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HOUSE FILE 528

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 254)

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Vote: Ayes 92 Nays 3 Vote: Ayes 50 Nays 0

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Re-Passed 5/2/95 Vote 95-3 P. 2178

Re-Passed 4-27-95 Vote 44-4 (P. 1475)

Re-Passed 5-2-95 Vote 48-2 (P. 1578)

A BILL FOR

1 An Act relating to criminal and juvenile justice, including
2 providing that certain identifying information regarding
3 juveniles involved in delinquent acts is a public record,
4 exempting certain offenses from the jurisdiction of the
5 juvenile court, placing a juvenile in detention as a
6 dispositional alternative, waiving a juvenile to adult court,
7 the release or detention of certain criminal defendants
8 pending sentencing or appeal following conviction, eliminating
9 the notice required for students before certain locker
10 searches, adding custody and adjudication information
11 regarding juveniles to state criminal history files,
12 establishing a juvenile justice task force, authorizing the
13 transmission of communicable disease information by radio in
14 certain circumstances, and enhancing or establishing
15 penalties.
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 528

TLSB 1588HV 76

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1 Section 1. Section 22.7, subsection 5, Code 1995, is
2 amended to read as follows:
3 5. Peace officers' investigative reports, except where
4 disclosure is authorized elsewhere in this Code. However, the
5 date, time, specific location, and immediate facts and
6 circumstances surrounding a crime, ~~or~~ incident, or delinquent
7 act which would be an aggravated misdemeanor or felony if
8 committed by an adult, including the name of a juvenile
9 involved, shall not be kept confidential under this section,
10 except in those unusual circumstances where disclosure would
11 plainly and seriously jeopardize an investigation or pose a
12 clear and present danger to the safety of an individual.
13 Sec. 2. Section 22.7, subsection 13, Code 1995, is amended
14 to read as follows:
15 13. The records of a library which, by themselves or when
16 examined with other public records, would reveal the identity
17 of the library patron checking out or requesting an item or
18 information from the library. The records shall be released
19 to a criminal or juvenile justice agency only pursuant to an
20 investigation of a particular person or organization suspected
21 of committing a known crime. The records shall be released
22 only upon a judicial determination that a rational connection
23 exists between the requested release of information and a
24 legitimate end and that the need for the information is cogent
25 and compelling.
26 Sec. 3. Section 22.7, subsection 18, paragraph c, Code
27 1995, is amended to read as follows:
28 c. Information contained in the communication is a public
29 record to the extent that it indicates the date, time,
30 specific location, and immediate facts and circumstances
31 surrounding the occurrence of a crime, delinquent act which
32 would be an aggravated misdemeanor or felony if committed by
33 an adult, or other illegal act, including the name of a
34 juvenile involved, except to the extent that its disclosure
35 would plainly and seriously jeopardize a continuing

1 investigation or pose a clear and present danger to the safety
2 of any person. In any action challenging the failure of the
3 lawful custodian to disclose any particular information of the
4 kind enumerated in this paragraph, the burden of proof is on
5 the lawful custodian to demonstrate that the disclosure of
6 that information would jeopardize such an investigation or
7 would pose such a clear and present danger.
8 Sec. 4. Section 80.9, subsection 2, paragraph d, Code
9 1995, is amended to read as follows:
10 d. To collect and classify, and keep at all times
11 available, complete information useful for the detection of
12 crime, and the identification and apprehension of criminals.
13 Such information shall be available for all peace officers
14 within the state, under such regulations as the commissioner
15 may prescribe. The provisions of chapter 141 do not apply to
16 the entry of human immunodeficiency virus-related information
17 by criminal or juvenile justice agencies, as defined in
18 section 692.1, into the Iowa criminal justice information
19 system or the national crime information center system. The
20 provisions of chapter 141 also do not apply to the
21 transmission of the same information from either or both
22 information systems to criminal or juvenile justice agencies.
23 The provisions of chapter 141 also do not apply to the
24 transmission of the same information from either or both
25 information systems to employees of state correctional
26 institutions subject to the jurisdiction of the department of
27 corrections, employees of secure facilities for juveniles
28 subject to the jurisdiction of the department of human
29 services, and employees of city and county jails, if those
30 employees have direct physical supervision over inmates of
31 those facilities or institutions. ~~Human~~ Except as provided in
32 paragraph "e", as enacted in this Act, human immunodeficiency
33 virus-related information shall not be transmitted over the
34 police radio broadcasting system under chapter 693 or any
35 other radio-based communications system. An employee of an

1 agency receiving human immunodeficiency virus-related
2 information under this section who communicates the
3 information to another employee who does not have direct
4 physical supervision over inmates, other than to a supervisor
5 of an employee who has direct physical supervision over
6 inmates for the purpose of conveying the information to such
7 an employee, or who communicates the information to any person
8 not employed by the agency or uses the information outside the
9 agency is guilty of a class "D" felony. The commissioner
10 shall adopt rules regarding the transmission of human
11 immunodeficiency virus-related information including
12 provisions for maintaining confidentiality of the information.
13 The rules shall include a requirement that persons receiving
14 information from the Iowa criminal justice information system
15 or the national crime information center system receive
16 training regarding confidentiality standards applicable to the
17 information received from the system. The commissioner shall
18 develop and establish, in cooperation with the department of
19 corrections and the Iowa department of public health, training
20 programs and program criteria for persons receiving human
21 immunodeficiency virus-related information through the Iowa
22 criminal justice information system or the national crime
23 information center system.
24 Sec. 5. Section 80.9, subsection 2, Code 1995, is amended
25 by adding the following new paragraph after paragraph "d" and
26 relettering the subsequent paragraphs:
27 NEW PARAGRAPH. e. To develop a procedure for transmission
28 of information, over the police radio broadcasting system
29 under chapter 693 or any other radio-based communications
30 system, to a peace officer, a fire fighter, a basic emergency
31 medical care provider as defined in section 147.1, or an
32 advanced emergency medical care provider as defined in section
33 147A.1, who has direct contact with the public and who is
34 responding to an emergency situation, that a person being
35 sought or assisted is known to be infected with a communicable

disease. The information transmitted shall be provided in a manner which does not identify the specific communicable disease involved, but which cautions the recipient of the transmission to take necessary precautions against transmission of a communicable disease. A person who knowingly transmits information in a manner which is not in compliance with the procedures established under this paragraph, or who is not authorized to transmit or receive a transmission under this paragraph, is guilty of a class "D" felony. The provisions of chapter 141 do not apply to human immunodeficiency virus-related information which is transmitted in compliance with procedures established under this paragraph.

Sec. 6. Section 124.416, Code 1995, is amended to read as follows:

124.416 EXCEPTION TO NONBAILABLE OFFENSE.

Notwithstanding section 811.1, the court, ~~in its discretion,~~ after making the finding required by section 811.1, subsection 3, may admit a person convicted of a violation of section 124.401, subsection ~~1 or~~ 2, or of a violation of section 124.406, to bail if the prosecuting attorney in the action and the defendant's counsel jointly petition the court to admit the person to bail.

Sec. 7. Section 141.23, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. The person authorized to transmit the information or the peace officer, fire fighter, basic emergency medical care provider, or advanced emergency medical care provider receiving the transmission pursuant to section 80.9, subsection 2, paragraph "e", as enacted in this Act.

Sec. 8. Section 232.2, subsection 10, Code 1995, is amended to read as follows:

10. "Criminal or juvenile justice agency" means any agency which has as its primary responsibility the enforcement of the state's criminal laws or of local ordinances made pursuant to

1 state law.
2 Sec. 9. Section 232.8, subsection 1, Code 1995, is amended
3 by adding the following new paragraph:
4 NEW PARAGRAPH. c. Violations by a child, age sixteen or
5 older, which subject the child to the provisions of section
6 124.401, subsection 1, paragraph "e" or "f", or violations of
7 section 723A.2 which involve a violation of chapter 724, or
8 violation of chapter 724 which constitutes a felony, or
9 violations which constitute a forcible felony are excluded
10 from the jurisdiction of the juvenile court and shall be
11 prosecuted as otherwise provided by law unless the court
12 transfers jurisdiction of the child to the juvenile court upon
13 motion and for good cause. A child over whom jurisdiction has
14 not been transferred to the juvenile court, and who is
15 convicted of a violation excluded from the jurisdiction of the
16 juvenile court under this paragraph, shall be sentenced
17 pursuant to section 124.401B, 902.9, or 903.1.
18 Sec. 10. Section 232.22, subsection 1, Code 1995, is
19 amended by adding the following new paragraph:
20 NEW PARAGRAPH. f. A dispositional order has been entered
21 under section 232.52 placing the child in detention.
22 Sec. 11. Section 232.22, subsection 4, unnumbered
23 paragraph 2, Code 1995, is amended by striking the unnumbered
24 paragraph.
25 Sec. 12. Section 232.22, subsection 6, Code 1995, is
26 amended to read as follows:
27 6. ~~If the court has waived its jurisdiction over the child~~
28 ~~for the alleged commission of a forcible~~ Notwithstanding any
29 other provisions of this Code, the restrictions contained in
30 this section relating to the placement of a child in a
31 facility under subsection 2, paragraph "c", apply to all cases
32 involving a child, except that once a child has been charged
33 with a felony offense in the district court pursuant to
34 section 232.8, subsection 1, paragraph "c", 232.45 or 232.45A,
35 and there is a ~~serious~~ risk that the child ~~may commit an act~~

1 ~~which would~~ could inflict serious bodily harm on another
2 person, the child ~~may~~ shall be held in the county jail,
3 notwithstanding section 356.3 unless another suitable secure
4 facility is available. However, wherever possible the child
5 shall be held in sight and sound separation from adult
6 offenders. A child held in the county jail under this
7 subsection shall have all the rights of adult postarrest or
8 pretrial detainees.
9 Sec. 13. Section 232.45A, Code 1995, is amended to read as
10 follows:
11 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT --
12 PROCESSING.
13 1. Once jurisdiction over a child has been waived by the
14 juvenile court as provided in section 232.45, for the alleged
15 commission of a felony, and once a conviction is entered by
16 the district court, for all other offenses, the clerk of the
17 juvenile court shall immediately send a certified copy of the
18 findings required by section 232.45, subsection 8, and the
19 judgment of conviction, as applicable, to the department of
20 public safety. The department shall maintain a file on each
21 child who has previously been waived to or waived to and
22 convicted by the district court in a prosecution as an adult.
23 The file shall be accessible by law enforcement officers on a
24 twenty-four hour per day basis.
25 2. Once a child sixteen years of age or older has been
26 waived to ~~and convicted of a felony by~~ the district court for
27 the alleged commission of a felony, all criminal proceedings
28 against the child for any felony occurring subsequent to the
29 date of the ~~conviction~~ waiver of the child shall begin in
30 district court, notwithstanding sections 232.8 and 232.45. A
31 copy of the findings required by section 232.45, subsection 8,
32 shall be made a part of the record in the district court
33 proceedings.
34 3. If proceedings against a child for a felony who has
35 previously been waived to, or waived to and convicted of such

1 an offense by the district court are mistakenly begun in the
2 juvenile court, the matter shall be transferred to district
3 court upon the discovery of the prior waiver or waiver and
4 conviction, notwithstanding sections 232.8 and 232.45.
5 Sec. 14. Section 232.52, subsection 2, Code 1995, is
6 amended by adding the following new paragraph:
7 NEW PARAGRAPH. g. An order placing a child in detention
8 for not more than two days in a facility under section 232.22,
9 subsection 2.
10 Sec. 15. Section 232.148, subsections 1 and 2, are amended
11 to read as follows:
12 1. Except as provided in this section, a child shall not
13 be fingerprinted or photographed by a criminal or juvenile
14 justice agency after the child is taken into custody.
15 2. Fingerprints and photographs of a child who has been
16 taken into custody and who is fourteen years of age or older
17 may be taken and filed by a criminal or juvenile justice
18 agency investigating the commission of a public offense other
19 than a simple or serious misdemeanor. The criminal justice
20 agency shall forward the fingerprints to the department of
21 public safety for inclusion in the automated fingerprint
22 identification system. ~~However, unless otherwise authorized~~
23 ~~pursuant to section 232.45A or 690.4, or as otherwise~~
24 ~~authorized by law, a criminal history record shall not be~~
25 ~~created for inclusion in an automated system due to the~~
26 ~~retention of fingerprints pursuant to this section.~~
27 Sec. 16. Section 232.149, subsection 2, Code 1995, is
28 amended to read as follows:
29 2. Records and files of a criminal justice agency
30 concerning a child ~~other than fingerprint and photograph~~
31 ~~records and files shall not be open to inspection and their~~
32 ~~contents shall not be disclosed except as provided in this~~
33 ~~section and~~ involved in a delinquent act are public records,
34 except that police investigative reports are subject to the
35 provisions of section 22.7 and criminal history data is

1 subject to the provisions of chapter 692. The records are
2 subject to sealing under section 232.150 unless the juvenile
3 court waives its jurisdiction over the child so that the child
4 may be prosecuted as an adult for a public offense.
5 Sec. 17. Section 232.149, subsections 3 through 6, Code
6 1995, are amended by striking the subsections.
7 Sec. 18. NEW SECTION. 280.17A PROCEDURES FOR HANDLING
8 DANGEROUS WEAPONS.
9 The board of directors of a public school and the
10 authorities in control of a nonpublic school shall prescribe
11 procedures requiring school officials to report to local law
12 enforcement agencies any dangerous weapon, as defined in
13 section 702.7, possessed on school premises in violation of
14 school policy or state law.
15 Sec. 19. Section 331.653, subsection 58, Code 1995, is
16 amended to read as follows:
17 58. Report information on crimes committed and delinquent
18 acts committed and furnish disposition reports on persons
19 arrested and juveniles taken into custody and criminal
20 complaints or information or juvenile delinquency petitions
21 filed in any court as provided in section 692.15.
22 Sec. 20. Section 507.10, subsection 4, paragraph b,
23 subparagraph (1), unnumbered paragraph 2, Code 1995, is
24 amended to read as follows:
25 This section does not require the division of insurance to
26 disclose any information or records which would indicate or
27 show the existence of any investigation or activity of a
28 criminal or juvenile justice agency.
29 Sec. 21. Section 602.8102, subsection 125, Code 1995, is
30 amended to read as follows:
31 125. Furnish a disposition of each criminal complaint or
32 information or juvenile delinquency petition filed in the
33 district or, juvenile court to the department of public safety
34 as provided in section 692.15.
35 Sec. 22. Section 690.5, unnumbered paragraph 2, Code 1995,

1 is amended to read as follows:
2 If a criminal or juvenile justice agency subject to
3 fingerprinting and disposition requirements fails to comply
4 with the requirements, the commissioner of public safety shall
5 order that the agency's access to criminal history record
6 information maintained by the repository be denied or
7 restricted until the agency complies with the reporting
8 requirements.
9 Sec. 23. Section 692.1, Code 1995, is amended by adding
10 the following new subsection before subsection 1 and
11 renumbering the subsequent subsection:
12 NEW SUBSECTION. 1. "Adjudication data" means information
13 that an adjudication of delinquency for an act which would be
14 an aggravated misdemeanor or felony if committed by an adult
15 was entered against a juvenile and includes the date and
16 location of the delinquent act and the place and court of
17 adjudication.
18 Sec. 24. Section 692.1, subsection 5, Code 1995, is
19 amended by adding the following new paragraphs:
20 NEW PARAGRAPH. e. Adjudication data.
21 NEW PARAGRAPH. f. Custody data.
22 Sec. 25. Section 692.1, subsection 7, Code 1995, is
23 amended to read as follows:
24 7. "Criminal or juvenile justice agency" means an agency
25 or department of any level of government or an entity wholly
26 owned, financed, or controlled by one or more such agencies or
27 departments which performs as its principal function the
28 apprehension, prosecution, adjudication, incarceration, or
29 rehabilitation of criminal or juvenile offenders.
30 Sec. 26. Section 692.1, Code 1995, is amended by adding
31 the following new subsection:
32 NEW SUBSECTION. 7A. "Custody data" means information
33 pertaining to the taking into custody, pursuant to section
34 232.19, of a juvenile for a delinquent act which would be an
35 aggravated misdemeanor or felony if committed by an adult, and

1 includes the date, time, place, and facts and circumstances of
2 the delinquent act. Custody data includes warrants for the
3 taking into custody for all delinquent acts outstanding and
4 not served and includes the filing of a petition pursuant to
5 section 232.35, the date and place of the alleged delinquent
6 act, and the county of jurisdiction.
7 Sec. 27. Section 692.2, subsection 1, paragraph a, Code
8 1995, is amended to read as follows:
9 a. Criminal or juvenile justice agencies.
10 Sec. 28. Section 692.2, subsection 4, Code 1995, is
11 amended to read as follows:
12 4. The provisions of this section and section 692.3 which
13 relate to the requiring of an individually identified request
14 prior to the dissemination or redissemination of criminal
15 history data do not apply to the furnishing of criminal
16 history data to the federal bureau of investigation or to the
17 dissemination or redissemination of information that an arrest
18 warrant has been or will be issued, and other relevant
19 information including, but not limited to, the offense or
20 delinquent act and the date and place of alleged commission,
21 individually identifying characteristics of the person to be
22 arrested or taken into custody, and the court or jurisdiction
23 issuing the warrant.
24 Sec. 29. Section 692.2, subsection 6, unnumbered paragraph
25 2, Code 1995, is amended to read as follows:
26 In cases in which members of the department are
27 participating in the investigation or arrest, or where
28 officers of other criminal or juvenile justice agencies
29 participating in the investigation or arrest consent, the
30 department may disseminate criminal history data and
31 intelligence data when the dissemination complies with section
32 692.3.
33 Sec. 30. Section 692.3, subsections 1 and 3, Code 1995,
34 are amended to read as follows:
35 1. A peace officer, criminal or juvenile justice agency,

1 or state or federal regulatory agency shall not redisseminate
2 criminal history data outside the agency, received from the
3 department or bureau, unless all of the following apply:
4 a. The data is for official purposes in connection with
5 prescribed duties of a criminal or juvenile justice agency.
6 b. The agency maintains a list of the persons receiving
7 the data and the date and purpose of the dissemination.
8 c. The request for data is based upon name, fingerprints,
9 or other individual identification characteristics.
10 3. A peace officer, criminal or juvenile justice agency,
11 or state or federal regulatory agency shall not redisseminate
12 intelligence data outside the agency, received from the
13 department or bureau or from any other source, except as
14 provided in subsection 1.
15 Sec. 31. Section 692.4, unnumbered paragraph 1, Code 1995,
16 is amended to read as follows:
17 The department, bureau, or a criminal or juvenile justice
18 agency may compile and disseminate criminal history data in
19 the form of statistical reports derived from such information
20 or as the basis of further study provided individual
21 identities are not ascertainable.
22 Sec. 32. Section 692.8, Code 1995, is amended to read as
23 follows:
24 692.8 INTELLIGENCE DATA.
25 Intelligence data contained in the files of the department
26 of public safety or a criminal or juvenile justice agency may
27 be placed within a computer data storage system, provided that
28 access to the computer data storage system is restricted to
29 authorized employees of the department or criminal or juvenile
30 justice agency. The department shall adopt rules to implement
31 this paragraph.
32 Intelligence data in the files of the department may be
33 disseminated only to a peace officer, criminal or juvenile
34 justice agency, or state or federal regulatory agency, and
35 only if the department is satisfied that the need to know and

1 the intended use are reasonable. Whenever intelligence data
2 relating to a defendant or juvenile who is the subject of a
3 petition under section 232.35 for the purpose of sentencing or
4 adjudication has been provided a court, the court shall inform
5 the defendant or juvenile or the defendant's or juvenile's
6 attorney that it is in possession of such data and shall, upon
7 request of the defendant or juvenile or the defendant's or
8 juvenile's attorney, permit examination of such data.
9 If the defendant or juvenile disputes the accuracy of the
10 intelligence data, the defendant or juvenile shall do so by
11 filing an affidavit stating the substance of the disputed data
12 and wherein it is inaccurate. If the court finds reasonable
13 doubt as to the accuracy of such information, it may require a
14 hearing and the examination of witnesses relating thereto on
15 or before the time set for sentencing or adjudication.
16 Sec. 33. Section 692.9, Code 1995, is amended to read as
17 follows:
18 692.9 SURVEILLANCE DATA PROHIBITED.
19 No surveillance data shall be placed in files or manual or
20 automated data storage systems by the department or bureau or
21 by any peace officer or criminal or juvenile justice agency.
22 Violation of the provisions of this section shall be a public
23 offense punishable under section 692.7.
24 Sec. 34. Section 692.10, Code 1995, is amended to read as
25 follows:
26 692.10 RULES.
27 The department shall adopt rules designed to assure the
28 security and confidentiality of all systems established for
29 the exchange of criminal history data and intelligence data
30 between criminal or juvenile justice agencies and for the
31 authorization of officers or employees to access a department
32 or agency computer data storage system in which criminal
33 intelligence data is stored.
34 Sec. 35. Section 692.11, Code 1995, is amended to read as
35 follows:

1 692.11 EDUCATION PROGRAM.
2 The department shall require an educational program for its
3 employees and the employees of criminal or juvenile justice
4 agencies on the proper use and control of criminal history
5 data and intelligence data.
6 Sec. 36. Section 692.12, Code 1995, is amended to read as
7 follows:
8 692.12 DATA PROCESSING.
9 Nothing in this chapter shall preclude the use of the
10 equipment and hardware of the data processing service center
11 for the storage and retrieval of criminal history data. Files
12 shall be stored on the computer in such a manner as the files
13 cannot be modified, destroyed, accessed, changed or overlaid
14 in any fashion by noncriminal or juvenile justice agency
15 terminals or personnel. That portion of any computer,
16 electronic switch or manual terminal having access to criminal
17 history data stored in the state computer must be under the
18 management control of a criminal or juvenile justice agency.
19 Sec. 37. Section 692.13, Code 1995, is amended to read as
20 follows:
21 692.13 REVIEW.
22 The department shall initiate periodic review procedures
23 designed to determine compliance with the provisions of this
24 chapter within the department and by criminal or juvenile
25 justice agencies and to determine that data furnished to them
26 is factual and accurate.
27 Sec. 38. Section 692.14, Code 1995, is amended to read as
28 follows:
29 692.14 SYSTEMS FOR THE EXCHANGE OF CRIMINAL HISTORY DATA.
30 The department shall regulate the participation by all
31 state and local agencies in any system for the exchange of
32 criminal history data, and shall be responsible for assuring
33 the consistency of such participation with the terms and
34 purposes of this chapter.
35 Direct access to such systems shall be limited to such

1 criminal or juvenile justice agencies as are expressly
2 designated for that purpose by the department. The department
3 shall, with respect to telecommunications terminals employed
4 in the dissemination of criminal history data, insure that
5 security is provided over an entire terminal or that portion
6 actually authorized access to criminal history data.
7 Sec. 39. Section 692.15, Code 1995, is amended to read as
8 follows:
9 692.15 REPORTS TO DEPARTMENT.
10 1. If it comes to the attention of a sheriff, police
11 department, or other law enforcement agency that a public
12 offense or delinquent act has been committed in its
13 jurisdiction, the law enforcement agency shall report
14 information concerning ~~such a~~ the public offense or delinquent
15 act to the department on a form to be furnished by the
16 department not more than thirty-five days from the time the
17 public offense or delinquent act first comes to the attention
18 of the law enforcement agency. The reports shall be used to
19 generate crime statistics. The department shall submit
20 statistics to the governor, the general assembly, and the
21 division of criminal and juvenile justice planning of the
22 department of human rights on a quarterly and yearly basis.
23 2. If a sheriff, police department, or other law
24 enforcement agency makes an arrest or takes a juvenile into
25 custody which is reported to the department, the ~~arresting~~ law
26 enforcement agency making the arrest or taking the juvenile
27 into custody and any other law enforcement agency which
28 obtains custody of the arrested person or juvenile taken into
29 custody shall furnish a disposition report to the department
30 if the arrested person or juvenile taken into custody is
31 transferred to the custody of another law enforcement agency
32 or is released without having a complaint or information or
33 petition under section 232.35 filed with any court.
34 3. The law enforcement agency making an arrest and
35 securing fingerprints pursuant to section 690.2 or taking a

1 juvenile into custody and securing fingerprints pursuant to
2 section 232.148 shall fill out a final disposition report on
3 each arrest on a form and in the manner prescribed by the
4 commissioner of public safety. The final disposition report
5 shall be forwarded to the county attorney in the county where
6 the arrest or taking into custody occurred.
7 4. The county attorney of each county shall complete the
8 final disposition report and submit it to the department
9 within thirty days if a preliminary information or citation is
10 dismissed without a new charge being filed. If an indictment
11 is returned or a county attorney's information is filed, or a
12 petition is filed under section 232.35, the final disposition
13 form shall be forwarded to the clerk of the district court of
14 that county.
15 5. If a criminal complaint or information or petition
16 under section 232.35 is filed in any court, the clerk shall
17 furnish a disposition report of the case.
18 6. Any disposition report shall be sent to the department
19 within thirty days after disposition on a form provided by the
20 department.
21 7. The hate crimes listed in section 729A.2 are subject to
22 the reporting requirements of this section.
23 Sec. 40. Section 692.16, Code 1995, is amended to read as
24 follows:
25 692.16 REVIEW AND REMOVAL.
26 At least every year the bureau shall review and determine
27 current status of all Iowa arrests or takings into custody
28 reported, which are at least one year old with no disposition
29 data. Any Iowa arrest or taking of a juvenile into custody
30 recorded within a computer data storage system which has no
31 disposition data after four years shall be removed unless
32 there is an outstanding arrest warrant or detainer on such
33 charge.
34 Sec. 41. Section 692.17, Code 1995, is amended to read as
35 follows:

1 692.17 EXCLUSIONS -- PURPOSES.
2 Criminal history data in a computer data storage system
3 shall not include arrest or disposition data or custody or
4 adjudication data after the person has been acquitted or the
5 charges dismissed. Criminal history data shall not include
6 custody or adjudication data after the juvenile has reached
7 twenty-three years of age, unless the juvenile was convicted
8 of or plead guilty to a serious or aggravated misdemeanor or
9 felony between age eighteen and age twenty-three.
10 For the purposes of this section, "criminal history data"
11 includes information maintained by any criminal or juvenile
12 justice agency if the information otherwise meets the
13 definition of criminal history data set forth in section 692.1
14 and also includes the source documents of the information
15 included in the criminal history data and fingerprint records.
16 Fingerprint cards received that are used to establish a
17 criminal history data record shall be retained in the
18 automated fingerprint identification system when the criminal
19 history data record is expunged.
20 Criminal history data may be collected for management or
21 research purposes.
22 Sec. 42. Section 692.19, subsection 6, Code 1995, is
23 amended to read as follows:
24 6. May conduct inquiries and investigations the
25 commissioner finds appropriate to achieve the purposes of this
26 chapter. Each criminal or juvenile justice agency in this
27 state and each state and local agency otherwise authorized
28 access to criminal history data is authorized and directed to
29 furnish to the commissioner of public safety, upon the
30 commissioner's request, statistical data, reports, and other
31 information in its possession as the commissioner deems
32 necessary to implement this chapter.
33 Sec. 43. Section 692.21, Code 1995, is amended to read as
34 follows:
35 692.21 DATA TO ~~ARRESTING~~ AGENCY MAKING ARREST OR TAKING

1 JUVENILE INTO CUSTODY.
2 The clerk of the district court shall forward conviction
3 and disposition data to the criminal justice agency making the
4 arrest or taking a juvenile into custody within thirty days of
5 final court disposition of the case.
6 Sec. 44. Section 709A.6, subsection 2, Code 1995, is
7 amended to read as follows:
8 2. It is unlawful for a person to act with, enter into a
9 common scheme or design with, conspire with, recruit or use a
10 person under the age of eighteen, through threats, monetary
11 payment, or other means, to commit an indictable offense for
12 the profit of the person acting with, entering into the common
13 scheme or design with, conspiring with, recruiting or using
14 the juvenile. A person who violates this section commits a
15 class ~~"D"~~ "C" felony.
16 Sec. 45. Section 723A.1, subsection 1, Code 1995, is
17 amended by adding the following new paragraph:
18 NEW PARAGRAPH. g. An offense constituting a violation of
19 chapter 724.
20 Sec. 46. NEW SECTION. 723A.3 GANG RECRUITMENT --
21 PENALTY.
22 1. A person who solicits, recruits, entices, or
23 intimidates a minor to join a criminal street gang commits a
24 class "C" felony.
25 2. A person who conspires to solicit, recruit, entice, or
26 intimidate a minor to join a criminal street gang commits a
27 class "D" felony.
28 Sec. 47. NEW SECTION. 724.4B CARRYING WEAPONS ON SCHOOL
29 GROUNDS -- PENALTY -- EXCEPTIONS.
30 1. A person who goes armed with, carries, or transports a
31 firearm of any kind, whether concealed or not, on the grounds
32 of a school commits a class "D" felony. For the purposes of
33 this section, "school" means a public or nonpublic school as
34 defined in section 280.2.
35 2. Subsection 1 does not apply to the following:

1 a. A person listed under section 724.4, subsection 4,
2 paragraphs "b" through "f" or "j".
3 b. A person who has been specifically authorized by the
4 school to go armed, carry, or transport a firearm on the
5 school grounds, including for purposes of conducting an
6 instructional program regarding firearms.
7 Sec. 48. NEW SECTION. 803.6 TRANSFER OF JURISDICTION --
8 JUVENILE.
9 1. The court, in the case of a juvenile who is alleged to
10 have committed a criminal offense listed in section 232.8,
11 subsection 1, paragraph "c", may direct a juvenile court
12 officer to provide a report regarding whether the child should
13 be transferred to juvenile court for adjudication and
14 disposition as a juvenile.
15 2. If the court believes that transfer may be appropriate
16 the court shall hold a hearing on whether the child should be
17 transferred. A notice of the time and place of the transfer
18 hearing shall be given to all parties to the case. Prior to
19 the hearing, the court shall provide the defendant's counsel
20 and the county attorney with access to the report provided by
21 the juvenile court officer and to all written material to be
22 considered by the court.
23 3. After the hearing, the court may transfer jurisdiction
24 to the juvenile court if the court determines that waiver to
25 the criminal court would be inappropriate under the criteria
26 set forth in section 232.45, subsection 6, paragraph "c", and
27 section 232.45, subsection 7.
28 4. If after the hearing the court transfers jurisdiction
29 over the defendant to the juvenile court for the alleged
30 commission of the public offense, the court shall forward the
31 transfer order together with all papers, documents, and a
32 transcript of all testimony filed or admitted into evidence in
33 connection with the case to the clerk of the juvenile court in
34 the same manner as provided in section 232.8, subsection 2.
35 Sec. 49. Section 808A.1, subsection 1, paragraph d, Code

1995, is amended to read as follows:

d. A school locker, desk, or other facility or space issued or assigned to, or chosen by, the student for the storage of personal belongings of any kind, which the student locks or is permitted to lock. School officials may conduct periodic inspections of all school lockers. ~~However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection.~~

Sec. 50. Section 811.1, subsection 3, Code 1995, is amended to read as follows:

3. Notwithstanding subsections 1 and 2, a defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of, or appealing a conviction of, a felony offense under chapter 124 not provided for in subsection 1 or 2 ~~is presumed to be ineligible to be admitted to bail unless the court determines that such release reasonably will not result in the person failing to appear as required and will not jeopardize the personal safety of another person or persons~~ shall not be eligible to be admitted to bail unless the court finds by clear and convincing evidence that the defendant will not harass, intimidate, or pose a threat to the safety of another person or pose a threat to the public safety.

Sec. 51. TASK FORCE. A youthful offender jurisdiction task force is established to develop a plan for a seamless system of shared jurisdiction between courts presiding over both juvenile and criminal proceedings. The intent of this shared jurisdiction would be to improve sanctions and interventions for juveniles who commit serious crimes.

The membership of the task force shall consist of the director of the department of corrections or the director's designee, a director of a judicial district department of correctional services designated by the governor; the director of human services or the director's designee; the

1 administrator of the criminal and juvenile justice planning
2 division of the department of human rights or the
3 administrator's designee; a chief juvenile court officer, a
4 judge currently handling primarily juvenile cases, and a judge
5 currently handling primarily criminal cases designated by the
6 governor in consultation with the chief justice of the supreme
7 court; the state public defender or the state public
8 defender's designee; and a county attorney designated by the
9 governor.
10 In developing its plan, the task force shall review the
11 youthful offender program plan prepared by the department of
12 corrections pursuant to 1990 Iowa Acts, chapter 1239, and the
13 provisions for a youthful offender program as proposed in 1992
14 Iowa Acts, chapter 1231. The task force's plan shall include
15 recommendations to implement policies and procedures that
16 allow for the provision of supervision and services to persons
17 whose jurisdiction begins in juvenile court, but who, because
18 of the nature of their offense and their responsiveness to
19 juvenile court dispositions, require services and supervision
20 beyond current juvenile court jurisdiction time limits. The
21 plan also shall identify the impact of its recommendations on
22 the caseloads and resources of the courts, the department of
23 human services, the department of corrections, the judicial
24 district departments of correctional services, and other
25 affected state and local agencies and programs.
26 The division of criminal and juvenile justice planning of
27 the department of human rights shall convene and coordinate
28 the activities of the task force. The task force shall submit
29 its plan to the governor and general assembly by October 1,
30 1995.
31 EXPLANATION
32 This bill contains the following provisions:
33 Section 22.7 is amended to provide that information
34 regarding the facts and circumstances surrounding a delinquent
35 act which would be an aggravated misdemeanor or felony if

1 committed by an adult, including the name of the juvenile
2 involved, is a public record to the same extent as for an
3 adult involved in a criminal act. Section 232.149 is also
4 amended to provide that certain records and files of a
5 criminal justice agency concerning a juvenile involved in a
6 delinquent act are public records.
7 Sections 80.9 and 141.23, are amended to provide for the
8 transmission of information over a radio-based communications
9 system that a person being sought or assisted by a peace
10 officer, a fire fighter, a basic emergency care provider, or
11 an advanced emergency medical care provider, who is in direct
12 contact with the public and who is responding to an emergency
13 situation, is infected with a communicable disease. The
14 department of public safety is required to develop procedures
15 for the transmission of this information in a manner which
16 does not disclose the type of communicable disease, but only
17 cautions the recipient of the information to take necessary
18 precautions. A person who knowingly transmits the information
19 in a manner which does not comply with the procedures
20 established or who is not authorized to transmit or receive
21 the information is guilty of a class "D" felony. An exception
22 is provided to the confidentiality requirements regarding the
23 disclosure of human immunodeficiency virus-related testing
24 information for the purposes of those sections.
25 Sections 124.416 and 811.1 are amended to provide that a
26 person who has been convicted of a crime under chapter 124,
27 other than a crime punishable as a class "B" felony under
28 section 124.401, subsection 1, paragraph "a", and who is
29 awaiting sentencing or is appealing the conviction shall not
30 be eligible for release on bail unless the court finds by
31 clear and convincing evidence that the person will not harass,
32 intimidate, or pose a threat to the safety of another person
33 or the general public and finds that a motion for acquittal or
34 motion for new trial will be granted or an appeal will result
35 in the conviction being reversed. Under section 811.1 as it

1 exists currently, a person who is convicted of a crime under
2 section 124.401, subsection 1, paragraph "a", and a person
3 convicted of a class "A" felony, murder, felonious assault,
4 sexual abuse in the second or third degree, kidnapping, or
5 first degree robbery, arson, or burglary is not eligible for
6 bail while awaiting sentencing or while appealing the
7 conviction.
8 Section 232.8 is amended to exclude from the jurisdiction
9 of the juvenile court a juvenile age 16 or older who commits a
10 drug offense involving a firearm or offensive weapon, who
11 violates a provision of chapter 724 regarding weapons which is
12 punishable as a felony, who engages in certain gang activity,
13 or who commits a forcible felony. The juvenile may be
14 transferred to the juvenile court under new section 803.6 if
15 the district court finds that it would have been inappropriate
16 to waive the juvenile to adult court if the offense was
17 originally within the jurisdiction of the juvenile court. A
18 juvenile not transferred to the juvenile court shall be tried
19 and punished as an adult.
20 Section 232.22 is amended to provide that a juvenile who is
21 waived from juvenile court for a felony offense shall be held
22 in the county jail unless another secure facility is
23 available.
24 Sections 232.22 and 232.52 are amended to provide that the
25 juvenile court may enter a dispositional order placing a
26 juvenile who has been adjudicated delinquent in detention for
27 a specified period of time. The juvenile may be detained in
28 any facility in which a juvenile who is taken into custody for
29 an alleged delinquent act could be detained.
30 Section 232.45A is amended to provide that a juvenile who
31 has been waived to adult court for the alleged commission of a
32 felony shall have all other felony proceedings commence in
33 district court. Currently, a conviction for the prior felony
34 is necessary for subsequent felony proceedings to begin in
35 adult court.

1 New section 280.17A is created to require school officials
2 to establish procedures for reporting to a local law
3 enforcement agency when a dangerous weapon is possessed on
4 school premises in violation of school policy or state law.
5 Information concerning the taking of a juvenile into
6 custody and the adjudication of a juvenile as a delinquent for
7 an aggravated misdemeanor or felony are added to the criminal
8 history and intelligence data collected under chapter 692.
9 This information, except photoprint cards, is to be deleted
10 from the data storage system if the juvenile does not commit a
11 serious or aggravated misdemeanor or felony between 18 and 23
12 years of age. Fingerprint cards will be retained in the
13 automated fingerprint identification system.
14 Section 709A.6 is amended to make the penalty for using or
15 conspiring to use a juvenile in criminal activity a class "C"
16 felony instead of a class "D" felony.
17 Chapter 723A, regarding gang activities, is amended to add
18 violations of chapter 724 regarding weapons to the definition
19 of criminal acts, and to add a class "C" felony for
20 recruiting, enticing, or intimidating a juvenile into joining
21 a criminal street gang and a class "D" felony for conspiring
22 to do the same.
23 A new section is also added to chapter 724 making it a
24 class "D" felony for going armed with, carrying, or
25 transporting a firearm on the grounds of a public or nonpublic
26 school. Exemptions are provided for peace and corrections
27 officers, military personnel, persons transporting firearms in
28 closed and locked containers or inside the cargo or luggage
29 compartments of motor vehicles, law enforcement personnel from
30 other states, and persons specifically authorized by the
31 school to have a firearm on the grounds of the school,
32 including for instructional purposes.
33 The requirement in section 808A.1 requiring students to be
34 provided at least 24 hours' notice before a search by school
35 officials of all the students' lockers is eliminated.

1 The bill also establishes a task force to develop a plan
2 for shared jurisdiction between the juvenile justice system
3 and the adult justice system. The task force will be composed
4 of judges, corrections officials, the state public defender,
5 and a county attorney, and be convened by the division of
6 criminal and juvenile justice planning of the department of
7 human rights. The task force will report to the governor and
8 general assembly by October 1, 1995.
9 This bill may contain a state mandate under chapter 25B.
10 If the bill contains a state mandate, a political subdivision
11 is not required to comply with the provisions of the bill
12 unless an appropriation fully or proportionately funding the
13 state's share of the costs to the political subdivision of
14 complying with the bill is made in accordance with section
15 25B.2, subsection 3.
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HOUSE FILE 528
FISCAL NOTE

The estimate for **House File 528** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 528 makes several changes in statutory provisions pertaining to juvenile justice. The following sections are estimated to have a significant fiscal effect:

CRIMINAL HISTORY DATA:

The Bill provides for greater disclosure of facts and circumstances surrounding a delinquent act in specified cases. The Bill provides that this information is a public record to the same extent as for an adult involved in criminal act. The Bill also provides that certain records and files of a criminal justice agency concerning a juvenile involved in a delinquent act are public records.

The Bill also provides that information concerning taking a juvenile into custody and the adjudication of a juvenile as a delinquent are added to the criminal history and intelligence data maintained by the Department of Public Safety.

FISCAL EFFECT:

These statutory changes are estimated to increase State expenditures in the Department of Public Safety by $100,000 in FY 1996 and $90,000 in subsequent years. These costs are associated with entering the data into State criminal history records. It is estimated that 3.00 FTE positions will be required, with approximately $20,000 for supplies.

ENHANCED PENALITIES FOR GANG ACTIVITY:

The Bill changes the penalty for using or conspiring to use a juvenile in criminal activity from a Class 'C' felony instead of a Class 'D' felony. The Bill also amends Section 723A, Code of Iowa regarding gang activities, to add violations regarding weapons to the definition of criminal acts, and to add two additional offenses.

CORRECTIONAL IMPACT:

Although no information is available concerning the number of people who will commit these offenses, the Criminal and Juvenile Justice Planning Agency estimates that these changes will result in eight additional Class 'C' felonies and eight Class 'D' felonies.

FISCAL EFFECT:

The increased expense for the Department of Corrections is estimated to be approximately $60,000.

POSSESSION OF FIREARM ON SCHOOL PREMISES:

The bill establishes a Class 'D' felony for going armed with, carrying, or transporting a firearm on the grounds of a public or nonpublic school. The bill provides for specified exemptions.

CORRECTIONAL IMPACT:

The Criminal and Juvenile Justice Planning Agency estimates that four cases currently resulting in a conviction for carrying weapons, which is currently an aggravated misdemeanor, would result in conviction for a Class 'D' felony.

FISCAL EFFECT:

The estimated impact upon the Department of Corrections is estimated to be approximately $15,000 per year.

SUMMARY:

The total estimated fiscal impact of House File 528 is $175,000 in FY 1996 and $165,000 in FY 1997.

Sources: Criminal and Juvenile Justice Planning Agency
Department of Public Safety
Department of Corrections (LSB 1588hv, JMN)

FILED MARCH 27, 1995 BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 528

H-3475

1 Amend House File 528 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "or" the following: ", in the case of a juvenile age
4 fourteen or older,".
5 2. Page 1, line 8, by inserting after the word
6 "juvenile" the following: ", age fourteen or older,".
7 3. Page 1, line 31, by inserting after the word
8 "act" the following: ", committed by a juvenile age
9 fourteen or older,".
10 4. Page 1, line 34, by inserting after the word
11 "juvenile" the following: ", age fourteen or older,".
12 5. Title page, line 3, by inserting after the
13 word "juveniles" the following: "fourteen years of
14 age or older".

By HOLVECK of Polk

H-3475 FILED MARCH 27, 1995

Lost 3/28/95 (P 1012)

HOUSE FILE 528

H-3479

1 Amend House File 528 as follows:
2 1. Page 5, by striking lines 18 through 21.
3 2. Page 7, by striking lines 5 through 9.
4 3. Title page, lines 5 and 6, by striking the
5 words "placing a juvenile in detention as a
6 dispositional alternative,".
7 4. By renumbering as necessary.

By KREIMAN of Davis

H-3479 FILED MARCH 27, 1995

WITHDRAWN 3-28-95 (P. 1030)

HOUSE FILE 528

H-3480

1 Amend House File 528 as follows:
2 1. Page 8, by inserting after line 6 the
3 following:
4 "Sec. ___. Section 232.150, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3A. Notwithstanding subsections 1
7 through 3, records and files of a criminal justice
8 agency concerning a person involved in a delinquent
9 act shall be sealed when the person reaches twenty-
10 three years of age."
11 2. By renumbering as necessary.

By KREIMAN of Davis

H-3480 FILED MARCH 27, 1995

WITHDRAWN
3-28-95

(P. 1029)

HOUSE FILE 528

H-3481

1 Amend House File 528 as follows:
2 1. Page 19, by striking lines 16 through 24 and
3 inserting the following: "for in subsection 1 or 2 is
4 presumed to be ineligible to be admitted to bail
5 unless the court ~~determines~~ finds by clear and
6 convincing evidence that such release reasonably will
7 not result in the person failing to appear as required
8 and will not jeopardize the personal safety of another
9 person or persons."

By KREIMAN of Davis
HOLVECK of Polk

H-3481 FILED MARCH 27, 1995

adopted 3-28-95 (P. 1029)

HOUSE FILE 528

H-3459

1 Amend House File 528 as follows:
2 1. Page 20, line 8, by inserting after the word
3 "designee;" the following: "a faculty member at a
4 college or university in Iowa which offers a major in
5 criminology and criminalistics who has expertise in
6 juvenile justice issues;".

By WITT of Black Hawk

H-3459 FILED MARCH 27, 1995

adopted 3-28-95
(P. 1030)

HOUSE FILE 528

H-3474

1 Amend House File 528 as follows:
2 1. Page 19, line 6, by inserting after the word
3 "lockers" the following: "or a randomly selected
4 number of school lockers".

By OLLIE of Clinton

H-3474 FILED MARCH 27, 1995

out of order 3/28/95

(P. 1015)

HOUSE FILE 528

H-3482

1 Amend House File 528 as follows:
2 1. Page 4, by inserting after line 13 the
3 following:
4 "Sec. ___. Section 123.47, Code 1995, is amended
5 to read as follows:
6 123.47 PERSONS UNDER THE AGE OF EIGHTEEN --
7 PENALTY.
8 A person shall not sell, give, or otherwise supply
9 alcoholic liquor, wine, or beer to any person knowing
10 or having reasonable cause to believe that person to
11 be under the age of eighteen, and a person or persons
12 under the age of eighteen shall not purchase or
13 attempt to purchase, or individually or jointly have
14 alcoholic liquor, wine, or beer in their possession or
15 control; except in the case of liquor, wine, or beer
16 given or dispensed to a person under the age of
17 eighteen within a private home and with the knowledge,
18 presence, and consent of the parent or guardian, ~~or~~
19 ~~with-the-signed,-written-consent-of-the-parent-or~~
20 ~~guardian-specifying-the-date-and-place-for-the~~
21 ~~consumption-and-displayed-by-the-person-upon-demand,~~
22 for beverage or medicinal purposes or as administered
23 to the person by either a physician or dentist for
24 medicinal purposes and except to the extent that a
25 person under the age of eighteen may handle alcoholic
26 beverages, wine, and beer during the regular course of
27 the person's employment by a liquor control licensee,
28 or wine or beer permittee under this chapter. A
29 person, other than a licensee or permittee, who
30 violates this section regarding the purchase of or
31 attempt to purchase alcoholic liquor, wine, or beer
32 shall pay a twenty-five dollar penalty.
33 Sec. ___. Section 123.47B, Code 1995, is amended
34 to read as follows:
35 123.47B PARENTAL AND SCHOOL NOTIFICATION --
36 PERSONS UNDER EIGHTEEN YEARS OF AGE.
37 A peace officer shall make a reasonable effort to
38 identify a person under the age of eighteen discovered
39 to be in possession of alcoholic liquor, wine, or beer
40 in violation of section 123.47 and if the person is
41 not referred to juvenile court, the law enforcement
42 agency of which the peace officer is an employee shall
43 make a reasonable attempt to notify the person's
44 custodial parent or legal guardian of such possession,
45 whether or not the person is arrested or a citation is
46 issued pursuant to section 805.16, unless the officer
47 has reasonable grounds to believe that such
48 notification is not in the best interests of the
49 person or will endanger that person. If the person is
50 taken into custody, the peace officer shall notify a

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Page 2

1 juvenile court officer who shall make a reasonable
2 effort to identify the elementary or secondary school
3 the person attends, if any, and to notify the
4 superintendent of the school district or the
5 superintendent's designee, or the authorities in
6 charge of the nonpublic school of the taking into
7 custody. A reasonable attempt to notify the person
8 includes but is not limited to a telephone call or
9 notice by first class mail.
10 Sec. ___. Section 124.415, Code 1995, is amended
11 to read as follows:
12 124.415 PARENTAL AND SCHOOL NOTIFICATION --
13 PERSONS UNDER EIGHTEEN YEARS OF AGE.
14 A peace officer shall make a reasonable effort to
15 identify a person under the age of eighteen discovered
16 to be in possession of a controlled substance,
17 counterfeit substance, or simulated controlled
18 substance in violation of this chapter, and if the
19 person is not referred to juvenile court the law
20 enforcement agency of which the peace officer is an
21 employee shall make a reasonable attempt to notify the
22 person's custodial parent or legal guardian of such
23 possession, whether or not the person is arrested,
24 unless the officer has reasonable grounds to believe
25 that such notification is not in the best interests of
26 the person or will endanger that person. If the
27 person is taken into custody, the peace officer shall
28 notify a juvenile court officer who shall make a
29 reasonable effort to identify the elementary or
30 secondary school the person attends, if any, and to
31 notify the superintendent of the school district, the
32 superintendent's designee, or the authorities in
33 charge of the nonpublic school of the taking into
34 custody. ~~A juvenile court officer may also notify the~~
35 ~~superintendent of the school district, the~~
36 ~~superintendent's designee, or the authorities in~~
37 ~~charge of the nonpublic school of the taking into~~
38 ~~custody.~~ A reasonable attempt to notify the person
39 includes but is not limited to a telephone call or
40 notice by first class mail."
41 2. Page 6, by striking lines 26 and 27 and
42 inserting the following: "waived to and convicted of
43 an aggravated misdemeanor or a felony ~~by~~ in the
44 district court, all criminal proceedings".
45 3. Page 6, line 28, by inserting after the word
46 "any" the following: "aggravated misdemeanor or".
47 4. Page 6, line 29, by striking the words
48 "~~conviction~~ waiver" and inserting the following:
49 "conviction".
50 5. Page 6, line 34, by inserting before the words

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Page 3

1 "a felony" the following: "an aggravated misdemeanor
2 or".
3 6. Page 6, line 35, by striking the words ", or
4 waived to and convicted of such" and inserting the
5 following: "and convicted of such".
6 7. Page 7, line 1, by striking the words "offense
7 by" and inserting the following: "offense by
8 aggravated misdemeanor or a felony in".
9 8. Page 7, line 3, by striking the words "or
10 waiver".
11 9. Page 7, by inserting after line 26 the
12 following:
13 "Sec. ___. Section 232.148, subsection 5,
14 paragraph c, Code 1995, is amended by striking the
15 paragraph."
16 10. Page 7, line 29, by inserting after the word
17 "criminal" the following: "or juvenile".
18 11. Page 8, line 33, by striking the word "or,"
19 and inserting the following: "or".
20 12. Page 16, by striking lines 14 and 15 and
21 inserting the following: "and also includes the
22 source documents of the information included in the
23 criminal history data and fingerprint records."
24 13. By striking page 18, line 35, through page
25 19, line 9.
26 14. Title page, lines 8 through 10, by striking
27 the words "eliminating the notice required for
28 students before certain locker searches," and
29 inserting the following: "limiting the circumstances
30 under which a juvenile may consume alcoholic
31 beverages, providing for notice to parents when a
32 juvenile is taken into custody for alcohol offenses,".

By LAMBERTI of Polk

H-3482 FILED MARCH 27, 1995

adopted
3/28/96 (P. 1015)

HOUSE FILE 528

H-3483

Amend House File 528 as follows:

1. Page 7, line 33, by inserting after the word "act" the following: ", which would be an aggravated misdemeanor or felony if committed by an adult,".

A 2. Page 8, line 18, by inserting after the word "committed" the following: ", which would be an aggravated misdemeanor or felony if committed by an adult,".

3. Page 8, line 19, by inserting after the word "custody" the following: ", for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

4. Page 8, line 20, by inserting after the word "petitions" the following: ", alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

B 5. Page 8, line 32, by inserting after the word "petition" the following: ", alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

6. Page 14, line 12, by inserting after the word "act" the following: ", which would be an aggravated misdemeanor or felony if committed by an adult,".

7. Page 14, line 15, by inserting after the word "act" the following: ", which would be an aggravated misdemeanor or felony if committed by an adult,".

8. Page 14, line 17, by inserting after the word "act" the following: ", which would be an aggravated misdemeanor or felony if committed by an adult,".

9. Page 14, line 25, by inserting after the word "custody" the following: ", for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

10. Page 14, line 27, by inserting after the word "custody" the following: ", for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

11. Page 14, line 29, by inserting after the word "custody" the following: ", for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

A 12. Page 14, line 30, by inserting after the word "custody" the following: ", for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

13. Page 14, line 33, by inserting after the figure "232.35" the following: ", alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

14. Page 15, line 6, by inserting after the word "custody" the following: ", for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

15. Page 15, line 12, by inserting after the figure "232.35," the following: "alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

16. Page 15, line 16, by inserting after the figure "232.35" the following: ", alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult,".

17. Page 17, line 4, by inserting after the word "custody" the

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Page 2
A 1 following: ", for a delinquent act which would be an aggravated
2 misdemeanor or felony if committed by an adult,".
By DODERER fo Johnson

H-3483 FILED MARCH 27, 1995
A - withdrawn
B - adopted 3-28-95 (P. 1029)

HOUSE FILE 528

H-3493
1 Amend House File 528 as follows:
2 1. By striking page 18, line 35, through page 19,
3 line 9.
4 2. Title page, lines 8 through 10, by striking
5 the words "eliminating the notice required for
6 students before certain locker searches,".
7 3. By renumbering as necessary.
By KREIMAN of Davis

H-3493 FILED MARCH 27, 1995
out of order 3-28-95
(P. 1015)

HOUSE FILE 528

H-3494
1 Amend House File 528 as follows:
2 1. By striking page 6, line 9, through page 7,
3 line 4, and inserting the following:
4 "Sec. ___. Section 232.45A, subsections 2 and 3,
5 Code 1995, are amended to read as follows:
6 2. Once a child sixteen years of age or older has
7 been waived to and convicted of an aggravated
8 misdemeanor or a felony by the district court, all
9 criminal proceedings against the child for any ~~felony~~
10 offense occurring subsequent to the date of the
11 conviction of the child shall begin in district court,
12 notwithstanding sections 232.8 and 232.45. A copy of
13 the findings required by section 232.45, subsection 8,
14 shall be made a part of the record in the district
15 court proceedings.
16 3. If proceedings against a child for a ~~felony~~
17 public offense who has previously been waived to and
18 convicted of such an offense by the district court are
19 mistakenly begun in the juvenile court, the matter
20 shall be transferred to district court upon the
21 discovery of the prior waiver and conviction,
22 notwithstanding sections 232.8 and 232.45."
23 2. By numbering and renumbering as necessary.
By KREIMAN of Davis

H-3494 FILED MARCH 27, 1995

WITHDRAWN
3-28-95
(P. 1025)

HOUSE FILE 528

H-3495

1 Amend House File 528 as follows:
2 1. Page 7, by inserting after line 9 the
3 following:
4 "Sec. ___. Section 232.147, subsection 2, Code
5 1995, is amended to read as follows:
6 2. Official juvenile court records in cases
7 alleging delinquency shall be public records, subject
8 to sealing under section 232.150. If the court has
9 excluded the public from a hearing under division II
10 of this chapter, the transcript of the proceedings
11 shall not be deemed a public record and inspection and
12 disclosure of the contents of the transcript shall not
13 be permitted except pursuant to court order or unless
14 otherwise provided in this chapter. Official juvenile
15 court records shall be released under this section
16 only by a juvenile court officer."
17 2. By renumbering as necessary.

By KREIMAN of Davis

H-3495 FILED MARCH 27, 1995

WITHDRAWN
3-28-95 (P. 1026)

HOUSE FILE 528

H-3496

1 Amend House File 528 as follows:
2 1. Page 6, by inserting after line 8 the
3 following:
4 "Sec. ___. Section 232.29, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. The person performing the
7 duties of intake officer shall notify the
8 superintendent of the school district or the
9 superintendent's designee, or the authorities in
10 charge of the nonpublic school which the child
11 attends, of any informal adjustment regarding the
12 child, fourteen years of age or older, for an act
13 which would be an aggravated misdemeanor or felony if
14 committed by an adult."
15 2. By renumbering as necessary.

By KREIMAN of Davis

H-3496 FILED MARCH 27, 1995

adopted
3-28-95
(P. 1019)

HOUSE FILE 528

H-3500

1 Amend House File 528 as follows:
2 1. Page 7, by inserting after line 9 the
3 following:
4 "Sec. ___. Section 232.147, subsection 2, Code
5 1995, is amended to read as follows:
6 2. Official juvenile court records in cases
7 alleging delinquency shall be public records, subject
8 to sealing under section 232.150. If the court has
9 excluded the public from a hearing under division II
10 of this chapter, the transcript of the proceedings
11 shall not be deemed a public record and inspection and
12 disclosure of the contents of the transcript shall not
13 be permitted except pursuant to court order or unless
14 otherwise provided in this chapter. Official juvenile
15 court records, including complaints which are public
16 records under section 232.28, subsection 10, shall be
17 released under this section only by a juvenile court
18 officer."
19 2. By renumbering as necessary.

By KREIMAN of Davis

H-3500 FILED MARCH 27, 1995

adopted 3-28-95-
(P. 1027)

HOUSE FILE 528

H-3501

1 Amend House File 528 as follows:
2 1. Page 17, by inserting after line 27 the
3 following:
4 "Sec. ___. NEW SECTION. 723A.4 CRIMINAL GANG
5 MEMBERSHIP.
6 A person who is a member of a criminal street gang
7 commits an aggravated misdemeanor."
8 2. By renumbering as necessary.

By KREIMAN of Davis

H-3501 FILED MARCH 27, 1995

LOST 3-28-95-
(P. 1029)

HOUSE FILE 528

H-3522

1 Amend House File 528 as follows:
2 1. Page 5, by striking lines 2 through 4 and
3 inserting the following:
4 "Sec. ___. Section 232.8, subsection 1, paragraph
5 b, Code 1995, is amended by striking the paragraph and
6 inserting in lieu thereof the following:
7 b. Violations by a child, age sixteen or".
8 2. Page 5, by inserting after line 17 the
9 following:
10 "Sec. ___. Section 232.19, Code 1995, is amended
11 to read as follows:
12 232.19 TAKING A CHILD INTO CUSTODY.
13 1. A child may be taken into custody:
14 ~~a. By order of the court.~~
15 ~~b.~~ a. For a delinquent act pursuant to the laws
16 relating to arrest.
17 b. By order of the court.
18 c. By a peace officer for the purpose of reuniting
19 a child with the child's family or removing the child
20 to a shelter care facility when the peace officer has
21 reasonable grounds to believe the child has run away
22 from the child's parents, guardian, or custodian.
23 d. By a peace officer, juvenile court officer, or
24 juvenile parole officer when the officer has
25 reasonable grounds to believe the child has committed
26 a material violation of a dispositional order.
27 2. a. A child taken into custody as provided in
28 subsection 1, paragraph "a", shall be placed in
29 detention pending release to the child's parent,
30 guardian, custodian, or other adult approved by the
31 court.
32 b. Unless the child is held in detention pursuant
33 to section 232.22, the child may only be released to
34 one of the persons listed in paragraph "b" upon the
35 posting of bail or bond in accordance with chapter 811
36 and the promise of the person to take responsibility
37 for the child and to present the child in court at
38 such time as the court may direct.
39 ~~2.~~ 3. When a child is taken into custody as
40 provided in subsection 1, paragraph "b", "c", or "d",
41 the person taking the child into custody shall notify
42 the child's parent, guardian or custodian as soon as
43 possible and shall not place bodily restraints, such
44 as handcuffs, on the child unless the child physically
45 resists or threatens physical violence when being
46 taken into custody. However, if the child is thirteen
47 years of age or older, the child may be restrained by
48 metal handcuffs only, for the purpose of
49 transportation in a vehicle which is not equipped with
50 a rear seat cage for prisoner transport and if the

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Page 2

1 child is being taken into custody for an alleged
2 delinquent act of violence against a person. The
3 child may also be restrained by handcuffs or other
4 restraints at any time after the child is taken into
5 custody if the child has a known history of physical
6 violence to others. Unless the child is placed in
7 shelter care ~~or detention~~ in accordance with the
8 provisions of section 232.21 or 232.22, the child
9 shall be released to the child's parent, guardian,
10 custodian, responsible adult relative, or other adult
11 approved by the court upon the promise of such person
12 to produce the child in court at such time as the
13 court may direct.
14 ~~3.~~ 4. Notwithstanding any other provision of this
15 chapter, a child shall not be placed in detention as a
16 result of a violation by that child of section 123.47.
17 Sec. ___. Section 232.20, subsection 1, Code 1995,
18 is amended to read as follows:
19 1. If a child is taken into custody and not
20 released as provided in section 232.19, subsection 2
21 or 3, the child shall immediately be taken to a
22 detention or shelter care facility as specified in
23 ~~sections~~ section 232.21 or 232.22.
24 Sec. ___. Section 232.22, subsection 1, paragraph
25 d, Code 1995, is amended by adding the following new
26 subparagraph:
27 NEW SUBPARAGRAPH. (4) The requirements for
28 release under section 232.19, subsection 2, paragraph
29 "b", have not been met."
30 3. Page 8, by inserting after line 14 the
31 following:
32 "Sec. ___. NEW SECTION. 321.213C LICENSE
33 SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR A
34 SECOND TIME.
35 Upon the entering of an order at the conclusion of
36 a dispositional hearing under section 232.50, where
37 the child has been adjudicated to have committed a
38 second delinquent act within one year, which would be
39 a public offense punishable by a penalty greater than
40 a simple misdemeanor if committed by an adult, the
41 clerk of the juvenile court in the dispositional
42 hearing shall forward a copy of the adjudication and
43 dispositional order to the department. The department
44 shall suspend the license or operating privilege of
45 the child in accordance with the dispositional order."
46 4. Title page, line 1, by inserting after the
47 word "including" the following: "providing for the
48 taking into custody, detention, and release of a
49 juvenile, authorizing the suspension of the juvenile's
50 motor vehicle license, placing certain simple

H-3522
Page 3
1 misdemeanors under the jurisdiction of the juvenile
2 court,".
3 5. By renumbering and correcting internal
4 references as necessary.

A

By CONNORS of Polk

H-3522 FILED MARCH 28, 1995
DIV. A-WITHDRAWN, DIV B-ADOPTED & R/C-ADOPTED DIVB-LOST
(P. 1030)

HOUSE FILE 528

H-3523
1 Amend House File 528 as follows:
2 1. Page 7, by inserting after line 4 the
3 following:
4 "Sec. ___. Section 232.52, subsection 2, paragraph
5 a, Code 1995, is amended by adding the following new
6 subparagraph:
7 NEW SUBPARAGRAPH. (5) The suspension of the motor
8 vehicle license or operating privilege of the child
9 for a period not to exceed one year. The order shall
10 state whether a work permit may or shall not be issued
11 to the child."
12 2. Page 7, line 22, by inserting after the word
13 "system" the following: "and may also retain a copy
14 of the fingerprint card for comparison with latent
15 fingerprints and the identification of repeat
16 offenders".
17 3. Title page, line 1, by inserting after the
18 word "including" the following: "authorizing the
19 suspension of the juvenile's motor vehicle license,
20 authorizing a criminal justice agency to retain a copy
21 of a juvenile's fingerprint card,".
22 4. By renumbering and correcting internal
23 references as necessary.

By CONNORS of Polk
KREIMAN of Davis
LAMBERTI of Polk

H-3523 FILED MARCH 28, 1995
ADOPTED
(P. 1025)

HOUSE FILE 528

H-3536
1 Amend the amendment H-3522, to House File 528 as
2 follows:
3 1. Page 1, line 34, by striking the letter ""b""
4 and inserting ""a"".

By CONNORS of Polk

H-3536 FILED MARCH 28, 1995
ADOPTED BY UNANIMOUS CONSENT
(P. 1030)

HOUSE FILE 528

H-3524

1 Amend House File 528 as follows:
2 1. Page 7, by inserting after line 4 the
3 following:
4 "Sec. ___. Section 232.52, subsection 2, paragraph
5 a, subparagraph (3), Code 1995, is amended to read as
6 follows:
7 (3) If the child is fourteen years of age or
8 older, a fine of up to one-half the amount which could
9 be imposed against an adult if the delinquent act is a
10 public offense and restitution consisting of monetary
11 payment or a work assignment of value to the county or
12 to the public for fees of attorneys appointed to
13 represent the child at public expense pursuant to
14 section 232.11."
15 2. Title page, line 1, by inserting after the
16 word "including" the following: "authorizing the
17 imposition of a fine against a juvenile adjudicated
18 delinquent,".

By CONNORS of Polk

H-3524 FILED MARCH 28, 1995
LOST
(P.1026)

HOUSE FILE 528

H-3526

1 Amend the amendment, H-3480, to House File 528 as
2 follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "___. Page 16, by striking lines 7 through 9 and
6 inserting the following: "twenty-one years of age.""
7 2. By renumbering as necessary.

By KREIMAN of Davis

H-3526 FILED MARCH 28, 1995
LOST
(P.1029)

HOUSE FILE 528

H-3530

1 Amend the amendment, H-3500, to House File 528 as
2 follows:
3 1. Page 1, line 16, by striking the word "shall"
4 and inserting the following: "may".
5 2. Page 1, line 17, by striking the word "only".

By KREIMAN of Davis

H-3530 FILED MARCH 28, 1995
ADOPTED

(P.1027)

S-4/5/95 Do Pass
S-4/13/95 Unfinished Business Calendar
S. 4/27/95 Motion to Rclsy Granted

House Amendments _____

Deleted Language *

HOUSE FILE 528

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 254)

(As Amended (p.1920) and Passed by the House March 28, 1995)

Passed House, Date 4/26/95 Passed Senate, Date 4/24/95 (p.1361)

Vote: Ayes 92 Nays 3 Vote: Ayes 50 Nays 0

Approved May 25, 1995

Passed 5-2-95 vote 95-3 (P.2178)

Passed 4-27-95 (P.1475) vote 44-4

Passed 5-2-95 (P.1578) vote 48-2

A BILL FOR

An Act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties.

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

House Conf. Comm. (P.32035) 4-28-95
Lamberti
Grutta
Gries
Kreimer
Dodder

Senate Conf. Comm.
Lamberti
Gries
Grutta
Kriemer

HF 528

mk/pk/25

1 Section 1. Section 22.7, subsection 5, Code 1995, is
2 amended to read as follows:
3 5. Peace officers' investigative reports, except where
4 disclosure is authorized elsewhere in this Code. However, the
5 date, time, specific location, and immediate facts and
6 circumstances surrounding a crime, ~~or~~ incident, or delinquent
7 act which would be an aggravated misdemeanor or felony if
8 committed by an adult, including the name of a juvenile
9 involved, shall not be kept confidential under this section,
10 except in those unusual circumstances where disclosure would
11 plainly and seriously jeopardize an investigation or pose a
12 clear and present danger to the safety of an individual.
13 Sec. 2. Section 22.7, subsection 13, Code 1995, is amended
14 to read as follows:
15 13. The records of a library which, by themselves or when
16 examined with other public records, would reveal the identity
17 of the library patron checking out or requesting an item or
18 information from the library. The records shall be released
19 to a criminal or juvenile justice agency only pursuant to an
20 investigation of a particular person or organization suspected
21 of committing a known crime. The records shall be released
22 only upon a judicial determination that a rational connection
23 exists between the requested release of information and a
24 legitimate end and that the need for the information is cogent
25 and compelling.
26 Sec. 3. Section 22.7, subsection 18, paragraph c, Code
27 1995, is amended to read as follows:
28 c. Information contained in the communication is a public
29 record to the extent that it indicates the date, time,
30 specific location, and immediate facts and circumstances
31 surrounding the occurrence of a crime, delinquent act which
32 would be an aggravated misdemeanor or felony if committed by
33 an adult, or other illegal act, including the name of a
34 juvenile involved, except to the extent that its disclosure
35 would plainly and seriously jeopardize a continuing

1 investigation or pose a clear and present danger to the safety
2 of any person. In any action challenging the failure of the
3 lawful custodian to disclose any particular information of the
4 kind enumerated in this paragraph, the burden of proof is on
5 the lawful custodian to demonstrate that the disclosure of
6 that information would jeopardize such an investigation or
7 would pose such a clear and present danger.
8 Sec. 4. Section 80.9, subsection 2, paragraph d, Code
9 1995, is amended to read as follows:
10 d. To collect and classify, and keep at all times
11 available, complete information useful for the detection of
12 crime, and the identification and apprehension of criminals.
13 Such information shall be available for all peace officers
14 within the state, under such regulations as the commissioner
15 may prescribe. The provisions of chapter 141 do not apply to
16 the entry of human immunodeficiency virus-related information
17 by criminal or juvenile justice agencies, as defined in
18 section 692.1, into the Iowa criminal justice information
19 system or the national crime information center system. The
20 provisions of chapter 141 also do not apply to the
21 transmission of the same information from either or both
22 information systems to criminal or juvenile justice agencies.
23 The provisions of chapter 141 also do not apply to the
24 transmission of the same information from either or both
25 information systems to employees of state correctional
26 institutions subject to the jurisdiction of the department of
27 corrections, employees of secure facilities for juveniles
28 subject to the jurisdiction of the department of human
29 services, and employees of city and county jails, if those
30 employees have direct physical supervision over inmates of
31 those facilities or institutions. ~~Human~~ Except as provided in
32 paragraph "e", as enacted in this Act, human immunodeficiency
33 virus-related information shall not be transmitted over the
34 police radio broadcasting system under chapter 693 or any
35 other radio-based communications system. An employee of an

1 agency receiving human immunodeficiency virus-related
2 information under this section who communicates the
3 information to another employee who does not have direct
4 physical supervision over inmates, other than to a supervisor
5 of an employee who has direct physical supervision over
6 inmates for the purpose of conveying the information to such
7 an employee, or who communicates the information to any person
8 not employed by the agency or uses the information outside the
9 agency is guilty of a class "D" felony. The commissioner
10 shall adopt rules regarding the transmission of human
11 immunodeficiency virus-related information including
12 provisions for maintaining confidentiality of the information.
13 The rules shall include a requirement that persons receiving
14 information from the Iowa criminal justice information system
15 or the national crime information center system receive
16 training regarding confidentiality standards applicable to the
17 information received from the system. The commissioner shall
18 develop and establish, in cooperation with the department of
19 corrections and the Iowa department of public health, training
20 programs and program criteria for persons receiving human
21 immunodeficiency virus-related information through the Iowa
22 criminal justice information system or the national crime
23 information center system.
24 Sec. 5. Section 80.9, subsection 2, Code 1995, is amended
25 by adding the following new paragraph after paragraph "d" and
26 relettering the subsequent paragraphs:
27 NEW PARAGRAPH. e. To develop a procedure for transmission
28 of information, over the police radio broadcasting system
29 under chapter 693 or any other radio-based communications
30 system, to a peace officer, a fire fighter, a basic emergency
31 medical care provider as defined in section 147.1, or an
32 advanced emergency medical care provider as defined in section
33 147A.1, who has direct contact with the public and who is
34 responding to an emergency situation, that a person being
35 sought or assisted is known to be infected with a communicable

1 disease. The information transmitted shall be provided in a
2 manner which does not identify the specific communicable
3 disease involved, but which cautions the recipient of the
4 transmission to take necessary precautions against transmis-
5 sion of a communicable disease. A person who knowingly
6 transmits information in a manner which is not in compliance
7 with the procedures established under this paragraph, or who
8 is not authorized to transmit or receive a transmission under
9 this paragraph, is guilty of a class "D" felony. The
10 provisions of chapter 141 do not apply to human
11 immunodeficiency virus-related information which is trans-
12 mitted in compliance with procedures established under this
13 paragraph.
14 Sec. 6. Section 123.47, Code 1995, is amended to read as
15 follows:
16 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.
17 A person shall not sell, give, or otherwise supply
18 alcoholic liquor, wine, or beer to any person knowing or
19 having reasonable cause to believe that person to be under the
20 age of eighteen, and a person or persons under the age of
21 eighteen shall not purchase or attempt to purchase, or
22 individually or jointly have alcoholic liquor, wine, or beer
23 in their possession or control; except in the case of liquor,
24 wine, or beer given or dispensed to a person under the age of
25 eighteen within a private home and with the knowledge,
26 presence, and consent of the parent or guardian, ~~or with the~~
27 ~~signed, written consent of the parent or guardian specifying~~
28 ~~the date and place for the consumption and displayed by the~~
29 ~~person upon demand,~~ for beverage or medicinal purposes or as
30 administered to the person by either a physician or dentist
31 for medicinal purposes and except to the extent that a person
32 under the age of eighteen may handle alcoholic beverages,
33 wine, and beer during the regular course of the person's
34 employment by a liquor control licensee, or wine or beer
35 permittee under this chapter. A person, other than a licensee

1 or permittee, who violates this section regarding the purchase
2 of or attempt to purchase alcoholic liquor, wine, or beer
3 shall pay a twenty-five dollar penalty.
4 Sec. 7. Section 123.47B, Code 1995, is amended to read as
5 follows:
6 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
7 EIGHTEEN YEARS OF AGE.
8 A peace officer shall make a reasonable effort to identify
9 a person under the age of eighteen discovered to be in
10 possession of alcoholic liquor, wine, or beer in violation of
11 section 123.47 and if the person is not referred to juvenile
12 court, the law enforcement agency of which the peace officer
13 is an employee shall make a reasonable attempt to notify the
14 person's custodial parent or legal guardian of such
15 possession, whether or not the person is arrested or a
16 citation is issued pursuant to section 805.16, unless the
17 officer has reasonable grounds to believe that such
18 notification is not in the best interests of the person or
19 will endanger that person. If the person is taken into
20 custody, the peace officer shall notify a juvenile court
21 officer who shall make a reasonable effort to identify the
22 elementary or secondary school the person attends, if any, and
23 to notify the superintendent of the school district or the
24 superintendent's designee, or the authorities in charge of the
25 nonpublic school of the taking into custody. A reasonable
26 attempt to notify the person includes but is not limited to a
27 telephone call or notice by first class mail.
28 Sec. 8. Section 124.415, Code 1995, is amended to read as
29 follows:
30 124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
31 EIGHTEEN YEARS OF AGE.
32 A peace officer shall make a reasonable effort to identify
33 a person under the age of eighteen discovered to be in
34 possession of a controlled substance, counterfeit substance,
35 or simulated controlled substance in violation of this

1 chapter, and if the person is not referred to juvenile court
2 the law enforcement agency of which the peace officer is an
3 employee shall make a reasonable attempt to notify the
4 person's custodial parent or legal guardian of such
5 possession, whether or not the person is arrested, unless the
6 officer has reasonable grounds to believe that such
7 notification is not in the best interests of the person or
8 will endanger that person. If the person is taken into
9 custody, the peace officer shall notify a juvenile court
10 officer who shall make a reasonable effort to identify the
11 elementary or secondary school the person attends, if any, and
12 to notify the superintendent of the school district, the
13 superintendent's designee, or the authorities in charge of the
14 nonpublic school of the taking into custody. ~~A juvenile court~~
15 ~~officer may also notify the superintendent of the school~~
16 ~~district, the superintendent's designee, or the authorities in~~
17 ~~charge of the nonpublic school of the taking into custody.~~ A
18 reasonable attempt to notify the person includes but is not
19 limited to a telephone call or notice by first class mail.
20 Sec. 9. Section 124.416, Code 1995, is amended to read as
21 follows:
22 124.416 EXCEPTION TO NONBAILABLE OFFENSE.
23 Notwithstanding section 811.1, the court, ~~in its~~
24 ~~discretion,~~ after making the finding required by section
25 811.1, subsection 3, may admit a person convicted of a
26 violation of section 124.401, subsection ~~1 or~~ 2, or of a
27 violation of section 124.406, to bail if the prosecuting
28 attorney in the action and the defendant's counsel jointly
29 petition the court to admit the person to bail.
30 Sec. 10. Section 141.23, subsection 1, Code 1995, is
31 amended by adding the following new paragraph:
32 NEW PARAGRAPH. k. The person authorized to transmit the
33 information or the peace officer, fire fighter, basic
34 emergency medical care provider, or advanced emergency medical
35 care provider receiving the transmission pursuant to section

1 80.9, subsection 2, paragraph "e", as enacted in this Act.
2 Sec. 11. Section 232.2, subsection 10, Code 1995, is
3 amended to read as follows:
4 10. "Criminal or juvenile justice agency" means any agency
5 which has as its primary responsibility the enforcement of the
6 state's criminal laws or of local ordinances made pursuant to
7 state law.
8 Sec. 12. Section 232.8, subsection 1, Code 1995, is
9 amended by adding the following new paragraph:
10 NEW PARAGRAPH. c. Violations by a child, age sixteen or
11 older, which subject the child to the provisions of section
12 124.401, subsection 1, paragraph "e" or "f", or violations of
13 section 723A.2 which involve a violation of chapter 724, or
14 violation of chapter 724 which constitutes a felony, or
15 violations which constitute a forcible felony are excluded
16 from the jurisdiction of the juvenile court and shall be
17 prosecuted as otherwise provided by law unless the court
18 transfers jurisdiction of the child to the juvenile court upon
19 motion and for good cause. A child over whom jurisdiction has
20 not been transferred to the juvenile court, and who is
21 convicted of a violation excluded from the jurisdiction of the
22 juvenile court under this paragraph, shall be sentenced
23 pursuant to section 124.401B, 902.9, or 903.1.
24 Sec. 13. Section 232.22, subsection 1, Code 1995, is
25 amended by adding the following new paragraph:
26 NEW PARAGRAPH. f. A dispositional order has been entered
27 under section 232.52 placing the child in detention.
28 Sec. 14. Section 232.22, subsection 4, unnumbered
29 paragraph 2, Code 1995, is amended by striking the unnumbered
30 paragraph.
31 Sec. 15. Section 232.22, subsection 6, Code 1995, is
32 amended to read as follows:
33 6. ~~If the court has waived its jurisdiction over the child~~
34 ~~for the alleged commission of a forcible~~ Notwithstanding any
35 other provisions of this Code, the restrictions contained in

1 this section relating to the placement of a child in a
2 facility under subsection 2, paragraph "c", apply to all cases
3 involving a child, except that once a child has been charged
4 with a felony offense in the district court pursuant to
5 section 232.8, subsection 1, paragraph "c", 232.45 or 232.45A,
6 and there is a serious risk that the child may commit an act
7 which would could inflict serious bodily harm on another
8 person, the child may shall be held in the county jail,
9 notwithstanding section 356.3 unless another suitable secure
10 facility is available. However, wherever possible the child
11 shall be held in sight and sound separation from adult
12 offenders. A child held in the county jail under this
13 subsection shall have all the rights of adult postarrest or
14 pretrial detainees.
15 Sec. 16. Section 232.29, Code 1995, is amended by adding
16 the following new subsection:
17 NEW SUBSECTION. 3. The person performing the duties of
18 intake officer shall notify the superintendent of the school
19 district or the superintendent's designee, or the authorities
20 in charge of the nonpublic school which the child attends, of
21 any informal adjustment regarding the child, fourteen years of
22 age or older, for an act which would be an aggravated
23 misdemeanor or felony if committed by an adult.
24 Sec. 17. Section 232.45A, Code 1995, is amended to read as
25 follows:
26 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT --
27 PROCESSING.
28 1. Once jurisdiction over a child has been waived by the
29 juvenile court as provided in section 232.45, for the alleged
30 commission of a felony, and once a conviction is entered by
31 the district court, for all other offenses, the clerk of the
32 juvenile court shall immediately send a certified copy of the
33 findings required by section 232.45, subsection 8, and the
34 judgment of conviction, as applicable, to the department of
35 public safety. The department shall maintain a file on each

1 child who has previously been waived to or waived to and
2 convicted by the district court in a prosecution as an adult.
3 The file shall be accessible by law enforcement officers on a
4 twenty-four hour per day basis.
5 2. Once a child sixteen years of age or older has been
6 waived to and convicted of an aggravated misdemeanor or a
7 felony ~~by~~ in the district court, all criminal proceedings
8 against the child for any aggravated misdemeanor or felony
9 occurring subsequent to the date of the conviction of the
10 child shall begin in district court, notwithstanding sections
11 232.8 and 232.45. A copy of the findings required by section
12 232.45, subsection 8, shall be made a part of the record in
13 the district court proceedings.
14 3. If proceedings against a child for an aggravated
15 misdemeanor or a felony who has previously been waived to and
16 convicted of ~~such~~ an ~~offense by~~ aggravated misdemeanor or a
17 felony in the district court are mistakenly begun in the
18 juvenile court, the matter shall be transferred to district
19 court upon the discovery of the prior waiver and conviction,
20 notwithstanding sections 232.8 and 232.45.
21 Sec. 18. Section 232.52, subsection 2, paragraph a, Code
22 1995, is amended by adding the following new subparagraph:
23 NEW SUBPARAGRAPH. (5) The suspension of the motor vehicle
24 license or operating privilege of the child for a period not
25 to exceed one year. The order shall state whether a work
26 permit may or shall not be issued to the child.
27 Sec. 19. Section 232.52, subsection 2, Code 1995, is
28 amended by adding the following new paragraph:
29 NEW PARAGRAPH. g. An order placing a child in detention
30 for not more than two days in a facility under section 232.22,
31 subsection 2.
32 Sec. 20. Section 232.147, subsection 2, Code 1995, is
33 amended to read as follows:
34 2. Official juvenile court records in cases alleging
35 delinquency shall be public records, subject to sealing under

1 section 232.150. If the court has excluded the public from a
2 hearing under division II of this chapter, the transcript of
3 the proceedings shall not be deemed a public record and
4 inspection and disclosure of the contents of the transcript
5 shall not be permitted except pursuant to court order or
6 unless otherwise provided in this chapter. Official juvenile
7 court records, including complaints which are public records
8 under section 232.28, subsection 10, may be released under
9 this section by a juvenile court officer.
10 Sec. 21. Section 232.148, subsections 1 and 2, are amended
11 to read as follows:
12 1. Except as provided in this section, a child shall not
13 be fingerprinted or photographed by a criminal or juvenile
14 justice agency after the child is taken into custody.
15 2. Fingerprints and photographs of a child who has been
16 taken into custody and who is fourteen years of age or older
17 may be taken and filed by a criminal or juvenile justice
18 agency investigating the commission of a public offense other
19 than a simple or serious misdemeanor. The criminal justice
20 agency shall forward the fingerprints to the department of
21 public safety for inclusion in the automated fingerprint
22 identification system and may also retain a copy of the
23 fingerprint card for comparison with latent fingerprints and
24 the identification of repeat offenders. ~~However, unless~~
25 ~~otherwise authorized pursuant to section 232.45A or 690.4, or~~
26 ~~as otherwise authorized by law, a criminal history record~~
27 ~~shall not be created for inclusion in an automated system due~~
28 ~~to the retention of fingerprints pursuant to this section.~~
29 Sec. 22. Section 232.148, subsection 5, paragraph c, Code
30 1995, is amended by striking the paragraph.
31 Sec. 23. Section 232.149, subsection 2, Code 1995, is
32 amended to read as follows:
33 2. Records and files of a criminal or juvenile justice
34 agency concerning a child ~~other than fingerprint and~~
35 ~~photograph records and files shall not be open to inspection~~

1 ~~and their contents shall not be disclosed except as provided~~
2 ~~in this section and~~ involved in a delinquent act are public
3 records, except that police investigative reports are subject
4 to the provisions of section 22.7 and criminal history data is
5 subject to the provisions of chapter 692. The records are
6 subject to sealing under section 232.150 unless the juvenile
7 court waives its jurisdiction over the child so that the child
8 may be prosecuted as an adult for a public offense.
9 Sec. 24. Section 232.149, subsections 3 through 6, Code
10 1995, are amended by striking the subsections.
11 Sec. 25. NEW SECTION. 280.17A PROCEDURES FOR HANDLING
12 DANGEROUS WEAPONS.
13 The board of directors of a public school and the
14 authorities in control of a nonpublic school shall prescribe
15 procedures requiring school officials to report to local law
16 enforcement agencies any dangerous weapon, as defined in
17 section 702.7, possessed on school premises in violation of
18 school policy or state law.
19 Sec. 26. Section 331.653, subsection 58, Code 1995, is
20 amended to read as follows:
21 58. Report information on crimes committed and delinquent
22 acts committed, which would be an aggravated misdemeanor or
23 felony if committed by an adult, and furnish disposition
24 reports on persons arrested and juveniles taken into custody,
25 for a delinquent act which would be an aggravated misdemeanor
26 or felony if committed by an adult, and criminal complaints or
27 information or juvenile delinquency petitions, alleging a
28 delinquent act which would be an aggravated misdemeanor or
29 felony if committed by an adult, filed in any court as
30 provided in section 692.15.
31 Sec. 27. Section 507.10, subsection 4, paragraph b,
32 subparagraph (1), unnumbered paragraph 2, Code 1995, is
33 amended to read as follows:
34 This section does not require the division of insurance to
35 disclose any information or records which would indicate or

1 show the existence of any investigation or activity of a
2 criminal or juvenile justice agency.
3 Sec. 28. Section 602.8102, subsection 125, Code 1995, is
4 amended to read as follows:
5 125. Furnish a disposition of each criminal complaint or
6 information or juvenile delinquency petition, alleging a
7 delinquent act which would be an aggravated misdemeanor or
8 felony if committed by an adult, filed in the district or
9 juvenile court to the department of public safety as provided
10 in section 692.15.
11 Sec. 29. Section 690.5, unnumbered paragraph 2, Code 1995,
12 is amended to read as follows:
13 If a criminal or juvenile justice agency subject to
14 fingerprinting and disposition requirements fails to comply
15 with the requirements, the commissioner of public safety shall
16 order that the agency's access to criminal history record
17 information maintained by the repository be denied or
18 restricted until the agency complies with the reporting
19 requirements.
20 Sec. 30. Section 692.1, Code 1995, is amended by adding
21 the following new subsection before subsection 1 and
22 renumbering the subsequent subsection:
23 NEW SUBSECTION. 1. "Adjudication data" means information
24 that an adjudication of delinquency for an act which would be
25 an aggravated misdemeanor or felony if committed by an adult
26 was entered against a juvenile and includes the date and
27 location of the delinquent act and the place and court of
28 adjudication.
29 Sec. 31. Section 692.1, subsection 5, Code 1995, is
30 amended by adding the following new paragraphs:
31 NEW PARAGRAPH. e. Adjudication data.
32 NEW PARAGRAPH. f. Custody data.
33 Sec. 32. Section 692.1, subsection 7, Code 1995, is
34 amended to read as follows:
35 7. "Criminal or juvenile justice agency" means an agency

1 or department of any level of government or an entity wholly
2 owned, financed, or controlled by one or more such agencies or
3 departments which performs as its principal function the
4 apprehension, prosecution, adjudication, incarceration, or
5 rehabilitation of criminal or juvenile offenders.
6 Sec. 33. Section 692.1, Code 1995, is amended by adding
7 the following new subsection:
8 NEW SUBSECTION. 7A. "Custody data" means information
9 pertaining to the taking into custody, pursuant to section
10 232.19, of a juvenile for a delinquent act which would be an
11 aggravated misdemeanor or felony if committed by an adult, and
12 includes the date, time, place, and facts and circumstances of
13 the delinquent act. Custody data includes warrants for the
14 taking into custody for all delinquent acts outstanding and
15 not served and includes the filing of a petition pursuant to
16 section 232.35, the date and place of the alleged delinquent
17 act, and the county of jurisdiction.
18 Sec. 34. Section 692.2, subsection 1, paragraph a, Code
19 1995, is amended to read as follows:
20 a. Criminal or juvenile justice agencies.
21 Sec. 35. Section 692.2, subsection 4, Code 1995, is
22 amended to read as follows:
23 4. The provisions of this section and section 692.3 which
24 relate to the requiring of an individually identified request
25 prior to the dissemination or redissemination of criminal
26 history data do not apply to the furnishing of criminal
27 history data to the federal bureau of investigation or to the
28 dissemination or redissemination of information that an arrest
29 warrant has been or will be issued, and other relevant
30 information including, but not limited to, the offense or
31 delinquent act and the date and place of alleged commission,
32 individually identifying characteristics of the person to be
33 arrested or taken into custody, and the court or jurisdiction
34 issuing the warrant.
35 Sec. 36. Section 692.2, subsection 6, unnumbered paragraph

1 2, Code 1995, is amended to read as follows:
2 In cases in which members of the department are
3 participating in the investigation or arrest, or where
4 officers of other criminal or juvenile justice agencies
5 participating in the investigation or arrest consent, the
6 department may disseminate criminal history data and
7 intelligence data when the dissemination complies with section
8 692.3.
9 Sec. 37. Section 692.3, subsections 1 and 3, Code 1995,
10 are amended to read as follows:
11 1. A peace officer, criminal or juvenile justice agency,
12 or state or federal regulatory agency shall not redisseminate
13 criminal history data outside the agency, received from the
14 department or bureau, unless all of the following apply:
15 a. The data is for official purposes in connection with
16 prescribed duties of a criminal or juvenile justice agency.
17 b. The agency maintains a list of the persons receiving
18 the data and the date and purpose of the dissemination.
19 c. The request for data is based upon name, fingerprints,
20 or other individual identification characteristics.
21 3. A peace officer, criminal or juvenile justice agency,
22 or state or federal regulatory agency shall not redisseminate
23 intelligence data outside the agency, received from the
24 department or bureau or from any other source, except as
25 provided in subsection 1.
26 Sec. 38. Section 692.4, unnumbered paragraph 1, Code 1995,
27 is amended to read as follows:
28 The department, bureau, or a criminal or juvenile justice
29 agency may compile and disseminate criminal history data in
30 the form of statistical reports derived from such information
31 or as the basis of further study provided individual
32 identities are not ascertainable.
33 Sec. 39. Section 692.8, Code 1995, is amended to read as
34 follows:
35 692.8 INTELLIGENCE DATA.

1 Intelligence data contained in the files of the department
2 of public safety or a criminal or juvenile justice agency may
3 be placed within a computer data storage system, provided that
4 access to the computer data storage system is restricted to
5 authorized employees of the department or criminal or juvenile
6 justice agency. The department shall adopt rules to implement
7 this paragraph.
8 Intelligence data in the files of the department may be
9 disseminated only to a peace officer, criminal or juvenile
10 justice agency, or state or federal regulatory agency, and
11 only if the department is satisfied that the need to know and
12 the intended use are reasonable. Whenever intelligence data
13 relating to a defendant or juvenile who is the subject of a
14 petition under section 232.35 for the purpose of sentencing or
15 adjudication has been provided a court, the court shall inform
16 the defendant or juvenile or the defendant's or juvenile's
17 attorney that it is in possession of such data and shall, upon
18 request of the defendant or juvenile or the defendant's or
19 juvenile's attorney, permit examination of such data.
20 If the defendant or juvenile disputes the accuracy of the
21 intelligence data, the defendant or juvenile shall do so by
22 filing an affidavit stating the substance of the disputed data
23 and wherein it is inaccurate. If the court finds reasonable
24 doubt as to the accuracy of such information, it may require a
25 hearing and the examination of witnesses relating thereto on
26 or before the time set for sentencing or adjudication.
27 Sec. 40. Section 692.9, Code 1995, is amended to read as
28 follows:
29 692.9 SURVEILLANCE DATA PROHIBITED.
30 No surveillance data shall be placed in files or manual or
31 automated data storage systems by the department or bureau or
32 by any peace officer or criminal or juvenile justice agency.
33 Violation of the provisions of this section shall be a public
34 offense punishable under section 692.7.
35 Sec. 41. Section 692.10, Code 1995, is amended to read as

1 follows:
2 692.10 RULES.
3 The department shall adopt rules designed to assure the
4 security and confidentiality of all systems established for
5 the exchange of criminal history data and intelligence data
6 between criminal or juvenile justice agencies and for the
7 authorization of officers or employees to access a department
8 or agency computer data storage system in which criminal
9 intelligence data is stored.
10 Sec. 42. Section 692.11, Code 1995, is amended to read as
11 follows:
12 692.11 EDUCATION PROGRAM.
13 The department shall require an educational program for its
14 employees and the employees of criminal or juvenile justice
15 agencies on the proper use and control of criminal history
16 data and intelligence data.
17 Sec. 43. Section 692.12, Code 1995, is amended to read as
18 follows:
19 692.12 DATA PROCESSING.
20 Nothing in this chapter shall preclude the use of the
21 equipment and hardware of the data processing service center
22 for the storage and retrieval of criminal history data. Files
23 shall be stored on the computer in such a manner as the files
24 cannot be modified, destroyed, accessed, changed or overlaid
25 in any fashion by noncriminal or juvenile justice agency
26 terminals or personnel. That portion of any computer,
27 electronic switch or manual terminal having access to criminal
28 history data stored in the state computer must be under the
29 management control of a criminal or juvenile justice agency.
30 Sec. 44. Section 692.13, Code 1995, is amended to read as
31 follows:
32 692.13 REVIEW.
33 The department shall initiate periodic review procedures
34 designed to determine compliance with the provisions of this
35 chapter within the department and by criminal or juvenile

1 justice agencies and to determine that data furnished to them
2 is factual and accurate.
3 Sec. 45. Section 692.14, Code 1995, is amended to read as
4 follows:
5 692.14 SYSTEMS FOR THE EXCHANGE OF CRIMINAL HISTORY DATA.
6 The department shall regulate the participation by all
7 state and local agencies in any system for the exchange of
8 criminal history data, and shall be responsible for assuring
9 the consistency of such participation with the terms and
10 purposes of this chapter.
11 Direct access to such systems shall be limited to such
12 criminal or juvenile justice agencies as are expressly
13 designated for that purpose by the department. The department
14 shall, with respect to telecommunications terminals employed
15 in the dissemination of criminal history data, insure that
16 security is provided over an entire terminal or that portion
17 actually authorized access to criminal history data.
18 Sec. 46. Section 692.15, Code 1995, is amended to read as
19 follows:
20 692.15 REPORTS TO DEPARTMENT.
21 1. If it comes to the attention of a sheriff, police
22 department, or other law enforcement agency that a public
23 offense or delinquent act has been committed in its
24 jurisdiction, the law enforcement agency shall report
25 information concerning ~~such a~~ the public offense or delinquent
26 act to the department on a form to be furnished by the
27 department not more than thirty-five days from the time the
28 public offense or delinquent act first comes to the attention
29 of the law enforcement agency. The reports shall be used to
30 generate crime statistics. The department shall submit
31 statistics to the governor, the general assembly, and the
32 division of criminal and juvenile justice planning of the
33 department of human rights on a quarterly and yearly basis.
34 2. If a sheriff, police department, or other law
35 enforcement agency makes an arrest or takes a juvenile into

1 custody which is reported to the department, the ~~arresting~~ law
2 enforcement agency making the arrest or taking the juvenile
3 into custody and any other law enforcement agency which
4 obtains custody of the arrested person or juvenile taken into
5 custody shall furnish a disposition report to the department
6 if the arrested person or juvenile taken into custody is
7 transferred to the custody of another law enforcement agency
8 or is released without having a complaint or information or
9 petition under section 232.35 filed with any court.
10 3. The law enforcement agency making an arrest and
11 securing fingerprints pursuant to section 690.2 or taking a
12 juvenile into custody and securing fingerprints pursuant to
13 section 232.148 shall fill out a final disposition report on
14 each arrest on a form and in the manner prescribed by the
15 commissioner of public safety. The final disposition report
16 shall be forwarded to the county attorney in the county where
17 the arrest or taking into custody occurred.
18 4. The county attorney of each county shall complete the
19 final disposition report and submit it to the department
20 within thirty days if a preliminary information or citation is
21 dismissed without a new charge being filed. If an indictment
22 is returned or a county attorney's information is filed, or a
23 petition is filed under section 232.35, the final disposition
24 form shall be forwarded to the clerk of the district court of
25 that county.
26 5. If a criminal complaint or information or petition
27 under section 232.35 is filed in any court, the clerk shall
28 furnish a disposition report of the case.
29 6. Any disposition report shall be sent to the department
30 within thirty days after disposition on a form provided by the
31 department.
32 7. The hate crimes listed in section 729A.2 are subject to
33 the reporting requirements of this section.
34 Sec. 47. Section 692.16, Code 1995, is amended to read as
35 follows:

1 692.16 REVIEW AND REMOVAL.
2 At least every year the bureau shall review and determine
3 current status of all Iowa arrests or takings into custody
4 reported, which are at least one year old with no disposition
5 data. Any Iowa arrest or taking of a juvenile into custody
6 recorded within a computer data storage system which has no
7 disposition data after four years shall be removed unless
8 there is an outstanding arrest warrant or detainer on such
9 charge.
10 Sec. 48. Section 692.17, Code 1995, is amended to read as
11 follows:
12 692.17 EXCLUSIONS -- PURPOSES.
13 Criminal history data in a computer data storage system
14 shall not include arrest or disposition data or custody or
15 adjudication data after the person has been acquitted or the
16 charges dismissed. Criminal history data shall not include
17 custody or adjudication data after the juvenile has reached
18 twenty-three years of age, unless the juvenile was convicted
19 of or plead guilty to a serious or aggravated misdemeanor or
20 felony between age eighteen and age twenty-three.
21 For the purposes of this section, "criminal history data"
22 includes information maintained by any criminal or juvenile
23 justice agency if the information otherwise meets the
24 definition of criminal history data set forth in section 692.1
25 ~~and also includes the source documents of the information~~
26 ~~included in the criminal history data and fingerprint records~~.
27 Fingerprint cards received that are used to establish a
28 criminal history data record shall be retained in the
29 automated fingerprint identification system when the criminal
30 history data record is expunged.
31 Criminal history data may be collected for management or
32 research purposes.
33 Sec. 49. Section 692.19, subsection 6, Code 1995, is
34 amended to read as follows:
35 6. May conduct inquiries and investigations the

1 commissioner finds appropriate to achieve the purposes of this
2 chapter. Each criminal or juvenile justice agency in this
3 state and each state and local agency otherwise authorized
4 access to criminal history data is authorized and directed to
5 furnish to the commissioner of public safety, upon the
6 commissioner's request, statistical data, reports, and other
7 information in its possession as the commissioner deems
8 necessary to implement this chapter.
9 Sec. 50. Section 692.21, Code 1995, is amended to read as
10 follows:
11 692.21 DATA TO ~~ARRESTING~~ AGENCY MAKING ARREST OR TAKING
12 JUVENILE INTO CUSTODY.
13 The clerk of the district court shall forward conviction
14 and disposition data to the criminal justice agency making the
15 arrest or taking a juvenile into custody within thirty days of
16 final court disposition of the case.
17 Sec. 51. Section 709A.6, subsection 2, Code 1995, is
18 amended to read as follows:
19 2. It is unlawful for a person to act with, enter into a
20 common scheme or design with, conspire with, recruit or use a
21 person under the age of eighteen, through threats, monetary
22 payment, or other means, to commit an indictable offense for
23 the profit of the person acting with, entering into the common
24 scheme or design with, conspiring with, recruiting or using
25 the juvenile. A person who violates this section commits a
26 class ~~"D"~~ "C" felony.
27 Sec. 52. Section 723A.1, subsection 1, Code 1995, is
28 amended by adding the following new paragraph:
29 NEW PARAGRAPH. g. An offense constituting a violation of
30 chapter 724.
31 Sec. 53. NEW SECTION. 723A.3 GANG RECRUITMENT --
32 PENALTY.
33 1. A person who solicits, recruits, entices, or
34 intimidates a minor to join a criminal street gang commits a
35 class "C" felony.

1 2. A person who conspires to solicit, recruit, entice, or
2 intimidate a minor to join a criminal street gang commits a
3 class "D" felony.
4 Sec. 54. NEW SECTION. 724.4B CARRYING WEAPONS ON SCHOOL
5 GROUNDS -- PENALTY -- EXCEPTIONS.
6 1. A person who goes armed with, carries, or transports a
7 firearm of any kind, whether concealed or not, on the grounds
8 of a school commits a class "D" felony. For the purposes of
9 this section, "school" means a public or nonpublic school as
10 defined in section 280.2.
11 2. Subsection 1 does not apply to the following:
12 a. A person listed under section 724.4, subsection 4,
13 paragraphs "b" through "f" or "j".
14 b. A person who has been specifically authorized by the
15 school to go armed, carry, or transport a firearm on the
16 school grounds, including for purposes of conducting an
17 instructional program regarding firearms.
18 Sec. 55. NEW SECTION. 803.6 TRANSFER OF JURISDICTION --
19 JUVENILE.
20 1. The court, in the case of a juvenile who is alleged to
21 have committed a criminal offense listed in section 232.8,
22 subsection 1, paragraph "c", may direct a juvenile court
23 officer to provide a report regarding whether the child should
24 be transferred to juvenile court for adjudication and
25 disposition as a juvenile.
26 2. If the court believes that transfer may be appropriate
27 the court shall hold a hearing on whether the child should be
28 transferred. A notice of the time and place of the transfer
29 hearing shall be given to all parties to the case. Prior to
30 the hearing, the court shall provide the defendant's counsel
31 and the county attorney with access to the report provided by
32 the juvenile court officer and to all written material to be
33 considered by the court.
34 3. After the hearing, the court may transfer jurisdiction
35 to the juvenile court if the court determines that waiver to

1 the criminal court would be inappropriate under the criteria
2 set forth in section 232.45, subsection 6, paragraph "c", and
3 section 232.45, subsection 7.
4 4. If after the hearing the court transfers jurisdiction
5 over the defendant to the juvenile court for the alleged
6 commission of the public offense, the court shall forward the
7 transfer order together with all papers, documents, and a
8 transcript of all testimony filed or admitted into evidence in
9 connection with the case to the clerk of the juvenile court in
10 the same manner as provided in section 232.8, subsection 2.
11 Sec. 56. Section 811.1, subsection 3, Code 1995, is
12 amended to read as follows:
13 3. Notwithstanding subsections 1 and 2, a defendant
14 awaiting judgment of conviction and sentencing following
15 either a plea or verdict of guilty of, or appealing a
16 conviction of, a felony offense under chapter 124 not provided
17 for in subsection 1 or 2 is presumed to be ineligible to be
18 admitted to bail unless the court ~~determines~~ finds by clear
19 and convincing evidence that such release reasonably will not
20 result in the person failing to appear as required and will
21 not jeopardize the personal safety of another person or
22 persons.
23 Sec. 57. TASK FORCE. A youthful offender jurisdiction
24 task force is established to develop a plan for a seamless
25 system of shared jurisdiction between courts presiding over
26 both juvenile and criminal proceedings. The intent of this
27 shared jurisdiction would be to improve sanctions and
28 interventions for juveniles who commit serious crimes.
29 The membership of the task force shall consist of the
30 director of the department of corrections or the director's
31 designee, a director of a judicial district department of
32 correctional services designated by the governor; the director
33 of human services or the director's designee; the
34 administrator of the criminal and juvenile justice planning
35 division of the department of human rights or the

1 administrator's designee; a chief juvenile court officer, a
2 judge currently handling primarily juvenile cases, and a judge
3 currently handling primarily criminal cases designated by the
4 governor in consultation with the chief justice of the supreme
5 court; the state public defender or the state public
6 defender's designee; a faculty member at a college or
7 university in Iowa which offers a major in criminology and
8 criminalistics who has expertise in juvenile justice issues;
9 and a county attorney designated by the governor.
10 In developing its plan, the task force shall review the
11 youthful offender program plan prepared by the department of
12 corrections pursuant to 1990 Iowa Acts, chapter 1239, and the
13 provisions for a youthful offender program as proposed in 1992
14 Iowa Acts, chapter 1231. The task force's plan shall include
15 recommendations to implement policies and procedures that
16 allow for the provision of supervision and services to persons
17 whose jurisdiction begins in juvenile court, but who, because
18 of the nature of their offense and their responsiveness to
19 juvenile court dispositions, require services and supervision
20 beyond current juvenile court jurisdiction time limits. The
21 plan also shall identify the impact of its recommendations on
22 the caseloads and resources of the courts, the department of
23 human services, the department of corrections, the judicial
24 district departments of correctional services, and other
25 affected state and local agencies and programs.
26 The division of criminal and juvenile justice planning of
27 the department of human rights shall convene and coordinate
28 the activities of the task force. The task force shall submit
29 its plan to the governor and general assembly by October 1,
30 1995.
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HOUSE FILE 528

S-3514

1 Amend House File 528, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 8 and 9, by striking the words
4 "including the name of a juvenile involved,".
5 2. Page 1, lines 33 and 34, by striking the words
6 "including the name of a juvenile involved,".
7 3. Page 2, by striking lines 31 and 32 and
8 inserting the following: "those facilities or
9 institutions. Human immunodeficiency".
10 4. By striking page 3, line 24, through page 4,
11 line 13.
12 5. Page 5, line 21, by striking the word "shall"
13 and inserting the following: "may".
14 6. Page 6, line 10, by striking the word "shall"
15 and inserting the following: "~~shall~~ may".
16 7. By striking page 6, line 20, through page 7,
17 line 1.
18 8. Page 7, by striking lines 17 through 23 and
19 inserting the following: "prosecuted as otherwise
20 provided by law. The district court shall have all
21 the dispositional powers of the juvenile court under
22 this chapter, notwithstanding section 124.401B and
23 chapters 902 and 903, regarding a child convicted of a
24 violation excluded from the jurisdiction of the
25 juvenile court under this paragraph. Alternatively,
26 the child may be sentenced, as an adult, pursuant to
27 section 124.401B or chapter 902 or 903."
28 9. Page 7, by striking lines 24 through 27.
29 10. Page 8, line 8, by striking the words "~~may~~
30 shall" and inserting the following: "may".
31 11. Page 8, line 10, by striking the words
32 "However, wherever possible the" and inserting the
33 following: "~~However, wherever possible the~~ The".
34 12. Page 8, by striking lines 15 through 23.
35 13. By striking page 9, line 27, through page 10,
36 line 9.
37 14. Page 11, line 2, by inserting after the word
38 "act" the following: ", which would be an aggravated
39 misdemeanor or felony if committed by an adult,".
40 15. Page 11, by inserting after line 18 the
41 following:
42 "Sec. ___. NEW SECTION. 280.17B STUDENTS
43 SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS
44 WEAPONS.
45 The board of directors of a public school and the
46 authorities in control of a nonpublic school shall
47 prescribe procedures for continued school involvement
48 with a student who is suspended or expelled for
49 possession of a dangerous weapon, as defined in
50 section 702.7, on school premises in violation of

1 school policy or state law and for the reintegration
2 of the student into the school following the
3 suspension or expulsion.
4 Sec. ___. NEW SECTION. 280.21B EXPULSION --
5 WEAPONS IN SCHOOL.
6 The board of directors of a school district and the
7 authorities in charge of a nonpublic school which
8 receives services supported by federal funds shall
9 expel from school for a period of not less than one
10 year a student who is determined to have brought a
11 weapon to a school under the jurisdiction of the board
12 or the authorities. However, the superintendent or
13 chief administering officer of a school or school
14 district may modify expulsion requirements on a case-
15 by-case basis. This section shall not be construed to
16 prevent the board of directors of a school district or
17 the authorities in charge of a nonpublic school that
18 have expelled a student from the student's regular
19 school setting from providing educational services to
20 the student in an alternative setting. If both this
21 section and section 282.4 apply, this section takes
22 precedence over section 282.4. For purposes of this
23 section, "weapon" means a firearm as defined in 18
24 U.S.C. § 921. This section shall be construed in a
25 manner consistent with the federal Individuals with
26 Disabilities Education Act, 20 U.S.C. § 1400 et seq."
27 16. Page 19, line 18, by striking the word
28 "twenty-three" and inserting the following: "twenty-
29 one".
30 17. Page 19, line 20, by striking the word
31 "twenty-three" and inserting the following: "twenty-
32 one".
33 18. Page 19, by striking lines 25 and 26 and
34 inserting the following: "and also includes the
35 source documents of the information included in the
36 criminal history data ~~and fingerprint records~~."
37 19. Page 22, line 31, by striking the word
38 "designee," and inserting the following: "designee;
39 the attorney general or the attorney general's
40 designee;".
41 20. Page 23, line 8, by inserting after the word
42 "issues;" the following: "two members of the senate,
43 one each appointed by the majority and minority
44 leaders and two members of the house of
45 representatives, appointed by the speaker of the house
46 of representatives after consultation with the
47 majority and minority leaders;".
48 21. Title page, line 5, by striking the
49 words "identifying information regarding juveniles
50 involved in" and inserting the following:

S-3514
Page 3
1 "information regarding".
2 22. Title page, lines 7 and 8, by striking the
3 words "placing a juvenile in detention as a
4 dispositional alternative," and inserting the
5 following: "providing for the expulsion of a student
6 for bringing a weapon to school,".
7 23. Title page, lines 16 through 18, by striking
8 the words "authorizing the transmission of
9 communicable disease information by radio in certain
10 circumstances, and enhancing or" and inserting the
11 following: "and".
12 24. By renumbering as necessary.

By JOHNIE HAMMOND

S-3514 FILED APRIL 20, 1995
Adopted 4/24/95 (p. 1361)

HOUSE FILE 528

S-3549
1 Amend the amendment, S-3514, to House File 528, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 1, by striking the words "school
5 policy or".

By ALLEN BORLAUG

S-3549 FILED APRIL 24, 1995
LOST (p. 1361)

SENATE AMENDMENT TO HOUSE FILE 528

H-4057

1 Amend House File 528, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 8 and 9, by striking the words
4 "including the name of a juvenile involved,".
5 2. Page 1, lines 33 and 34, by striking the words
6 "including the name of a juvenile involved,".
7 3. Page 2, by striking lines 31 and 32 and
8 inserting the following: "those facilities or
9 institutions. Human immunodeficiency".
10 4. By striking page 3, line 24, through page 4,
11 line 13.
12 5. Page 5, line 21, by striking the word "shall"
13 and inserting the following: "may".
14 6. Page 6, line 10, by striking the word "shall"
15 and inserting the following: "~~shall~~ may".
16 7. By striking page 6, line 20, through page 7,
17 line 1.
18 8. Page 7, by striking lines 17 through 23 and
19 inserting the following: "prosecuted as otherwise
20 provided by law. The district court shall have all
21 the dispositional powers of the juvenile court under
22 this chapter, notwithstanding section 124.401B and
23 chapters 902 and 903, regarding a child convicted of a
24 violation excluded from the jurisdiction of the
25 juvenile court under this paragraph. Alternatively,
26 the child may be sentenced, as an adult, pursuant to
27 section 124.401B or chapter 902 or 903."
28 9. Page 7, by striking lines 24 through 27.
29 10. Page 8, line 8, by striking the words "~~may~~
30 shall" and inserting the following: "may".
31 11. Page 8, line 10, by striking the words
32 "However, wherever possible the" and inserting the
33 following: "~~However, wherever possible the~~ The".
34 12. Page 8, by striking lines 15 through 23.
35 13. By striking page 9, line 27, through page 10,
36 line 9.
37 14. Page 11, line 2, by inserting after the word
38 "act" the following: ", which would be an aggravated
39 misdemeanor or felony if committed by an adult,".
40 15. Page 11, by inserting after line 18 the
41 following:
42 "Sec. ___. NEW SECTION. 280.17B STUDENTS
43 SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS
44 WEAPONS.
45 The board of directors of a public school and the
46 authorities in control of a nonpublic school shall
47 prescribe procedures for continued school involvement
48 with a student who is suspended or expelled for
49 possession of a dangerous weapon, as defined in
50 section 702.7, on school premises in violation of

1 school policy or state law and for the reintegration
2 of the student into the school following the
3 suspension or expulsion.
4 Sec. ___. NEW SECTION. 280.21B EXPULSION --
5 WEAPONS IN SCHOOL.
6 The board of directors of a school district and the
7 authorities in charge of a nonpublic school which
8 receives services supported by federal funds shall
9 expel from school for a period of not less than one
10 year a student who is determined to have brought a
11 weapon to a school under the jurisdiction of the board
12 or the authorities. However, the superintendent or
13 chief administering officer of a school or school
14 district may modify expulsion requirements on a case-
15 by-case basis. This section shall not be construed to
16 prevent the board of directors of a school district or
17 the authorities in charge of a nonpublic school that
18 have expelled a student from the student's regular
19 school setting from providing educational services to
20 the student in an alternative setting. If both this
21 section and section 282.4 apply, this section takes
22 precedence over section 282.4. For purposes of this
23 section, "weapon" means a firearm as defined in 18
24 U.S.C. § 921. This section shall be construed in a
25 manner consistent with the federal Individuals with
26 Disabilities Education Act, 20 U.S.C. § 1400 et seq."
27 16. Page 19, line 18, by striking the word
28 "twenty-three" and inserting the following: "twenty-
29 one".
30 17. Page 19, line 20, by striking the word
31 "twenty-three" and inserting the following: "twenty-
32 one".
33 18. Page 19, by striking lines 25 and 26 and
34 inserting the following: "and also includes the
35 source documents of the information included in the
36 criminal history data ~~and fingerprint records~~."
37 19. Page 22, line 31, by striking the word
38 "designee," and inserting the following: "designee;
39 the attorney general or the attorney general's
40 designee;".
41 20. Page 23, line 8, by inserting after the word
42 "issues;" the following: "two members of the senate,
43 one each appointed by the majority and minority
44 leaders and two members of the house of
45 representatives, appointed by the speaker of the house
46 of representatives after consultation with the
47 majority and minority leaders;".
48 21. Title page, line 5, by striking the
49 words "identifying information regarding juveniles
50 involved in" and inserting the following:

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Page 3
"information regarding".
22. Title page, lines 7 and 8, by striking the words "placing a juvenile in detention as a dispositional alternative," and inserting the following: "providing for the expulsion of a student for bringing a weapon to school,".
23. Title page, lines 16 through 18, by striking the words "authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or" and inserting the following: "and".
24. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4057 FILED APRIL 25, 1995

House Concurred
4-26-95
(p. 1920)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 528

S-3586

1 Amend the Senate amendment, H-4057, to House File
2 528, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3, through page 3,
5 line 11, and inserting the following:
6 "___. Page 11, by inserting after line 10 the
7 following:
8 "Sec. ___. NEW SECTION. 279.58 SCHOOL DRESS CODE
9 POLICIES.
10 1. The general assembly finds and declares that
11 the students and the administrative and instructional
12 staffs of Iowa's public schools have the right to be
13 safe and secure at school. Gang-related apparel worn
14 at school draws attention away from the school's
15 learning environment and directs it toward thoughts or
16 expressions of violence, bigotry, hate, and abuse.
17 2. The board of directors of a school district may
18 adopt, for the district or for an individual school
19 within the district, a dress code policy that requires
20 students to wear specific attire or prohibits students
21 from wearing gang-related or other specific apparel if
22 the board determines that the policy is necessary for
23 the health and safety of students and staff in the
24 school environment or for the appropriate discipline
25 and operation of the school. Adoption and enforcement
26 of a dress code policy is not a violation of section
27 280.22.
28 3. If the district adopts a policy for the entire
29 school district, the specific attire selected shall be
30 determined by a committee composed of representatives
31 from the district's administrative staff,
32 instructional staff, and parents and legal guardians
33 of students enrolled in the district. If the district
34 adopts a policy for an individual school, the specific
35 attire shall be selected by a committee composed of
36 the individual school's administration,
37 representatives from the school's instructional staff,
38 and parents and legal guardians of students enrolled
39 in the school. A dress code policy that requires
40 students to wear specific attire shall not be
41 implemented with less than six months' notice to
42 parents and legal guardians. A school implementing a
43 dress code policy requiring specific attire shall make
44 resources available to assist economically
45 disadvantaged students in securing the specific
46 attire.
47 4. The board shall provide a method by which
48 parents and legal guardians may choose not to have
49 their children comply with an adopted dress code
50 policy that requires specific attire. If a board

1 chooses to adopt a policy pursuant to this section,
2 the policy shall include a provision that a student
3 shall not be penalized academically or otherwise
4 discriminated against or denied attendance to school
5 if the student's parent or legal guardian chooses not
6 to have the student comply with a school dress code
7 policy that would require the student to wear specific
8 attire. A policy adopted pursuant to this section
9 shall not preclude students that participate in a
10 nationally recognized youth organization, exempt from
11 federal income taxation under section 501(c)(3) of the
12 Internal Revenue Code, from wearing organization
13 uniforms on days that the organization has a scheduled
14 meeting."
15 ___. Page 11, by inserting after line 18 the
16 following:
17 "Sec. 999. NEW SECTION. 280.21B EXPULSION --
18 WEAPONS IN SCHOOL.
19 The board of directors of a school district and the
20 authorities in charge of a nonpublic school which
21 receives services supported by federal funds shall
22 expel from school for a period of not less than one
23 year a student who is determined to have brought a
24 weapon to a school under the jurisdiction of the board
25 or the authorities. However, the superintendent or
26 chief administering officer of a school or school
27 district may modify expulsion requirements on a case-
28 by-case basis. This section shall not be construed to
29 prevent the board of directors of a school district or
30 the authorities in charge of a nonpublic school that
31 have expelled a student from the student's regular
32 school setting from providing educational services to
33 the student in an alternative setting. If both this
34 section and section 282.4 apply, this section takes
35 precedence over section 282.4. For purposes of this
36 section, "weapon" means a firearm as defined in 18
37 U.S.C. § 921. This section shall be construed in a
38 manner consistent with the federal Individuals with
39 Disabilities Education Act, 20 U.S.C. § 1400 et seq."
40 ___. Page 20, by inserting after line 16 the
41 following:
42 "Sec. ___. Section 708.1, Code 1995, is amended by
43 adding the following new unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. Provided, that where the
45 person doing any of the above enumerated acts is
46 employed by a school district or accredited nonpublic
47 school, or is an area education agency staff member
48 who provides services to a school or school district,
49 and intervenes in a fight or physical struggle, or
50 other disruptive situation, that takes place in the

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1 presence of the employee or staff member performing
2 employment duties in a school building, on school
3 grounds, or at an official school function regardless
4 of the location, the act shall not be an assault,
5 whether the fight or physical struggle or other
6 disruptive situation is between students or other
7 individuals if the degree and the force of the
8 intervention is reasonably necessary to restore order
9 and to protect the safety of those assembled."
10 ___. Page 22, by inserting after line 10 the
11 following:
12 "Sec. ___. Section 808A.1, subsection 1, paragraph
13 d, Code 1995, is amended to read as follows:
14 d. A school locker, desk, or other facility or
15 space issued or assigned to, or chosen by, the student
16 for the storage of personal belongings of any kind,
17 which the student locks or is permitted to lock.
18 School officials may conduct periodic inspections of
19 all school lockers or a randomly selected number of
20 school lockers. ~~However, the school district shall~~
21 ~~provide notice to the students, at least twenty-four~~
22 ~~hours prior to the inspection, of the date and time of~~
23 ~~the inspection.~~"
24 ___. Page 23, by inserting after line 30 the
25 following:
26 "Sec. ___. EFFECTIVE DATE. Section 999 of this
27 Act, being deemed of immediate importance, takes
28 effect upon enactment."
29 ___. Title page, line 18, by inserting after the
30 word "circumstances," the following: "authorizing
31 school districts to adopt a dress code policy,
32 providing for the expulsion of a student for bringing
33 a weapon to school, creating an exemption in the
34 definition of assault, eliminating the twenty-four
35 hour notice to students of a periodic inspection of
36 students' lockers,".
37 ___. Title page, line 19, by inserting after the
38 word "penalties" the following: "and providing an
39 effective date"."

RECEIVED FROM THE HOUSE

S-3586 FILED APRIL 26, 1995

Senate Concurred 4/27/95 (P. 1475)

- Motion to R/C by Gronstal Motion Prevailed 4-27-95 Deferred

Senate Refused 4-27-95 (P. 1485)

House Insists 4-28-95 (P. 2034)

HOUSE FILE 528

H-4083

1 Amend the Senate amendment, H-4057, to House File
2 528, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3, through page 3,
5 line 11, and inserting the following:
6 "___. Page 11, by inserting after line 10 the
7 following:
8 "Sec. ___. NEW SECTION. 279.58 SCHOOL DRESS CODE
9 POLICIES.
10 1. The general assembly finds and declares that
11 the students and the administrative and instructional
12 staffs of Iowa's public schools have the right to be
13 safe and secure at school. Gang-related apparel worn
14 at school draws attention away from the school's
15 learning environment and directs it toward thoughts or
16 expressions of violence, bigotry, hate, and abuse.
17 2. The board of directors of a school district may
18 adopt, for the district or for an individual school
19 within the district, a dress code policy that requires
20 students to wear specific attire or prohibits students
21 from wearing gang-related or other specific apparel if
22 the board determines that the policy is necessary for
23 the health and safety of students and staff in the
24 school environment or for the appropriate discipline
25 and operation of the school. Adoption and enforcement
26 of a dress code policy is not a violation of section
27 280.22.
28 3. If the district adopts a policy for the entire
29 school district, the specific attire selected shall be
30 determined by a committee composed of representatives
31 from the district's administrative staff,
32 instructional staff, and parents and legal guardians
33 of students enrolled in the district. If the district
34 adopts a policy for an individual school, the specific
35 attire shall be selected by a committee composed of
36 the individual school's administration,
37 representatives from the school's instructional staff,
38 and parents and legal guardians of students enrolled
39 in the school. A dress code policy that requires
40 students to wear specific attire shall not be
41 implemented with less than six months' notice to
42 parents and legal guardians. A school implementing a
43 dress code policy requiring specific attire shall make
44 resources available to assist economically
45 disadvantaged students in securing the specific
46 attire.
47 4. The board shall provide a method by which
48 parents and legal guardians may choose not to have
49 their children comply with an adopted dress code
50 policy that requires specific attire. If a board

1 chooses to adopt a policy pursuant to this section,
2 the policy shall include a provision that a student
3 shall not be penalized academically or otherwise
4 discriminated against or denied attendance to school
5 if the student's parent or legal guardian chooses not
6 to have the student comply with a school dress code
7 policy that would require the student to wear specific
8 attire. A policy adopted pursuant to this section
9 shall not preclude students that participate in a
10 nationally recognized youth organization, exempt from
11 federal income taxation under section 501(c)(3) of the
12 Internal Revenue Code, from wearing organization
13 uniforms on days that the organization has a scheduled
14 meeting."
15 ___. Page 11, by inserting after line 18 the
16 following:
17 "Sec. 999. NEW SECTION. 280.21B EXPULSION --
18 WEAPONS IN SCHOOL.
19 The board of directors of a school district and the
20 authorities in charge of a nonpublic school which
21 receives services supported by federal funds shall
22 expel from school for a period of not less than one
23 year a student who is determined to have brought a
24 weapon to a school under the jurisdiction of the board
25 or the authorities. However, the superintendent or
26 chief administering officer of a school or school
27 district may modify expulsion requirements on a case-
28 by-case basis. This section shall not be construed to
29 prevent the board of directors of a school district or
30 the authorities in charge of a nonpublic school that
31 have expelled a student from the student's regular
32 school setting from providing educational services to
33 the student in an alternative setting. If both this
34 section and section 282.4 apply, this section takes
35 precedence over section 282.4. For purposes of this
36 section, "weapon" means a firearm as defined in 18
37 U.S.C. § 921. This section shall be construed in a
38 manner consistent with the federal Individuals with
39 Disabilities Education Act, 20 U.S.C. § 1400 et seq."
40 ___. Page 20, by inserting after line 16 the
41 following:
42 "Sec. ___. Section 708.1, Code 1995, is amended by
43 adding the following new unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. Provided, that where the
45 person doing any of the above enumerated acts is
46 employed by a school district or accredited nonpublic
47 school, or is an area education agency staff member
48 who provides services to a school or school district,
49 and intervenes in a fight or physical struggle, or
50 other disruptive situation, that takes place in the

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1 presence of the employee or staff member performing
2 employment duties in a school building, on school
3 grounds, or at an official school function regardless
4 of the location, the act shall not be an assault,
5 whether the fight or physical struggle or other
6 disruptive situation is between students or other
7 individuals if the degree and the force of the
8 intervention is reasonably necessary to restore order
9 and to protect the safety of those assembled."
10 ___. Page 22, by inserting after line 10 the
11 following:
12 "Sec. ___. Section 808A.1, subsection 1, paragraph
13 d, Code 1995, is amended to read as follows:
14 d. A school locker, desk, or other facility or
15 space issued or assigned to, or chosen by, the student
16 for the storage of personal belongings of any kind,
17 which the student locks or is permitted to lock.
18 School officials may conduct periodic inspections of
19 all school lockers or a randomly selected number of
20 school lockers. ~~However, the school district shall~~
21 ~~provide notice to the students, at least twenty-four~~
22 ~~hours prior to the inspection, of the date and time of~~
23 ~~the inspection.~~"
24 ___. Page 23, by inserting after line 30 the
25 following:
26 "Sec. ___. EFFECTIVE DATE. Section 999 of this
27 Act, being deemed of immediate importance, takes
28 effect upon enactment."
29 ___. Title page, line 18, by inserting after the
30 word "circumstances," the following: "authorizing
31 school districts to adopt a dress code policy,
32 providing for the expulsion of a student for bringing
33 a weapon to school, creating an exemption in the
34 definition of assault, eliminating the twenty-four
35 hour notice to students of a periodic inspection of
36 students' lockers,".
37 ___. Title page, line 19, by inserting after the
38 word "penalties" the following: "and providing an
39 effective date"."

By LAMBERTI of Polk
GRUBBS of Scott

H-4083 FILED APRIL 26, 1995

adopted
4-26-95
(p.1920)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 528

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 528, a bill for An Act related to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties, respectfully make the following report:

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Page 2

1. That the House recedes from its amendment, S-3586.

2. That the Senate recedes from its amendment, H-4057.

3. That House File 528, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 1 through 12.

2. By striking page 1, line 26, through page 2, line 7.

3. Page 2, by striking lines 31 and 32 and inserting the following: "those facilities or institutions. Human immunodeficiency".

4. By striking page 3, line 24, through page 4, line 13.

5. By striking page 6, line 30, through page 7, line 1.

6. Page 7, line 27, by striking the word "detention" and inserting the following: "secure custody in a facility defined in subsection 2, paragraph "a" or "b"".

7. By striking page 7, line 28, through page 8, line 14.

8. Page 8, by inserting before line 15 the following:

"Sec. ___. Section 232.28, subsection 10, Code 1995, is amended to read as follows:

10. A complaint filed with the court or its designee pursuant to this section which alleges that a child ~~fourteen years of age or older~~ has committed a delinquent act which if committed by an adult would be an aggravated misdemeanor or a felony shall be a public record and shall not be confidential under section 232.147. The court, its designee, or law enforcement officials are authorized to release the complaint, including the identity of the child named in the complaint."

9. Page 9, line 29, by striking the word "detention" and inserting the following: "secure custody".

10. Page 9, line 31, by inserting after the figure "2" the following: ", paragraph "a" or "b"".

11. Page 9, line 35, by inserting after the word "delinquency" the following: ", including complaints under section 232.28,".

12. Page 10, by striking lines 6 through 9 and inserting the following: "unless otherwise provided in this chapter.

Complaints under section 232.28 shall be released in accordance with section 232.28. Other official juvenile court records may be released under this section by a juvenile court officer."

13. Page 11, lines 3 and 4, by striking the words "police investigative reports are subject to the provisions of section 22.7" and inserting the following: "a criminal or juvenile justice agency shall not release the name of a child until a complaint is filed pursuant to section 232.28".

14. Page 11, by inserting after line 10 the following:

"Sec. ___. NEW SECTION. 279.58 SCHOOL DRESS CODE POLICIES.

1. The general assembly finds and declares that the students and the administrative and instructional staffs of Iowa's public schools have the right to be safe and secure at school. Gang-related apparel worn at school draws attention away from the school's learning environment and directs it toward thoughts or expressions of violence, bigotry, hate, and abuse.

2. The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school. Adoption and enforcement of a dress code policy is not a violation of section 280.22."

15. Page 11, by inserting after line 18 the following:

"Sec. ___. NEW SECTION. 280.17B STUDENTS SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS WEAPONS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who

is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

Sec. ___. NEW SECTION. 280.21B EXPULSION -- WEAPONS IN SCHOOL.

The board of directors of a school district and the authorities in charge of a nonpublic school which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board or the authorities. However, the superintendent or chief administering officer of a school or school district may modify expulsion requirements on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district or the authorities in charge of a nonpublic school that have expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting. If both this section and section 282.4 apply, this section takes precedence over section 282.4. For purposes of this section, "weapon" means a firearm as defined in 18 U.S.C. § 921. This section shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq."

16. Page 19, line 18, by striking the word "twenty-three" and inserting the following: "twenty-one".

17. Page 19, line 20, by striking the word "twenty-three" and inserting the following: "twenty-one".

18. Page 19, by striking lines 21 through 27 and inserting the following: "~~For the purposes of this section, "criminal history data" includes information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data set forth in section 692.1~~

~~and also includes the source documents of the information included in the criminal history data and fingerprint records.~~

For the purposes of this section, "criminal history data" includes the following:

1. In the case of an adult, information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data in section 692.1, except that source documents shall be retained.

2. In the case of a juvenile, information maintained by any criminal or juvenile justice agency if the information otherwise meets the definition of criminal history data in section 692.1. In the case of a juvenile, criminal history data and source documents, other than fingerprint records, shall not be retained.

Fingerprint cards received that are used to establish a".

19. Page 20, by inserting after line 16 the following:

"Sec. ___. Section 708.1, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Provided, that where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled."

20. Page 22, by striking lines 11 through 22 and inserting the following:

"5. A defendant transferred to the jurisdiction of the

juvenile court shall be placed in detention under section 232.22.

Sec. ___. Section 808A.1, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. A school locker, desk, or other facility or space issued or assigned to, or chosen by, the student for the storage of personal belongings of any kind, which the student locks or is permitted to lock. ~~School officials may conduct periodic inspections of all school lockers. However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection.~~

Sec. ___. Section 808A.2, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, paragraphs "a" through "c", as they apply to searches of protected student areas, school officials may conduct periodic inspections of all, or a randomly selected number of, school lockers. However, the school district shall provide written notice to each student, and the adult who enrolls the student at the school, that school officials may conduct periodic inspections of all school lockers without prior notice. An inspection under this subsection shall only occur in the presence of the students whose lockers are being inspected."

21. Page 22, line 31, by striking the word "designee," and inserting the following: "designee; the attorney general or the attorney general's designee;".

22. Page 23, line 8, by inserting after the word "issues;" the following: "two members of the senate, one each appointed by the majority and minority leaders and two members of the house of representatives, appointed by the speaker of the house of representatives after consultation with the majority and minority leaders;".

23. Page 23, by inserting after line 30 the following:

"Sec. ___. 1995 Iowa Acts, House File 471, section 7, is

amended to read as follows:

SEC. 7. INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim committee to study currently available sentencing and incarceration options. The study may include but shall not be limited to a review of available jail, community corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; ~~and~~ the nature and costs associated with other sentencing options and the utilization, cost, and effectiveness of placing a juvenile in secure custody under section 232.52, subsection 2, paragraph "g", if enacted in House File 528. The committee shall coordinate the study with juvenile court services personnel to obtain the information regarding juveniles. A report regarding placing juveniles in secure custody shall be made to the general assembly by January 1, 1996. A follow-up report shall be made by June 30, 1996. In addition to legislative members, the membership of the interim committee shall include the following public members:

1. A representative from the board of parole.

2. A representative from the division of criminal and juvenile justice planning of the department of human rights.

3. A representative from an association of sheriffs and deputy sheriffs.

4. A representative from the department of corrections.

5. A representative from a county board of supervisors.

The committee shall submit findings and any recommendations in a report to the general assembly by January 1, 1996."

24. Title page, line 8, by striking the word "detention" and inserting the following: "short-term secure custody".

25. Title page, line 14, by inserting after the word "offenses," the following: "authorizing school districts to

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Page 8

adopt a dress code policy,".

26. Title page, lines 16 through 18, by striking the words "authorizing the transmission of communicable disease information by radio in certain circumstances,".

27. By renumbering as necessary.

ON THE PART OF THE HOUSE:

JEFFREY LAMBERTI, Chairperson
DON GRIES
STEVE GRUBBS
KEITH A. KREIMAN

ON THE PART OF THE SENATE:

JOHNIE HAMMOND, Chairperson
NANCY BOETTGER
MIKE CONNOLLY
RANDAL J. GIANNETTO
O. GENE MADDOX

CCH-528.1 FILED MAY 2, 1995

adopted 5-2-95 (p. 2176)

adopted 5-2-95 (p. 1578)

HSB 254

Lamberti, Chair
Coon
Harrison
Kreiman
Doderer

JUDICIARY

ed By

SENATE/HOUSE FILE _____ (528)
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act relating to juvenile justice, including providing that
2 certain identifying information regarding juveniles involved
3 in delinquent acts is a public record, exempting certain
4 offenses from the jurisdiction of the juvenile court,
5 eliminating the notice required for students before certain
6 locker searches, adding custody and adjudication information
7 regarding juveniles to state criminal history files,
8 establishing a juvenile justice task force, and enhancing or
9 establishing penalties.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. _____ H.F. _____

Section 1. Section 22.7, subsection 5, Code 1995, is amended to read as follows:

5. Peace officers' investigative reports, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime, ~~or~~ incident, or delinquent act, including the name of a juvenile involved, shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.

Sec. 2. Section 22.7, subsection 13, Code 1995, is amended to read as follows:

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

Sec. 3. Section 22.7, subsection 18, paragraph c, Code 1995, is amended to read as follows:

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime, delinquent act, or other illegal act, including the name of a juvenile involved, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to

1 disclose any particular information of the kind enumerated in
2 this paragraph, the burden of proof is on the lawful custodian
3 to demonstrate that the disclosure of that information would
4 jeopardize such an investigation or would pose such a clear
5 and present danger.
6 Sec. 4. Section 80.9, subsection 2, paragraph d, Code
7 1995, is amended to read as follows:
8 d. To collect and classify, and keep at all times
9 available, complete information useful for the detection of
10 crime, and the identification and apprehension of criminals.
11 Such information shall be available for all peace officers
12 within the state, under such regulations as the commissioner
13 may prescribe. The provisions of chapter 141 do not apply to
14 the entry of human immunodeficiency virus-related information
15 by criminal <u>or juvenile</u> justice agencies, as defined in
16 section 692.1, into the Iowa criminal justice information
17 system or the national crime information center system. The
18 provisions of chapter 141 also do not apply to the
19 transmission of the same information from either or both
20 information systems to criminal <u>or juvenile</u> justice agencies.
21 The provisions of chapter 141 also do not apply to the
22 transmission of the same information from either or both
23 information systems to employees of state correctional
24 institutions subject to the jurisdiction of the department of
25 corrections, employees of secure facilities for juveniles
26 subject to the jurisdiction of the department of human
27 services, and employees of city and county jails, if those
28 employees have direct physical supervision over inmates of
29 those facilities or institutions. Human immunodeficiency
30 virus-related information shall not be transmitted over the
31 police radio broadcasting system under chapter 693 or any
32 other radio-based communications system. An employee of an
33 agency receiving human immunodeficiency virus-related
34 information under this section who communicates the
35 information to another employee who does not have direct

1 physical supervision over inmates, other than to a supervisor
2 of an employee who has direct physical supervision over
3 inmates for the purpose of conveying the information to such
4 an employee, or who communicates the information to any person
5 not employed by the agency or uses the information outside the
6 agency is guilty of a class "D" felony. The commissioner
7 shall adopt rules regarding the transmission of human
8 immunodeficiency virus-related information including
9 provisions for maintaining confidentiality of the information.
10 The rules shall include a requirement that persons receiving
11 information from the Iowa criminal justice information system
12 or the national crime information center system receive
13 training regarding confidentiality standards applicable to the
14 information received from the system. The commissioner shall
15 develop and establish, in cooperation with the department of
16 corrections and the Iowa department of public health, training
17 programs and program criteria for persons receiving human
18 immunodeficiency virus-related information through the Iowa
19 criminal justice information system or the national crime
20 information center system.
21 Sec. 5. Section 232.2, subsection 10, Code 1995, is
22 amended to read as follows:
23 10. "Criminal <u>or juvenile</u> justice agency" means any agency
24 which has as its primary responsibility the enforcement of the
25 state's criminal laws or of local ordinances made pursuant to
26 state law.
27 Sec. 6. Section 232.8, subsection 1, Code 1995, is amended
28 by adding the following new paragraph:
29 <u>NEW PARAGRAPH</u>. c. Violations by a child, age sixteen or
30 older, which subject the child to the provisions of section
31 124.401, subsection 1, paragraph "e" or "f", or violations of
32 section 723A.2 which involve a violation of chapter 724, or
33 violation of chapter 724 which constitutes a felony, or
34 violations by a child, age sixteen or older, which constitute
35 a forcible felony are excluded from the jurisdiction of the

1 juvenile court and shall be prosecuted as otherwise provided
2 by law unless the court transfers jurisdiction of the child to
3 the juvenile court upon motion and for good cause. A child
4 over whom jurisdiction has not been transferred to the
5 juvenile court, and who is convicted of a violation excluded
6 from the jurisdiction of the juvenile court under this
7 paragraph, shall be sentenced pursuant to section 124.401B,
8 902.9, or 903.1.
9 Sec. 7. Section 232.22, subsection 4, unnumbered paragraph
10 2, Code 1995, is amended by striking the unnumbered paragraph.
11 Sec. 8. Section 232.22, subsection 6, Code 1995, is
12 amended to read as follows:
13 6. ~~If the court has waived its jurisdiction over the child~~
14 ~~for the alleged commission of a forcible~~ Notwithstanding any
15 other provisions of this Code, the restrictions contained in
16 this section relating to the placement of a child in a
17 facility under subsection 2, paragraph "c", apply to all cases
18 involving a child, except that once a child has been charged
19 with a felony offense in the district court pursuant to
20 section 232.8, subsection 1, paragraph "c", 232.45 or 232.45A,
21 and there is a ~~serious~~ risk that the child ~~may commit an act~~
22 ~~which would~~ could inflict serious bodily harm on another
23 person, the child ~~may~~ shall be held in the county jail,
24 notwithstanding section 356.3 unless another suitable secure
25 facility is available. However, wherever possible the child
26 shall be held in sight and sound separation from adult
27 offenders. A child held in the county jail under this
28 subsection shall have all the rights of adult postarrest or
29 pretrial detainees.
30 Sec. 9. Section 232.45, subsection 6, paragraph a, Code
31 1995, is amended to read as follows:
32 a. The child is ~~fourteen~~ twelve years of age or older.
33 Sec. 10. Section 232.148, subsections 1 and 2, are amended
34 to read as follows:
35 1. Except as provided in this section, a child shall not

1 be fingerprinted or photographed by a criminal or juvenile
2 justice agency after the child is taken into custody.
3 2. Fingerprints and photographs of a child who has been
4 taken into custody and who is fourteen years of age or older
5 may be taken and filed by a criminal or juvenile justice
6 agency investigating the commission of a public offense other
7 than a simple or serious misdemeanor. The criminal justice
8 agency shall forward the fingerprints to the department of
9 public safety for inclusion in the automated fingerprint
10 identification system. ~~However, unless otherwise authorized~~
11 ~~pursuant to section 232.45A or 690.4, or as otherwise~~
12 ~~authorized by law, a criminal history record shall not be~~
13 ~~created for inclusion in an automated system due to the~~
14 ~~retention of fingerprints pursuant to this section.~~
15 Sec. 11. Section 232.149, subsection 2, Code 1995, is
16 amended to read as follows:
17 2. Records and files of a criminal justice agency
18 concerning a child ~~other than fingerprint and photograph~~
19 ~~records and files shall not be open to inspection and their~~
20 ~~contents shall not be disclosed except as provided in this~~
21 ~~section and~~ involved in a delinquent act are public records.
22 The records are subject to sealing under section 232.150
23 unless the juvenile court waives its jurisdiction over the
24 child so that the child may be prosecuted as an adult for a
25 public offense.
26 Sec. 12. Section 232.149, subsections 3 through 6, Code
27 1995, are amended by striking the subsections.
28 Sec. 13. Section 331.653, subsection 58, Code 1995, is
29 amended to read as follows:
30 58. Report information on crimes committed and delinquent
31 acts committed and furnish disposition reports on persons
32 arrested and juveniles taken into custody and criminal
33 complaints or information or juvenile delinquency petitions
34 filed in any court as provided in section 692.15.
35 Sec. 14. Section 507.10, subsection 4, paragraph b,

1 subparagraph (1), unnumbered paragraph 2, Code 1995, is
2 amended to read as follows:
3 This section does not require the division of insurance to
4 disclose any information or records which would indicate or
5 show the existence of any investigation or activity of a
6 criminal or juvenile justice agency.
7 Sec. 15. Section 602.8102, subsection 125, Code 1995, is
8 amended to read as follows:
9 125. Furnish a disposition of each criminal complaint or
10 information or juvenile delinquency petition filed in the
11 district or, juvenile court to the department of public safety
12 as provided in section 692.15.
13 Sec. 16. Section 690.5, unnumbered paragraph 2, Code 1995,
14 is amended to read as follows:
15 If a criminal or juvenile justice agency subject to
16 fingerprinting and disposition requirements fails to comply
17 with the requirements, the commissioner of public safety shall
18 order that the agency's access to criminal history record
19 information maintained by the repository be denied or
20 restricted until the agency complies with the reporting
21 requirements.
22 Sec. 17. Section 692.1, Code 1995, is amended by adding
23 the following new subsection before subsection 1 and
24 renumbering the subsequent subsection:
25 NEW SUBSECTION. 1. "Adjudication data" means information
26 that an adjudication of delinquency for an act which would be
27 a forcible felony or felony violation of section 124.401, a
28 violation of section 723A.2, or a felony violation of chapter
29 724 if committed by an adult was entered against a juvenile
30 and includes the date and location of the delinquent act and
31 the place and court of adjudication.
32 Sec. 18. Section 692.1, subsection 5, Code 1995, is
33 amended by adding the following new paragraphs:
34 NEW PARAGRAPH. e. Adjudication data.
35 NEW PARAGRAPH. f. Custody data.

1 Sec. 19. Section 692.1, subsection 7, Code 1995, is
2 amended to read as follows:
3 7. "Criminal or juvenile justice agency" means an agency
4 or department of any level of government or an entity wholly
5 owned, financed, or controlled by one or more such agencies or
6 departments which performs as its principal function the
7 apprehension, prosecution, adjudication, incarceration, or
8 rehabilitation of criminal or juvenile offenders.
9 Sec. 20. Section 692.1, Code 1995, is amended by adding
10 the following new subsection:
11 NEW SUBSECTION. 7A. "Custody data" means information
12 pertaining to the taking into custody, pursuant to section
13 232.19, of a juvenile for a delinquent act which would be a
14 forcible felony or felony violation of section 124.401, a
15 violation of section 723A.2, or a felony violation of chapter
16 724 if committed by an adult, and includes the date, time,
17 place, and facts and circumstances of the delinquent act.
18 Custody data includes warrants for the taking into custody for
19 all delinquent acts outstanding and not served and includes
20 the filing of a petition pursuant to section 232.35, the date
21 and place of the alleged delinquent act, and the county of
22 jurisdiction.
23 Sec. 21. Section 692.2, subsection 1, paragraph a, Code
24 1995, is amended to read as follows:
25 a. Criminal or juvenile justice agencies.
26 Sec. 22. Section 692.2, subsection 4, Code 1995, is
27 amended to read as follows:
28 4. The provisions of this section and section 692.3 which
29 relate to the requiring of an individually identified request
30 prior to the dissemination or redissemination of criminal
31 history data do not apply to the furnishing of criminal
32 history data to the federal bureau of investigation or to the
33 dissemination or redissemination of information that an arrest
34 warrant has been or will be issued, and other relevant
35 information including, but not limited to, the offense or

1 delinquent act and the date and place of alleged commission,
2 individually identifying characteristics of the person to be
3 arrested or taken into custody, and the court or jurisdiction
4 issuing the warrant.
5 Sec. 23. Section 692.2, subsection 6, unnumbered paragraph
6 2, Code 1995, is amended to read as follows:
7 In cases in which members of the department are
8 participating in the investigation or arrest, or where
9 officers of other criminal or juvenile justice agencies
10 participating in the investigation or arrest consent, the
11 department may disseminate criminal history data and
12 intelligence data when the dissemination complies with section
13 692.3.
14 Sec. 24. Section 692.3, subsections 1 and 3, Code 1995,
15 are amended to read as follows:
16 1. A peace officer, criminal or juvenile justice agency,
17 or state or federal regulatory agency shall not redisseminate
18 criminal history data outside the agency, received from the
19 department or bureau, unless all of the following apply:
20 a. The data is for official purposes in connection with
21 prescribed duties of a criminal or juvenile justice agency.
22 b. The agency maintains a list of the persons receiving
23 the data and the date and purpose of the dissemination.
24 c. The request for data is based upon name, fingerprints,
25 or other individual identification characteristics.
26 3. A peace officer, criminal or juvenile justice agency,
27 or state or federal regulatory agency shall not redisseminate
28 intelligence data outside the agency, received from the
29 department or bureau or from any other source, except as
30 provided in subsection 1.
31 Sec. 25. Section 692.4, unnumbered paragraph 1, Code 1995,
32 is amended to read as follows:
33 The department, bureau, or a criminal or juvenile justice
34 agency may compile and disseminate criminal history data in
35 the form of statistical reports derived from such information

1 or as the basis of further study provided individual
2 identities are not ascertainable.
3 Sec. 26. Section 692.8, Code 1995, is amended to read as
4 follows:
5 692.8 INTELLIGENCE DATA.
6 Intelligence data contained in the files of the department
7 of public safety or a criminal or juvenile justice agency may
8 be placed within a computer data storage system, provided that
9 access to the computer data storage system is restricted to
10 authorized employees of the department or criminal or juvenile
11 justice agency. The department shall adopt rules to implement
12 this paragraph.
13 Intelligence data in the files of the department may be
14 disseminated only to a peace officer, criminal or juvenile
15 justice agency, or state or federal regulatory agency, and
16 only if the department is satisfied that the need to know and
17 the intended use are reasonable. Whenever intelligence data
18 relating to a defendant or juvenile who is the subject of a
19 petition under section 232.35 for the purpose of sentencing or
20 adjudication has been provided a court, the court shall inform
21 the defendant or juvenile or the defendant's or juvenile's
22 attorney that it is in possession of such data and shall, upon
23 request of the defendant or juvenile or the defendant's or
24 juvenile's attorney, permit examination of such data.
25 If the defendant or juvenile disputes the accuracy of the
26 intelligence data, the defendant or juvenile shall do so by
27 filing an affidavit stating the substance of the disputed data
28 and wherein it is inaccurate. If the court finds reasonable
29 doubt as to the accuracy of such information, it may require a
30 hearing and the examination of witnesses relating thereto on
31 or before the time set for sentencing or adjudication.
32 Sec. 27. Section 692.9, Code 1995, is amended to read as
33 follows:
34 692.9 SURVEILLANCE DATA PROHIBITED.
35 No surveillance data shall be placed in files or manual or

1 automated data storage systems by the department or bureau or
2 by any peace officer or criminal or juvenile justice agency.
3 Violation of the provisions of this section shall be a public
4 offense punishable under section 692.7.
5 Sec. 28. Section 692.10, Code 1995, is amended to read as
6 follows:
7 692.10 RULES.
8 The department shall adopt rules designed to assure the
9 security and confidentiality of all systems established for
10 the exchange of criminal history data and intelligence data
11 between criminal or juvenile justice agencies and for the
12 authorization of officers or employees to access a department
13 or agency computer data storage system in which criminal
14 intelligence data is stored.
15 Sec. 29. Section 692.11, Code 1995, is amended to read as
16 follows:
17 692.11 EDUCATION PROGRAM.
18 The department shall require an educational program for its
19 employees and the employees of criminal or juvenile justice
20 agencies on the proper use and control of criminal history
21 data and intelligence data.
22 Sec. 30. Section 692.12, Code 1995, is amended to read as
23 follows:
24 692.12 DATA PROCESSING.
25 Nothing in this chapter shall preclude the use of the
26 equipment and hardware of the data processing service center
27 for the storage and retrieval of criminal history data. Files
28 shall be stored on the computer in such a manner as the files
29 cannot be modified, destroyed, accessed, changed or overlaid
30 in any fashion by noncriminal or juvenile justice agency
31 terminals or personnel. That portion of any computer,
32 electronic switch or manual terminal having access to criminal
33 history data stored in the state computer must be under the
34 management control of a criminal or juvenile justice agency.
35 Sec. 31. Section 692.13, Code 1995, is amended to read as

1 follows:
2 692.13 REVIEW.
3 The department shall initiate periodic review procedures
4 designed to determine compliance with the provisions of this
5 chapter within the department and by criminal or juvenile
6 justice agencies and to determine that data furnished to them
7 is factual and accurate.
8 Sec. 32. Section 692.14, Code 1995, is amended to read as
9 follows:
10 692.14 SYSTEMS FOR THE EXCHANGE OF CRIMINAL HISTORY DATA.
11 The department shall regulate the participation by all
12 state and local agencies in any system for the exchange of
13 criminal history data, and shall be responsible for assuring
14 the consistency of such participation with the terms and
15 purposes of this chapter.
16 Direct access to such systems shall be limited to such
17 criminal or juvenile justice agencies as are expressly
18 designated for that purpose by the department. The department
19 shall, with respect to telecommunications terminals employed
20 in the dissemination of criminal history data, insure that
21 security is provided over an entire terminal or that portion
22 actually authorized access to criminal history data.
23 Sec. 33. Section 692.15, Code 1995, is amended to read as
24 follows:
25 692.15 REPORTS TO DEPARTMENT.
26 1. If it comes to the attention of a sheriff, police
27 department, or other law enforcement agency that a public
28 offense or delinquent act has been committed in its
29 jurisdiction, the law enforcement agency shall report
30 information concerning ~~such a~~ the public offense or delinquent
31 act to the department on a form to be furnished by the
32 department not more than thirty-five days from the time the
33 public offense or delinquent act first comes to the attention
34 of the law enforcement agency. The reports shall be used to
35 generate crime statistics. The department shall submit

1 statistics to the governor, the general assembly, and the
2 division of criminal and juvenile justice planning of the
3 department of human rights on a quarterly and yearly basis.
4 2. If a sheriff, police department, or other law
5 enforcement agency makes an arrest or takes a juvenile into
6 custody which is reported to the department, the ~~arresting~~ law
7 enforcement agency making the arrest or taking the juvenile
8 into custody and any other law enforcement agency which
9 obtains custody of the arrested person or juvenile taken into
10 custody shall furnish a disposition report to the department
11 if the arrested person or juvenile taken into custody is
12 transferred to the custody of another law enforcement agency
13 or is released without having a complaint or information or
14 petition under section 232.35 filed with any court.
15 3. The law enforcement agency making an arrest and
16 securing fingerprints pursuant to section 690.2 or taking a
17 juvenile into custody and securing fingerprints pursuant to
18 section 232.148 shall fill out a final disposition report on
19 each arrest on a form and in the manner prescribed by the
20 commissioner of public safety. The final disposition report
21 shall be forwarded to the county attorney in the county where
22 the arrest or taking into custody occurred.
23 4. The county attorney of each county shall complete the
24 final disposition report and submit it to the department
25 within thirty days if a preliminary information or citation is
26 dismissed without a new charge being filed. If an indictment
27 is returned or a county attorney's information is filed, or a
28 petition is filed under section 232.35, the final disposition
29 form shall be forwarded to the clerk of the district court of
30 that county.
31 5. If a criminal complaint or information or petition
32 under section 232.35 is filed in any court, the clerk shall
33 furnish a disposition report of the case.
34 6. Any disposition report shall be sent to the department
35 within thirty days after disposition on a form provided by the

1 department.
2 7. The hate crimes listed in section 729A.2 are subject to
3 the reporting requirements of this section.
4 Sec. 34. Section 692.16, Code 1995, is amended to read as
5 follows:
6 692.16 REVIEW AND REMOVAL.
7 At least every year the bureau shall review and determine
8 current status of all Iowa arrests or takings into custody
9 reported, which are at least one year old with no disposition
10 data. Any Iowa arrest or taking of a juvenile into custody
11 recorded within a computer data storage system which has no
12 disposition data after four years shall be removed unless
13 there is an outstanding arrest warrant or detainer on such
14 charge.
15 Sec. 35. Section 692.17, Code 1995, is amended to read as
16 follows:
17 692.17 EXCLUSIONS -- PURPOSES.
18 Criminal history data in a computer data storage system
19 shall not include arrest or disposition data or custody or
20 disposition data after the person has been acquitted or the
21 charges dismissed.
22 For the purposes of this section, "criminal history data"
23 includes information maintained by any criminal or juvenile
24 justice agency if the information otherwise meets the
25 definition of criminal history data set forth in section 692.1
26 and also includes the source documents of the information
27 included in the criminal history data and fingerprint records.
28 Criminal history data may be collected for management or
29 research purposes.
30 Sec. 36. Section 692.19, subsection 6, Code 1995, is
31 amended to read as follows:
32 6. May conduct inquiries and investigations the
33 commissioner finds appropriate to achieve the purposes of this
34 chapter. Each criminal or juvenile justice agency in this
35 state and each state and local agency otherwise authorized

1 access to criminal history data is authorized and directed to
2 furnish to the commissioner of public safety, upon the
3 commissioner's request, statistical data, reports, and other
4 information in its possession as the commissioner deems
5 necessary to implement this chapter.
6 Sec. 37. Section 692.21, Code 1995, is amended to read as
7 follows:
8 692.21 DATA TO ~~ARRESTING~~ AGENCY MAKING ARREST OR TAKING
9 JUVENILE INTO CUSTODY.
10 The clerk of the district court shall forward conviction
11 and disposition data to the criminal justice agency making the
12 arrest or taking a juvenile into custody within thirty days of
13 final court disposition of the case.
14 Sec. 38. Section 709A.6, subsection 2, Code 1995, is
15 amended to read as follows:
16 2. It is unlawful for a person to act with, enter into a
17 common scheme or design with, conspire with, recruit or use a
18 person under the age of eighteen, through threats, monetary
19 payment, or other means, to commit an indictable offense for
20 the profit of the person acting with, entering into the common
21 scheme or design with, conspiring with, recruiting or using
22 the juvenile. A person who violates this section commits a
23 class ~~"B"~~ "C" felony.
24 Sec. 39. Section 723A.1, Code 1995, is amended by adding
25 the following new paragraph:
26 NEW PARAGRAPH. g. An offense constituting a violation of
27 chapter 724.
28 Sec. 40. NEW SECTION. 723A.3 GANG RECRUITMENT --
29 PENALTY.
30 1. A person who solicits, recruits, entices, or
31 intimidates a minor to join a criminal street gang commits a
32 class "C" felony.
33 2. A person who conspires to solicit, recruit, entice, or
34 intimidate a minor to join a criminal street gang commits a
35 class "D" felony.

1 Sec. 41. NEW SECTION. 724.4B CARRYING WEAPONS ON SCHOOL
2 GROUNDS -- PENALTY -- EXCEPTIONS.
3 1. A person who goes armed with, carries, or transports a
4 firearm of any kind, whether concealed or not, on the grounds
5 of a school commits a class "D" felony. For the purposes of
6 this section, "school" means a public or nonpublic school as
7 defined in section 280.2.
8 2. Subsection 1 does not apply to the following:
9 a. A person listed under section 724.4, subsection 4,
10 paragraphs "b" through "f" or "j".
11 b. A person who has been specifically authorized by the
12 school to go armed, carry, or transport a firearm on the
13 school grounds, including for purposes of conducting an
14 instructional program regarding firearms.
15 Sec. 42. Section 808A.1, subsection 1, paragraph d, Code
16 1995, is amended to read as follows:
17 d. A school locker, desk, or other facility or space is-
18 sued or assigned to, or chosen by, the student for the storage
19 of personal belongings of any kind, which the student locks or
20 is permitted to lock. School officials may conduct periodic
21 inspections of all school lockers. ~~However, the school~~
22 ~~district shall provide notice to the students, at least~~
23 ~~twenty-four hours prior to the inspection, of the date and~~
24 ~~time of the inspection.~~
25 Sec. 43. Section 808A.4, Code 1995, is amended to read as
26 follows:
27 808A.4 EXCLUSION OF EVIDENCE -- REPORTING REQUIREMENT.
28 Material or evidence obtained directly or indirectly as a
29 result of a search conducted in violation of this chapter is
30 inadmissible in a criminal proceeding against a student.
31 However, a school official shall report to a local law
32 enforcement agency any dangerous weapon possessed on school
33 premises in violation of school policy or state law.
34 Sec. 44. TASK FORCE. A youthful offender jurisdiction
35 task force is established to develop a plan for a seamless

1 system of shared jurisdiction between courts presiding over
2 both juvenile and criminal proceedings. The intent of this
3 shared jurisdiction would be to improve sanctions and
4 interventions for juveniles who commit serious crimes.
5 The membership of the task force shall consist of the
6 director of the department of corrections or the director's
7 designee, a director of a judicial district department of
8 correctional services designated by the governor; the director
9 of human services or the director's designee; the
10 administrator of the criminal and juvenile justice planning
11 division of the department of human rights or the
12 administrator's designee; a chief juvenile court officer, a
13 judge currently handling primarily juvenile cases, and a judge
14 currently handling primarily criminal cases designated by the
15 governor in consultation with the chief justice of the supreme
16 court; the state public defender or the state public
17 defender's designee; and a county attorney designated by the
18 governor.
19 In developing its plan, the task force shall review the
20 youthful offender program plan prepared by the department of
21 corrections pursuant to 1990 Iowa Acts, chapter 1239, and the
22 provisions for a youthful offender program as proposed in 1992
23 Iowa Acts, chapter 1231. The task force's plan shall include
24 recommendations to implement policies and procedures that
25 allow for the provision of supervision and services to persons
26 whose jurisdiction begins in juvenile court, but who, because
27 of the nature of their offense and their responsiveness to
28 juvenile court dispositions, require services and supervision
29 beyond current juvenile court jurisdiction time limits. The
30 plan also shall identify the impact of its recommendations on
31 the caseloads and resources of the courts, the department of
32 human services, the department of corrections, the judicial
33 district departments of correctional services, and other
34 affected state and local agencies and programs.
35 The division of criminal and juvenile justice planning of

1 the department of human rights shall convene and coordinate
2 the activities of the task force. The task force shall submit
3 its plan to the governor and general assembly by October 1,
4 1995.

5 EXPLANATION

6 This bill contains the following provisions:
7 Section 22.7 is amended to provide that information
8 regarding the facts and circumstances surrounding a delinquent
9 act, including the name of the juvenile involved, is a public
10 record to the same extent as for an adult involved in a
11 criminal act. Section 232.149 is also amended to provide that
12 records and files of a criminal justice agency concerning a
13 juvenile involved in a delinquent act are public records.
14 Section 232.8 is amended to exclude from the jurisdiction
15 of the juvenile court a juvenile age 16 or older who commits a
16 drug offense involving a firearm or offensive weapon, who
17 violates a provision of chapter 724 regarding weapons which is
18 punishable as a felony, who engages in certain gang activity,
19 or who commits a forcible felony. The juvenile may be
20 transferred to the juvenile court if the district court finds
21 good cause to do so. A juvenile not transferred to the
22 juvenile court shall be tried and punished as an adult.
23 Section 232.45, regarding the waiver of juvenile court
24 jurisdiction over a juvenile, is amended to lower the minimum
25 age for waiver from 14 to 12 years of age. Section 232.22 is
26 amended to provide that a juvenile who is waived from juvenile
27 court shall be held in the county jail unless another secure
28 facility is available.
29 Information concerning the taking of a juvenile into
30 custody and the adjudication of a juvenile as a delinquent for
31 certain offenses are added to the criminal history and
32 intelligence data collected under chapter 692.
33 Section 709A.6 is amended to make the penalty for using or
34 conspiring to use a juvenile in criminal activity a class "C"
35 felony instead of a class "D" felony.

1 Chapter 723A, regarding gang activities, is amended to add
2 violations of chapter 724 regarding weapons to the definition
3 of criminal acts, and to add a class "C" felony for
4 recruiting, enticing, or intimidating a juvenile into joining
5 a criminal street gang and a class "D" felony for conspiring
6 to do the same.
7 A new section is also added to chapter 724 making it a
8 class "D" felony for going armed with, carrying, or
9 transporting a firearm on the grounds of a public or nonpublic
10 school. Exemptions are provided for peace and corrections
11 officers, military personnel, persons transporting firearms in
12 closed and locked containers or inside the cargo or luggage
13 compartments of motor vehicles, law enforcement personnel from
14 other states, and persons specifically authorized by the
15 school to have a firearm on the grounds of the school,
16 including for instructional purposes.
17 The requirement in section 808A.1 requiring students to be
18 provided at least 24 hours' notice before a search by school
19 officials of all the students' lockers is eliminated. Also,
20 school officials are required to notify a local law
21 enforcement agency if a dangerous weapon is possessed on
22 school premises in violation of school policy or state law.
23 The bill also establishes a task force to develop a plan
24 for shared jurisdiction between the juvenile justice system
25 and the adult justice system. The task force will be composed
26 of judges, corrections officials, the state public defender,
27 and a county attorney, and be convened by the division of
28 criminal and juvenile justice planning of the department of
29 human rights. The task force will report to the governor and
30 general assembly by October 1, 1995.
31 The bill may contain a state mandate under chapter 25B.
32
33
34
35

HOUSE FILE 528

AN ACT

RELATING TO CRIMINAL AND JUVENILE JUSTICE, INCLUDING AUTHORIZING THE SUSPENSION OF THE JUVENILE'S MOTOR VEHICLE LICENSE, AUTHORIZING A CRIMINAL JUSTICE AGENCY TO RETAIN A COPY OF A JUVENILE'S FINGERPRINT CARD, PROVIDING THAT CERTAIN IDENTIFYING INFORMATION REGARDING JUVENILES INVOLVED IN DELINQUENT ACTS IS A PUBLIC RECORD, EXEMPTING CERTAIN OFFENSES FROM THE JURISDICTION OF THE JUVENILE COURT, PLACING A JUVENILE IN SHORT-TERM SECURE CUSTODY AS A DISPOSITIONAL ALTERNATIVE, WAIVING A JUVENILE TO ADULT COURT, THE RELEASE OR DETENTION OF CERTAIN CRIMINAL DEFENDANTS PENDING SENTENCING OR APPEAL FOLLOWING CONVICTION, LIMITING THE CIRCUMSTANCES UNDER WHICH A JUVENILE MAY CONSUME ALCOHOLIC BEVERAGES, PROVIDING FOR NOTICE TO PARENTS WHEN A JUVENILE IS TAKEN INTO CUSTODY FOR ALCOHOL OFFENSES, AUTHORIZING SCHOOL DISTRICTS TO ADOPT A DRESS CODE POLICY, ADDING CUSTODY AND ADJUDICATION INFORMATION REGARDING JUVENILES TO STATE CRIMINAL HISTORY FILES, ESTABLISHING A JUVENILE JUSTICE TASK FORCE, AND ENHANCING OR ESTABLISHING PENALTIES.

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

Section 1. Section 22.7, subsection 13, Code 1995, is amended to read as follows:

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal <u>or juvenile</u> justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a

legitimate end and that the need for the information is cogent and compelling.

Sec. 2. Section 80.9, subsection 2, paragraph d, Code 1995, is amended to read as follows:

d. To collect and classify, and keep at all times available, complete information useful for the detection of crime, and the identification and apprehension of criminals. Such information shall be available for all peace officers within the state, under such regulations as the commissioner may prescribe. The provisions of chapter 141 do not apply to the entry of human immunodeficiency virus-related information by criminal <u>or juvenile</u> justice agencies, as defined in section 692.1, into the Iowa criminal justice information system or the national crime information center system. The provisions of chapter 141 also do not apply to the transmission of the same information from either or both information systems to criminal <u>or juvenile</u> justice agencies. The provisions of chapter 141 also do not apply to the transmission of the same information from either or both information systems to employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the jurisdiction of the department of human services, and employees of city and county jails, if those employees have direct physical supervision over inmates of those facilities or institutions. Human immunodeficiency virus-related information shall not be transmitted over the police radio broadcasting system under chapter 693 or any other radio-based communications system. An employee of an agency receiving human immunodeficiency virus-related information under this section who communicates the information to another employee who does not have direct physical supervision over inmates, other than to a supervisor of an employee who has direct physical supervision over inmates for the purpose of conveying the information to such

an employee, or who communicates the information to any person not employed by the agency or uses the information outside the agency is guilty of a class "D" felony. The commissioner shall adopt rules regarding the transmission of human immunodeficiency virus-related information including provisions for maintaining confidentiality of the information. The rules shall include a requirement that persons receiving information from the Iowa criminal justice information system or the national crime information center system receive training regarding confidentiality standards applicable to the information received from the system. The commissioner shall develop and establish, in cooperation with the department of corrections and the Iowa department of public health, training programs and program criteria for persons receiving human immunodeficiency virus-related information through the Iowa criminal justice information system or the national crime information center system.

Sec. 3. Section 123.47, Code 1995, is amended to read as follows:

123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under the age of eighteen, and a person or persons under the age of eighteen shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen within a private home and with the knowledge, presence, and consent of the parent or guardian, ~~or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand,~~ for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person

under the age of eighteen may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter. A person, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer shall pay a twenty-five dollar penalty.

Sec. 4. Section 123.47B, Code 1995, is amended to read as follows:

123.47B PARENTAL <u>AND SCHOOL</u> NOTIFICATION -- PERSONS UNDER EIGHTEEN YEARS OF AGE.

A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of alcoholic liquor, wine, or beer in violation of section 123.47 and if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested or a citation is issued pursuant to section 805.16, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. <u>If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody.</u> A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first class mail.

Sec. 5. Section 124.415, Code 1995, is amended to read as follows:

124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER EIGHTEEN YEARS OF AGE.

A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a controlled substance, counterfeit substance, or simulated controlled substance in violation of this chapter, and if the person is not referred to juvenile court the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. ~~A juvenile court officer may also notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody.~~ A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first class mail.

Sec. 6. Section 124.416, Code 1995, is amended to read as follows:

124.416 EXCEPTION TO NONBAILABLE OFFENSE.

Notwithstanding section 811.1, the court, ~~in its discretion,~~ after making the finding required by section 811.1, subsection 3, may admit a person convicted of a violation of section 124.401, subsection ~~1 or~~ 2, or of a violation of section 124.406, to bail if the prosecuting attorney in the action and the defendant's counsel jointly petition the court to admit the person to bail.

Sec. 7. Section 232.2, subsection 10, Code 1995, is amended to read as follows:

10. "Criminal or juvenile justice agency" means any agency which has as its primary responsibility the enforcement of the state's criminal laws or of local ordinances made pursuant to state law.

Sec. 8. Section 232.8, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Violations by a child, age sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph "e" or "f", or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the court transfers jurisdiction of the child to the juvenile court upon motion and for good cause. A child over whom jurisdiction has not been transferred to the juvenile court, and who is convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph, shall be sentenced pursuant to section 124.401B, 902.9, or 903.1.

Sec. 9. Section 232.22, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A dispositional order has been entered under section 232.52 placing the child in secure custody in a facility defined in subsection 2, paragraph "a" or "b".

Sec. 10. Section 232.28, subsection 10, Code 1995, is amended to read as follows:

10. A complaint filed with the court or its designee pursuant to this section which alleges that a child ~~fourteen years of age or older~~ has committed a delinquent act which if committed by an adult would be an aggravated misdemeanor or a felony shall be a public record and shall not be confidential under section 232.147. The court, its designee, or law enforcement officials are authorized to release the complaint, including the identity of the child named in the complaint.

Sec. 11. Section 232.29, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The person performing the duties of intake officer shall notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school which the child attends, of any informal adjustment regarding the child, fourteen years of age or older, for an act which would be an aggravated misdemeanor or felony if committed by an adult.

Sec. 12. Section 232.45A, Code 1995, is amended to read as follows:

232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT -- PROCESSING.

1. Once jurisdiction over a child has been waived by the juvenile court as provided in section 232.45, for the alleged commission of a felony, and once a conviction is entered by the district court, for all other offenses, the clerk of the juvenile court shall immediately send a certified copy of the findings required by section 232.45, subsection 8, and the judgment of conviction, as applicable, to the department of public safety. The department shall maintain a file on each child who has previously been waived to or waived to and convicted by the district court in a prosecution as an adult. The file shall be accessible by law enforcement officers on a twenty-four hour per day basis.

2. Once a child sixteen years of age or older has been waived to and convicted of an aggravated misdemeanor or a felony ~~by~~ in the district court, all criminal proceedings against the child for any aggravated misdemeanor or felony occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for an aggravated misdemeanor or a felony who has previously been waived to and convicted of ~~such an offense by~~ aggravated misdemeanor or a felony in the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

Sec. 13. Section 232.52, subsection 2, paragraph a, Code 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) The suspension of the motor vehicle license or operating privilege of the child for a period not to exceed one year. The order shall state whether a work permit may or shall not be issued to the child.

Sec. 14. Section 232.52, subsection 2, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. An order placing a child in secure custody for not more than two days in a facility under section 232.22, subsection 2, paragraph "a" or "b".

Sec. 15. Section 232.147, subsection 2, Code 1995, is amended to read as follows:

2. Official juvenile court records in cases alleging delinquency, including complaints under section 232.28, shall be public records, subject to sealing under section 232.150. If the court has excluded the public from a hearing under division II of this chapter, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to court order or unless otherwise provided in this chapter. Complaints under section 232.28 shall be released in accordance with section 232.28. Other official juvenile court records may be released under this section by a juvenile court officer.

Sec. 16. Section 232.148, subsections 1 and 2, are amended to read as follows:

1. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal or juvenile justice agency after the child is taken into custody.

2. Fingerprints and photographs of a child who has been taken into custody and who is fourteen years of age or older may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple or serious misdemeanor. The criminal justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders. ~~However, unless otherwise authorized pursuant to section 232.45A or 690.4, or as otherwise authorized by law, a criminal history record shall not be created for inclusion in an automated system due to the retention of fingerprints pursuant to this section.~~

Sec. 17. Section 232.148, subsection 5, paragraph c, Code 1995, is amended by striking the paragraph.

Sec. 18. Section 232.149, subsection 2, Code 1995, is amended to read as follows:

2. Records and files of a criminal or juvenile justice agency concerning a child ~~other than fingerprint and photograph records and files shall not be open to inspection and their contents shall not be disclosed except as provided in this section and~~ involved in a delinquent act are public records, except that a criminal or juvenile justice agency shall not release the name of a child until a complaint is filed pursuant to section 232.28 and criminal history data is subject to the provisions of chapter 692. The records are subject to sealing under section 232.150 unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense.

Sec. 19. Section 232.149, subsections 3 through 6, Code 1995, are amended by striking the subsections.

Sec. 20. NEW SECTION. 279.58 SCHOOL DRESS CODE POLICIES.

1. The general assembly finds and declares that the students and the administrative and instructional staffs of Iowa's public schools have the right to be safe and secure at school. Gang-related apparel worn at school draws attention away from the school's learning environment and directs it toward thoughts or expressions of violence, bigotry, hate, and abuse.

2. The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school. Adoption and enforcement of a dress code policy is not a violation of section 280.22.

Sec. 21. NEW SECTION. 280.17A PROCEDURES FOR HANDLING DANGEROUS WEAPONS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon, as defined in section 702.7, possessed on school premises in violation of school policy or state law.

Sec. 22. NEW SECTION. 280.17B STUDENTS SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS WEAPONS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

Sec. 23. NEW SECTION. 280.21B EXPULSION -- WEAPONS IN SCHOOL.

The board of directors of a school district and the authorities in charge of a nonpublic school which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board or the authorities. However, the superintendent or chief administering officer of a school or school district may modify expulsion requirements on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district or the authorities in charge of a nonpublic school that have expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting. If both this section and section 282.4 apply, this section takes precedence over section 282.4. For purposes of this section, "weapon" means a firearm as defined in 18 U.S.C. § 921. This section shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

Sec. 24. Section 331.653, subsection 58, Code 1995, is amended to read as follows:

58. Report information on crimes committed and delinquent acts committed, which would be an aggravated misdemeanor or felony if committed by an adult, and furnish disposition reports on persons arrested and juveniles taken into custody, for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult, and criminal complaints or information or juvenile delinquency petitions, alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult, filed in any court as provided in section 692.15.

Sec. 25. Section 507.10, subsection 4, paragraph b, subparagraph (1), unnumbered paragraph 2, Code 1995, is amended to read as follows:

This section does not require the division of insurance to disclose any information or records which would indicate or show the existence of any investigation or activity of a criminal or juvenile justice agency.

Sec. 26. Section 602.8102, subsection 125, Code 1995, is amended to read as follows:

125. Furnish a disposition of each criminal complaint or information or juvenile delinquency petition, alleging a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult, filed in the district or juvenile court to the department of public safety as provided in section 692.15.

Sec. 27. Section 690.5, unnumbered paragraph 2, Code 1995, is amended to read as follows:

If a criminal or juvenile justice agency subject to fingerprinting and disposition requirements fails to comply with the requirements, the commissioner of public safety shall order that the agency's access to criminal history record information maintained by the repository be denied or restricted until the agency complies with the reporting requirements.

Sec. 28. Section 692.1, Code 1995, is amended by adding the following new subsection before subsection 1 and renumbering the subsequent subsection:

NEW SUBSECTION. 1. "Adjudication data" means information that an adjudication of delinquency for an act which would be an aggravated misdemeanor or felony if committed by an adult was entered against a juvenile and includes the date and location of the delinquent act and the place and court of adjudication.

Sec. 29. Section 692.1, subsection 5, Code 1995, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. Adjudication data.

NEW PARAGRAPH. f. Custody data.

Sec. 30. Section 692.1, subsection 7, Code 1995, is amended to read as follows:

7. "Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

Sec. 31. Section 692.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Custody data" means information pertaining to the taking into custody, pursuant to section 232.19, of a juvenile for a delinquent act which would be an aggravated misdemeanor or felony if committed by an adult, and includes the date, time, place, and facts and circumstances of the delinquent act. Custody data includes warrants for the taking into custody for all delinquent acts outstanding and not served and includes the filing of a petition pursuant to section 232.35, the date and place of the alleged delinquent act, and the county of jurisdiction.

Sec. 32. Section 692.2, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. Criminal or juvenile justice agencies.

Sec. 33. Section 692.2, subsection 4, Code 1995, is amended to read as follows:

4. The provisions of this section and section 692.3 which relate to the requiring of an individually identified request prior to the dissemination or redissemination of criminal history data do not apply to the furnishing of criminal history data to the federal bureau of investigation or to the dissemination or redissemination of information that an arrest warrant has been or will be issued, and other relevant information including, but not limited to, the offense or delinquent act and the date and place of alleged commission,

individually identifying characteristics of the person to be arrested or taken into custody, and the court or jurisdiction issuing the warrant.

Sec. 34. Section 692.2, subsection 6, unnumbered paragraph 2, Code 1995, is amended to read as follows:

In cases in which members of the department are participating in the investigation or arrest, or where officers of other criminal or juvenile justice agencies participating in the investigation or arrest consent, the department may disseminate criminal history data and intelligence data when the dissemination complies with section 692.3.

Sec. 35. Section 692.3, subsections 1 and 3, Code 1995, are amended to read as follows:

1. A peace officer, criminal or juvenile justice agency, or state or federal regulatory agency shall not redisseminate criminal history data outside the agency, received from the department or bureau, unless all of the following apply:

a. The data is for official purposes in connection with prescribed duties of a criminal or juvenile justice agency.

b. The agency maintains a list of the persons receiving the data and the date and purpose of the dissemination.

c. The request for data is based upon name, fingerprints, or other individual identification characteristics.

3. A peace officer, criminal or juvenile justice agency, or state or federal regulatory agency shall not redisseminate intelligence data outside the agency, received from the department or bureau or from any other source, except as provided in subsection 1.

Sec. 36. Section 692.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The department, bureau, or a criminal or juvenile justice agency may compile and disseminate criminal history data in the form of statistical reports derived from such information or as the basis of further study provided individual identities are not ascertainable.

Sec. 37. Section 692.8, Code 1995, is amended to read as follows:

692.8 INTELLIGENCE DATA.

Intelligence data contained in the files of the department of public safety or a criminal or juvenile justice agency may be placed within a computer data storage system, provided that access to the computer data storage system is restricted to authorized employees of the department or criminal or juvenile justice agency. The department shall adopt rules to implement this paragraph.

Intelligence data in the files of the department may be disseminated only to a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, and only if the department is satisfied that the need to know and the intended use are reasonable. Whenever intelligence data relating to a defendant or juvenile who is the subject of a petition under section 232.35 for the purpose of sentencing or adjudication has been provided a court, the court shall inform the defendant or juvenile or the defendant's or juvenile's attorney that it is in possession of such data and shall, upon request of the defendant or juvenile or the defendant's or juvenile's attorney, permit examination of such data.

If the defendant or juvenile disputes the accuracy of the intelligence data, the defendant or juvenile shall do so by filing an affidavit stating the substance of the disputed data and wherein it is inaccurate. If the court finds reasonable doubt as to the accuracy of such information, it may require a hearing and the examination of witnesses relating thereto on or before the time set for sentencing or adjudication.

Sec. 38. Section 692.9, Code 1995, is amended to read as follows:

692.9 SURVEILLANCE DATA PROHIBITED.

No surveillance data shall be placed in files or manual or automated data storage systems by the department or bureau or by any peace officer or criminal or juvenile justice agency.

Violation of the provisions of this section shall be a public offense punishable under section 692.7.

Sec. 39. Section 692.10, Code 1995, is amended to read as follows:

692.10 RULES.

The department shall adopt rules designed to assure the security and confidentiality of all systems established for the exchange of criminal history data and intelligence data between criminal or juvenile justice agencies and for the authorization of officers or employees to access a department or agency computer data storage system in which criminal intelligence data is stored.

Sec. 40. Section 692.11, Code 1995, is amended to read as follows:

692.11 EDUCATION PROGRAM.

The department shall require an educational program for its employees and the employees of criminal or juvenile justice agencies on the proper use and control of criminal history data and intelligence data.

Sec. 41. Section 692.12, Code 1995, is amended to read as follows:

692.12 DATA PROCESSING.

Nothing in this chapter shall preclude the use of the equipment and hardware of the data processing service center for the storage and retrieval of criminal history data. Files shall be stored on the computer in such a manner as the files cannot be modified, destroyed, accessed, changed or overlaid in any fashion by noncriminal or juvenile justice agency terminals or personnel. That portion of any computer, electronic switch or manual terminal having access to criminal history data stored in the state computer must be under the management control of a criminal or juvenile justice agency.

Sec. 42. Section 692.13, Code 1995, is amended to read as follows:

692.13 REVIEW.

The department shall initiate periodic review procedures designed to determine compliance with the provisions of this chapter within the department and by criminal or juvenile justice agencies and to determine that data furnished to them is factual and accurate.

Sec. 43. Section 692.14, Code 1995, is amended to read as follows:

692.14 SYSTEMS FOR THE EXCHANGE OF CRIMINAL HISTORY DATA.

The department shall regulate the participation by all state and local agencies in any system for the exchange of criminal history data, and shall be responsible for assuring the consistency of such participation with the terms and purposes of this chapter.

Direct access to such systems shall be limited to such criminal or juvenile justice agencies as are expressly designated for that purpose by the department. The department shall, with respect to telecommunications terminals employed in the dissemination of criminal history data, insure that security is provided over an entire terminal or that portion actually authorized access to criminal history data.

Sec. 44. Section 692.15, Code 1995, is amended to read as follows:

692.15 REPORTS TO DEPARTMENT.

1. If it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense or delinquent act has been committed in its jurisdiction, the law enforcement agency shall report information concerning ~~such a~~ the public offense or delinquent act to the department on a form to be furnished by the department not more than thirty-five days from the time the public offense or delinquent act first comes to the attention of the law enforcement agency. The reports shall be used to generate crime statistics. The department shall submit statistics to the governor, the general assembly, and the division of criminal and juvenile justice planning of the department of human rights on a quarterly and yearly basis.

2. If a sheriff, police department, or other law enforcement agency makes an arrest or takes a juvenile into custody which is reported to the department, the ~~arresting~~ law enforcement agency making the arrest or taking the juvenile into custody and any other law enforcement agency which obtains custody of the arrested person or juvenile taken into custody shall furnish a disposition report to the department if the arrested person or juvenile taken into custody is transferred to the custody of another law enforcement agency or is released without having a complaint or information or petition under section 232.35 filed with any court.

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 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 in the county where the arrest or taking into custody occurred.

4. The county attorney of each county shall complete the final disposition report and submit it to the department within thirty days if a preliminary information or citation is dismissed without a new charge being filed. If an indictment is returned or a county attorney's information is filed, or a petition is filed under section 232.35, the final disposition form shall be forwarded to the clerk of the district court of that county.

5. If a criminal complaint or information or petition under section 232.35 is filed in any court, the clerk shall furnish a disposition report of the case.

6. Any disposition report shall be sent to the department within thirty days after disposition on a form provided by the department.

7. The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.

Sec. 45. Section 692.16, Code 1995, is amended to read as follows:

692.16 REVIEW AND REMOVAL.

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

Sec. 46. Section 692.17, Code 1995, is amended to read as follows:

692.17 EXCLUSIONS -- PURPOSES.

Criminal history data in a computer data storage system shall not include arrest or disposition data or custody or adjudication data after the person has been acquitted or the charges dismissed. Criminal history data shall not include custody or adjudication data after the juvenile has reached twenty-one years of age, unless the juvenile was convicted of or plead guilty to a serious or aggravated misdemeanor or felony between age eighteen and age twenty-one. ~~For the purposes of this section, "criminal history data" includes information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data set forth in section 692.1 and also includes the source documents of the information included in the criminal history data and fingerprint records.~~

For the purposes of this section, "criminal history data" includes the following:

1. In the case of an adult, information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data in section 692.1, except that source documents shall be retained.

2. In the case of a juvenile, information maintained by any criminal or juvenile justice agency if the information otherwise meets the definition of criminal history data in section 692.1. In the case of a juvenile, criminal history data and source documents, other than fingerprint records, shall not be retained.

Fingerprint cards received that are used to establish a criminal history data record shall be retained in the automated fingerprint identification system when the criminal history data record is expunged.

Criminal history data may be collected for management or research purposes.

Sec. 47. Section 692.19, subsection 6, Code 1995, is amended to read as follows:

6. May conduct inquiries and investigations the commissioner finds appropriate to achieve the purposes of this chapter. Each criminal or juvenile justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the commissioner of public safety, upon the commissioner's request, statistical data, reports, and other information in its possession as the commissioner deems necessary to implement this chapter.

Sec. 48. Section 692.21, Code 1995, is amended to read as follows:

692.21 DATA TO ~~ARRESTING~~ AGENCY MAKING ARREST OR TAKING JUVENILE INTO CUSTODY.

The clerk of the district court shall forward conviction and disposition data to the criminal justice agency making the arrest or taking a juvenile into custody within thirty days of final court disposition of the case.

Sec. 49. Section 708.1, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Provided, that where the person doing any of the above enumerated acts is employed by a school

district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

Sec. 50. Section 709A.6, subsection 2, Code 1995, is amended to read as follows:

2. It is unlawful for a person to act with, enter into a common scheme or design with, conspire with, recruit or use a person under the age of eighteen, through threats, monetary payment, or other means, to commit an indictable offense for the profit of the person acting with, entering into the common scheme or design with, conspiring with, recruiting or using the juvenile. A person who violates this section commits a class ~~"D"~~ "C" felony.

Sec. 51. Section 723A.1, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. An offense constituting a violation of chapter 724.

Sec. 52. NEW SECTION. 723A.3 GANG RECRUITMENT -- PENALTY.

1. A person who solicits, recruits, entices, or intimidates a minor to join a criminal street gang commits a class "C" felony.

2. A person who conspires to solicit, recruit, entice, or intimidate a minor to join a criminal street gang commits a class "D" felony.

Sec. 53. NEW SECTION. 724.4B CARRYING WEAPONS ON SCHOOL GROUNDS -- PENALTY -- EXCEPTIONS.

1. A person who goes armed with, carries, or transports a firearm of any kind, whether concealed or not, on the grounds of a school commits a class "D" felony. For the purposes of this section, "school" means a public or nonpublic school as defined in section 280.2.

2. Subsection 1 does not apply to the following:

a. A person listed under section 724.4, subsection 4, paragraphs "b" through "f" or "j".

b. A person who has been specifically authorized by the school to go armed, carry, or transport a firearm on the school grounds, including for purposes of conducting an instructional program regarding firearms.

Sec. 54. NEW SECTION. 803.6 TRANSFER OF JURISDICTION -- JUVENILE.

1. The court, in the case of a juvenile who is alleged to have committed a criminal offense listed in section 232.8, subsection 1, paragraph "c", may direct a juvenile court officer to provide a report regarding whether the child should be transferred to juvenile court for adjudication and disposition as a juvenile.

2. If the court believes that transfer may be appropriate the court shall hold a hearing on whether the child should be transferred. A notice of the time and place of the transfer hearing shall be given to all parties to the case. Prior to the hearing, the court shall provide the defendant's counsel and the county attorney with access to the report provided by the juvenile court officer and to all written material to be considered by the court.

3. After the hearing, the court may transfer jurisdiction to the juvenile court if the court determines that waiver to the criminal court would be inappropriate under the criteria set forth in section 232.45, subsection 6, paragraph "c", and section 232.45, subsection 7.

4. If after the hearing the court transfers jurisdiction over the defendant to the juvenile court for the alleged commission of the public offense, the court shall forward the transfer order together with all papers, documents, and a transcript of all testimony filed or admitted into evidence in connection with the case to the clerk of the juvenile court in the same manner as provided in section 232.8, subsection 2.

5. A defendant transferred to the jurisdiction of the juvenile court shall be placed in detention under section 232.22.

Sec. 55. Section 808A.1, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. A school locker, desk, or other facility or space issued or assigned to, or chosen by, the student for the storage of personal belongings of any kind, which the student locks or is permitted to lock. ~~School officials may conduct periodic inspections of all school lockers. However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection.~~

Sec. 56. Section 808A.2, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, paragraphs "a" through "c", as they apply to searches of protected student areas, school officials may conduct periodic inspections of all, or a randomly selected number of, school lockers. However, the school district shall provide written notice to each student, and the adult who enrolls the student at the school, that school officials may conduct periodic inspections of all school lockers without prior notice. An inspection under this subsection shall only occur in the presence of the students whose lockers are being inspected.

Sec. 57. TASK FORCE. A youthful offender jurisdiction task force is established to develop a plan for a seamless system of shared jurisdiction between courts presiding over

both juvenile and criminal proceedings. The intent of this shared jurisdiction would be to improve sanctions and interventions for juveniles who commit serious crimes.

The membership of the task force shall consist of the director of the department of corrections or the director's designee; the attorney general or the attorney general's designee; a director of a judicial district department of correctional services designated by the governor; the director of human services or the director's designee; the administrator of the criminal and juvenile justice planning division of the department of human rights or the administrator's designee; a chief juvenile court officer, a judge currently handling primarily juvenile cases, and a judge currently handling primarily criminal cases designated by the governor in consultation with the chief justice of the supreme court; the state public defender or the state public defender's designee; a faculty member at a college or university in Iowa which offers a major in criminology and criminalistics who has expertise in juvenile justice issues; two members of the senate, one each appointed by the majority and minority leaders and two members of the house of representatives, appointed by the speaker of the house of representatives after consultation with the majority and minority leaders; and a county attorney designated by the governor.

In developing its plan, the task force shall review the youthful offender program plan prepared by the department of corrections pursuant to 1990 Iowa Acts, chapter 1239, and the provisions for a youthful offender program as proposed in 1992 Iowa Acts, chapter 1231. The task force's plan shall include recommendations to implement policies and procedures that allow for the provision of supervision and services to persons whose jurisdiction begins in juvenile court, but who, because of the nature of their offense and their responsiveness to juvenile court dispositions, require services and supervision

beyond current juvenile court jurisdiction time limits. The plan also shall identify the impact of its recommendations on the caseloads and resources of the courts, the department of human services, the department of corrections, the judicial district departments of correctional services, and other affected state and local agencies and programs.

The division of criminal and juvenile justice planning of the department of human rights shall convene and coordinate the activities of the task force. The task force shall submit its plan to the governor and general assembly by October 1, 1995.

Sec. 58. 1995 Iowa Acts, House File 471, section 7, is amended to read as follows:

SEC. 7. INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim committee to study currently available sentencing and incarceration options. The study may include but shall not be limited to a review of available jail, community corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; ~~and~~ the nature and costs associated with other sentencing options and the utilization, cost, and effectiveness of placing a juvenile in secure custody under section 232.52, subsection 2, paragraph "g", if enacted in House File 528. The committee shall coordinate the study with juvenile court services personnel to obtain the information regarding juveniles. A report regarding placing juveniles in secure custody shall be made to the general assembly by January 1, 1996. A follow-up report shall be made by June 30, 1996. In addition to legislative members, the membership of the interim committee shall include the following public members:

1. A representative from the board of parole.

2. A representative from the division of criminal and juvenile justice planning of the department of human rights.

3. A representative from an association of sheriffs and deputy sheriffs.

4. A representative from the department of corrections.

5. A representative from a county board of supervisors.

The committee shall submit findings and any recommendations in a report to the general assembly by January 1, 1996.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 528, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 25, 1995

TERRY E. BRANSTAD
Governor

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