

H-3/6/96 Judiciary
H-3/25/96 Do Pass

FILED FEB 15 1996

SENATE FILE 2211
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2021)

Passed Senate, Date ^(P.620) 3/5/96 Passed House, Date ^(P.1525) 4-10-96
Vote: Ayes 49 Nays 1 Vote: Ayes 94 Nays 0
Approved 4/18/96

A BILL FOR

1 An Act relating to fingerprinting requirements for certain public
2 offenses.

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

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S.F. 2211

1 Section 1. Section 690.2, Code 1995, is amended to read as
2 follows:

3 690.2 FINGER AND PALM PRINTS -- PHOTOGRAPHS -- DUTY OF
4 SHERIFF AND CHIEF OF POLICE.

5 The sheriff of every county, and the chief of police of
6 each city regardless of the form of government thereof, shall
7 take the fingerprints of all unidentified dead bodies in their
8 respective jurisdictions and all persons who are taken into
9 custody for the commission of a serious misdemeanor, other
10 than a serious misdemeanor under chapter 321 or 321A,
11 aggravated misdemeanor, or felony and shall forward such
12 fingerprint records on such forms and in such manner as may be
13 prescribed by the commissioner of public safety, within two
14 working days after the fingerprint records are taken, to the
15 department of public safety and, if appropriate, to the
16 federal bureau of investigation. Fingerprints may be taken of
17 a person who has been arrested for a public offense subject to
18 an enhanced penalty for conviction of a second or subsequent
19 offense. In addition to the fingerprints as herein provided,
20 any such officer may also take the photograph and palm prints
21 of any such person and forward them to the department of
22 public safety. If a defendant is convicted by a court of this
23 state of an offense which is a serious misdemeanor, other than
24 a serious misdemeanor under chapter 321 or 321A, aggravated
25 misdemeanor, or felony, the court shall determine whether such
26 defendant has previously been fingerprinted in connection with
27 the criminal proceedings leading to the conviction and, if
28 not, shall order that the defendant be fingerprinted and those
29 prints submitted to the department of public safety. The
30 court shall also order that a juvenile adjudicated delinquent
31 for an offense which would be a violation of section 321J.2 or
32 an act which would be an aggravated misdemeanor or felony if
33 committed by an adult be fingerprinted and the prints
34 submitted to the department of public safety if the juvenile
35 has not previously been fingerprinted in proceedings leading

1 to the adjudication.

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EXPLANATION

3 This bill eliminates the requirement that persons taken
4 into custody for the commission of an offense which is a
5 serious misdemeanor under chapter 321 (motor vehicles and law
6 of the road) or 321A (motor vehicle financial responsibility)
7 be fingerprinted and the prints sent to the department of
8 public safety. The bill also provides that the court shall
9 order the fingerprinting of a juvenile adjudicated delinquent
10 for a violation of section 321J.2 or an offense which would be
11 an aggravated misdemeanor or felony if committed by an adult
12 if the juvenile was not fingerprinted in pre-adjudication
13 proceedings.

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Halvorson
Giannetto
Szymoniak
Boettger
Bartz

Succeeded By
SF/HF 2211

SSB-2021
Judiciary

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

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S.F. _____ H.F. _____

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13 proceedings.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

16 When the Iowa Code was changed to establish a threshold for
17 the taking of fingerprints, it did not exclude violation of
18 these chapters. It is unnecessary for the criminal history
19 records maintained by the department of public safety to
20 contain serious misdemeanor violations of chapter 321 and 321A
21 regarding the operation of motor vehicles and operator
22 financial responsibility as these records are available from
23 the department of transportation. The requirement of
24 fingerprinting individuals taken into custody under chapter
25 321 or 321A has placed an undue processing burden on law
26 enforcement, county attorneys, and clerks of court.

27 House File 528, 1995 Iowa Acts, chapter 191, authorized the
28 retention of juvenile criminal history records. This bill
29 adds language requiring courts to order the fingerprinting of
30 juveniles who are adjudicated delinquent for a violation of
31 section 321J.2 or an offense which would be an aggravated
32 misdemeanor or felony if committed by an adult who have not
33 previously been fingerprinted in connection with the
34 adjudication.

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SENATE FILE 2211

AN ACT

RELATING TO FINGERPRINTING REQUIREMENTS FOR CERTAIN PUBLIC OFFENSES.

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

Section 1. Section 690.2, Code 1995, is amended to read as follows:

690.2 FINGER AND PALM PRINTS -- PHOTOGRAPHS -- DUTY OF SHERIFF AND CHIEF OF POLICE.

The sheriff of every county, and the chief of police of each city regardless of the form of government thereof, shall take the fingerprints of all unidentified dead bodies in their respective jurisdictions and all persons who are taken into custody for the commission of a serious misdemeanor, other than a serious misdemeanor under chapter 321 or 321A, aggravated misdemeanor, or felony and shall forward such fingerprint records on such forms and in such manner as may be prescribed by the commissioner of public safety, within two working days after the fingerprint records are taken, to the department of public safety and, if appropriate, to the federal bureau of investigation. Fingerprints may be taken of a person who has been arrested for a public offense subject to an enhanced penalty for conviction of a second or subsequent offense. In addition to the fingerprints as herein provided, any such officer may also take the photograph and palm prints of any such person and forward them to the department of public safety. If a defendant is convicted by a court of this state of an offense which is a serious misdemeanor, other than a serious misdemeanor under chapter 321 or 321A, aggravated misdemeanor, or felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if

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LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2211, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/18, 1996

TERRY E. BRANSTAD
Governor