

JAN 11 1996
JUDICIARY

HOUSE FILE 2049
BY VAN FOSSEN, MARTIN, HURLEY,
HARRISON, GRUBBS, and BRADLEY

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

A BILL FOR

1 An Act to suspend motor vehicle licenses for violations of the
2 criminal street gangs law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2049

1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), Code Supplement 1995, is amended to read as
3 follows:

4 (4) The suspension of the motor vehicle license or
5 operating privilege of the child, for a period of one year,
6 for the commission of one-or-more any delinquent acts-which
7 are-a act that includes any of the following:

8 (a) A first or subsequent violation of section any of the
9 following:

10 (i) Section 123.467-section.

11 (ii) Section 123.47 regarding that involves the purchase
12 or attempt to purchase of alcoholic beverages7-or-chapter.

13 (iii) Chapter 1247-or-two-or-more-delinquent-acts-which
14 are-a.

15 (iv) Section 126.3.

16 (v) Chapter 453B.

17 (vi) Chapter 723A.

18 (b) A second or subsequent violation of section 123.47
19 regarding that involves the possession of alcoholic beverages
20 for-a-period-of-one-year.

21 PARAGRAPH DIVIDED. The child may be issued a temporary
22 restricted license or school license if the child is otherwise
23 eligible.

24 Sec. 2. Section 321.210, subsection 1, Code 1995, is
25 amended to read as follows:

26 1. The department is authorized to establish rules
27 providing for the suspension of the license of an operator
28 upon twenty days' notice and without preliminary hearing upon
29 a showing by its records or other sufficient evidence that the
30 licensee:

31 a. Is an habitually reckless or negligent driver of a
32 motor vehicle.

33 b. Is an habitual violator of the traffic laws.

34 c. Is physically or mentally incapable of safely operating
35 a motor vehicle.

1 d. Has permitted an unlawful or fraudulent use of the
2 license.

3 e. Has committed an offense or acted in a manner in
4 another state or foreign jurisdiction which in this state
5 would be grounds for suspension or revocation.

6 f. Has committed a serious violation of the motor vehicle
7 laws of this state.

8 g. Is subject to a license suspension under section
9 321.513.

10 h. Has been convicted of an offense under chapter 723A.

11 Prior to a suspension taking effect under paragraph "a",
12 "b", "c", "d", "e", or "f", or "h", the licensee shall have
13 received twenty days' advance notice of the effective date of
14 the suspension. Notwithstanding the terms of the Iowa
15 administrative procedure Act, the filing of a petition for
16 judicial review shall operate to stay the suspension pending
17 the determination by the district court.

18 Sec. 3. Section 321.212, Code 1995, is amended by adding
19 the following new paragraph:

20 NEW PARAGRAPH. e. The department shall suspend a license
21 under section 321.210, subsection 1, paragraph "h", for one
22 year.

23 Sec. 4. Section 321.213A, Code Supplement 1995, is amended
24 to read as follows:

25 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
26 DELINQUENT FOR CERTAIN DRUG-OR-ALCOHOL OFFENSES.

27 1. Upon the entering of an order at the conclusion of a
28 dispositional hearing under section 232.50, where the child
29 has been adjudicated to have committed a delinquent act, which
30 would-be-a the clerk of the juvenile court in the
31 dispositional hearing shall forward a copy of the adjudication
32 and dispositional order to the department, if the adjudication
33 involves any of the following:

34 a. A first or subsequent violation of section any of the
35 following:

1 (1) Section 123.46-section.

2 (2) Section 123.47 involving that involves the purchase or
3 attempt to purchase alcoholic beverages-chapter.

4 (3) Chapter 124-section.

5 (4) Section 126.3-chapter.

6 (5) Chapter 453B-or-a.

7 (6) Chapter 723A.

8 b. A second or subsequent violation of section 123.47
9 regarding that involves the possession of alcoholic beverages,
10 ~~the clerk of the juvenile court in the dispositional hearing~~
11 ~~shall forward a copy of the adjudication and dispositional~~
12 ~~order to the department.~~

13 2. The department shall suspend the license or operating
14 privilege of the child for one year. The child may receive a
15 temporary restricted license as provided in section 321.215.

16 EXPLANATION

17 This bill penalizes adults convicted of, and juveniles
18 adjudicated delinquent for, offenses under chapter 723A,
19 regarding criminal street gangs, by suspending for one year
20 the motor vehicle license of the person committing the
21 offense.

22 The bill makes technical changes to the headnote and
23 structure of sections 232.52 and 321.213A, in order to add
24 clarity in its application to a list of offenses that has
25 increased as a result of amendments since the section was
26 first enacted.

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