

4/3/95 Referred to Judiciary

FILED MAR 16 1995

SENATE FILE 399
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 242)

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

A BILL FOR

1 An Act relating to providing false information on a uniform
2 citation and complaint and making an existing penalty
3 applicable.

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

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S.F. 399

1 Section 1. Section 805.3, Code 1995, is amended to read as
2 follows:

3 805.3 PROCEDURE.

4 Before the cited person is released, the person shall sign
5 the citation, under penalty of providing false information
6 under section 719.3, properly identifying the person cited.
7 The person's signature shall also serve as a written promise
8 to appear in court at the time and place specified. A copy of
9 the citation shall be given to the person.

10 Sec. 2. Section 805.6, subsection 1, paragraph a,
11 unnumbered paragraph 2, Code 1995, is amended to read as
12 follows:

13 The uniform citation and complaint shall contain spaces for
14 the parties' names; the address of the alleged offender; the
15 registration number of the offender's vehicle; the information
16 required by section 805.2; a promise to appear as provided in
17 section 805.3 and a place where the cited person may sign the
18 promise to appear; a warning which states "I hereby swear and
19 affirm that the information provided by me on this citation is
20 true under penalty of providing false information"; and a
21 statement that providing false information is a violation of
22 section 719.3; a list of the scheduled fines prescribed by
23 section 805.8, either separately or by group, and a statement
24 of the court costs payable in scheduled violation cases,
25 whether or not a court appearance is required or is demanded;
26 a brief explanation of sections 805.9 and 805.10; and a space
27 where the defendant may sign an admission of the violation
28 when permitted by section 805.9; and the uniform citation and
29 complaint shall require that the defendant appear before a
30 court at a specified time and place. The uniform citation and
31 complaint also may contain a space for the imprint of a credit
32 card, and may contain any other information which the
33 commissioner of public safety and the director of natural
ces may determine.

. 3. EFFECTIVE DATE. This Act shall not take effect

1 unless an appropriation under section 25B.2, subsection 3, is
2 made fully funding the cost to political subdivisions of
3 implementing the Act or specifying the state's share of the
4 cost.

5 EXPLANATION

6 This bill requires the uniform citation and complaint form
7 to contain a statement warning a person that providing false
8 information on the citation and complaint is punishable under
9 section 719.3, which is an aggravated misdemeanor. The bill
10 also provides that a person who provides false information on
11 a citation and complaint form is also subject to section
12 719.3.

13 The bill may contain a state mandate under chapter 25B.
14 Under its terms, the bill will not take effect unless an
15 appropriation under section 25B.2, subsection 3, is made which
16 fully funds the cost to political subdivisions of the bill or
17 specifies the state's share of the cost.

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**SENATE FILE 399
FISCAL NOTE**

The estimate for **Senate File 399** 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.

Senate File 399 requires the uniform citation and complaint form to contain a statement warning a person that providing false information on the citation and complaint is punishable under Section 719.3, Code of Iowa, which is an aggravated misdemeanor. The Bill also provides that a person who provides false information on a citation and complaint form is also subject to Section 719.3, Code of Iowa.

Fiscal Effect

There is not sufficient information available to estimate the number of convictions for providing false information which may occur as a result of SF 399. It is estimated that any increase in convictions will have a greater impact on jail admissions and jail populations, thus minimizing any fiscal effect on the General Fund.

Sources:

Judicial Department
Criminal Juvenile Justice Planning

(LSB 1703sv, LAM)

FILED MARCH 29, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 399

S-3196

1 Amend Senate File 399 as follows:

2 1. Page 1, by striking lines 16 through 18 and
3 inserting the following: "required by section 805.2;
4 ~~a-promise-to-appear-as-provided-in-section-805.3-and-a~~
5 ~~place-where-the-cited-person-may-sign-the-promise-to~~
6 ~~appear; a warning which states "I hereby swear and".~~

7 2. Page 1, by inserting after line 34 the
8 following:

9 "Sec. ____ . Section 805.6, subsection 1, paragraph
10 b, Code 1995, is amended to read as follows:

11 b. The uniform citation and complaint shall
12 contain the following:

13 (1) A promise to appear as provided in section
14 805.3.

15 (2) The following statement with-a-space
16 immediately-below-it-for-the-signature-of-the-person
17 being-charged:

18 I hereby give my unsecured appearance bond in the
19 amount of dollars and enter my written
20 appearance. I agree that if I fail to appear in
21 person or by counsel to defend against the offense
22 charged in this citation the court is authorized to
23 enter a conviction and render judgment against me for
24 the amount of my appearance bond in satisfaction of
25 the penalty plus court costs.

26 (3) A space immediately below the items in
27 subparagraphs (1) and (2) for the signature of the
28 person being charged which shall serve for each of the
29 items in subparagraphs (1) and (2).

30 Sec. ____ . Section 805.6, subsection 4, Code 1995,
31 is amended to read as follows:

32 4. The uniform citation and complaint shall
33 contain a place for the verification of the officer
34 issuing the complaint. The complaint may be verified
35 ~~before-the-chief-officer-of-the-law-enforcement~~
36 ~~agency,-or-the-chief-officer's-designee,-and-the-chief~~
37 ~~officer-of-each-law-enforcement-agency-of-the-state-is~~
38 ~~authorized-to-designate-specific-individuals-to~~
39 ~~administer-oaths-and-certify-verifications in~~
40 accordance with section 622.1.

41 Sec. ____ . Section 805.6, Code 1995, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 6. Supplies of uniform citation
44 and complaint forms existing or on order on July 1,
45 1995, may be used until exhausted."

46 3. Title page, line 1, by striking the words
47 "providing false information on".

48 4. By renumbering as necessary.

By RANDAL J. GIANNETTO

S-3196 FILED MARCH 22, 1995

SENATE FILE 399

S-3299

1 Amend the amendment, S-3196, to Senate File 399 as
2 follows:

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

5 "_____. By striking page 1, line 35, through page
6 2, line 4."

By RANDAL J. GIANNETTO

S-3299 FILED MARCH 30, 1995