 action for false arrest, false imprisonment, or prosecution.

27 EXPLANATION

28 This bill authorizes cities to provide a civil penalty not
29 exceeding one hundred dollars for the violation of an
30 ordinance which is classified as a municipal infraction. A
31 city council may classify as a municipal infraction a uniform
32 code violation such as violation of a housing code, building
33 code, plumbing code, or mechanical code, or a violation of a
34 zoning ordinance or regulation.

35 A city with a population of 15,000 or more or a smaller

1 city which adopts a housing code under section 364.17
2 currently has authority to adopt civil penalties for housing
3 code violations.

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HOUSE FILE 2393

AN ACT

AUTHORIZING CITIES AND COUNTIES TO ESTABLISH CIVIL PENALTIES
FOR VIOLATIONS OF ORDINANCES.

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

Section 1. Section 364.3, Code Supplement 1985, is amended
by adding the following new subsection:

NEW SUBSECTION. 5. A city shall not provide a civil
penalty in excess of one hundred dollars for the violation of
an ordinance which is classified as a municipal infraction or
if the infraction is a repeat offense, a civil penalty not to
exceed two hundred dollars for each repeat offense. A
municipal infraction is not punishable by imprisonment.

Sec. 2. NEW SECTION. 364.22 MUNICIPAL INFRACTIONS.

1. A municipal infraction is a civil offense punishable by
a civil penalty of not more than one hundred dollars for each
violation or if the infraction is a repeat offense, a civil
penalty not to exceed two hundred dollars for each repeat
offense.

2. A city by ordinance may provide that a violation of an
ordinance is a municipal infraction.

3. A city shall not provide that a violation of an
ordinance is a municipal infraction if the violation is a
felony or misdemeanor by state law.

4. An officer authorized by a city to enforce a city code
or regulation may issue a civil citation to a person who
commits a municipal infraction. The citation may be served by
personal service or by certified mail return receipt
requested. A copy of the citation shall be retained by the
issuing officer, and one copy shall be sent to the clerk of
the district court. The citation shall serve as notification
that a civil offense has been committed and shall contain the
following information:

- a. The name and address of the violator.
- b. The name or description of the infraction attested to
by the officer issuing the citation.
- c. The location and time of the infraction.
- d. The amount of civil penalty to be assessed or the
alternate relief sought, or both.
- e. The manner, location, and time in which the penalty may
be paid.

- f. The time and place of court appearance.
- g. The penalty for failure to appear in court.

5. In proceedings before the court for a municipal in-
fraction:

a. The city has the burden of proof that the municipal
infraction occurred and that the violator committed the
infraction. The proof shall be by clear, satisfactory, and
convincing evidence.

b. The court shall ensure that the violator has received a
copy of the charges and that the violator understands the
charges. The violator may question all witnesses who appear
for the city and produce evidence or witnesses on the
violator's behalf.

c. The violator may be represented by counsel of the
violator's own selection and at the violator's own expense.

d. The violator may enter a plea admitting or denying the
infraction.

e. The verdict of the court for a municipal infraction
shall be "guilty" of the municipal infraction or "not guilty"
of the municipal infraction.

6. All penalties or forfeitures collected by the court for
municipal infractions shall be remitted to the city in the
same manner as fines and forfeitures are remitted for criminal
violations under section 602.8106. If the person named in the
citation is served as provided in this section and fails
without good cause to appear in response to the civil
citation, judgment shall be entered against the person cited.

7. A person found guilty of a municipal infraction is
liable for the court costs and fees. If a person is found not

guilty of a municipal infraction or the action is dismissed, the city is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the city.

8. Seeking a civil penalty as authorized in this section, does not preclude a city from seeking alternative relief from the court in the same action.

9. When a violator has been found guilty of a municipal infraction, the court may impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt.

10. A violator who has been found guilty of a municipal infraction may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure.

11. This section does not preclude a peace officer of a city from issuing a criminal citation for a violation of a city code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted to exist by the violator, constitutes a separate offense.

12. The issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or prosecution.

Sec. 3. Section 331.302, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. A county shall not provide a civil penalty in excess of one hundred dollars for the violation of an ordinance which is classified as a county infraction or if the infraction is a repeat offense, a civil penalty not to exceed two hundred dollars for each repeat offense. A county infraction is not punishable by imprisonment.

Sec. 4. NEW SECTION. 331.307 COUNTY INFRACTIONS.

1. A county infraction is a civil offense punishable by a civil penalty of not more than one hundred dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed two hundred dollars for each repeat offense.

2. A county by ordinance may provide that a violation of an ordinance is a county infraction.

3. A county shall not provide that a violation of an ordinance is a county infraction if the violation is a felony or misdemeanor by state law.

4. An officer authorized by a county to enforce a county code or regulation may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- a. The name and address of the violator.
 - b. The name or description of the infraction attested to by the officer issuing the citation.
 - c. The location and time of the infraction.
 - d. The amount of civil penalty to be assessed or the alternate relief sought, or both.
 - e. The manner, location, and time in which the penalty may be paid.
 - f. The time and place of court appearance.
 - g. The penalty for failure to appear in court.
5. In proceedings before the court for a county infraction:

a. The county has the burden of proof that the county infraction occurred and that the violator committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.

b. The court shall ensure that the violator has received a copy of the charges and that the violator understands the

charges. The violator may question all witnesses who appear for the county and produce evidence or witnesses on the violator's behalf.

c. The violator may be represented by counsel of the violator's own selection and at the violator's own expense.

d. The violator may enter a plea admitting or denying the infraction.

e. The verdict of the court for a county infraction shall be "guilty" of the county infraction or "not guilty" of the county infraction.

6. Notwithstanding section 602.8106, subsection 3, penalties or forfeitures collected by the court for county infractions shall be remitted to the county in the same manner as fines and forfeitures are remitted to cities for criminal violations under section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

7. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the county.

8. Seeking a civil penalty as authorized in this section, does not preclude a county from seeking alternative relief from the court in the same action.

9. When a violator has been found guilty of a county infraction, the court may impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt.

10. A violator who has been found guilty of a county infraction may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure.

11. This section does not preclude a peace officer of a county from issuing a criminal citation for a violation of a county code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted by the violator to exist, constitutes a separate offense.

12. The issuance of a civil citation for a county infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or prosecution.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2393, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 21, 1986

TERRY E. BRANSTAD
Governor