

# Senate Study Bill 2021

## Conference Committee Text

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

1 3 690.2 FINGER AND PALM PRINTS &ndash; PHOTOGRAPHS &ndash; DUTY OF  
1 4 SHERIFF AND CHIEF OF POLICE.

1 5 The sheriff of every county, and the chief of police of  
1 6 each city regardless of the form of government thereof, shall  
1 7 take the fingerprints of all unidentified dead bodies in their  
1 8 respective jurisdictions and all persons who are taken into  
1 9 custody for the commission of a serious misdemeanor, other  
1 10 than a serious misdemeanor under chapter 321 or 321A,  
1 11 aggravated misdemeanor, or felony and shall forward such  
1 12 fingerprint records on such forms and in such manner as may be  
1 13 prescribed by the commissioner of public safety, within two  
1 14 working days after the fingerprint records are taken, to the  
1 15 department of public safety and, if appropriate, to the  
1 16 federal bureau of investigation. Fingerprints may be taken of  
1 17 a person who has been arrested for a public offense subject to  
1 18 an enhanced penalty for conviction of a second or subsequent  
1 19 offense. In addition to the fingerprints as herein provided,  
1 20 any such officer may also take the photograph and palm prints  
1 21 of any such person and forward them to the department of  
1 22 public safety. If a defendant is convicted by a court of this  
1 23 state of an offense which is a serious misdemeanor, other than  
1 24 a serious misdemeanor under chapter 321 or 321A, aggravated  
1 25 misdemeanor, or felony, the court shall determine whether such  
1 26 defendant has previously been fingerprinted in connection with  
1 27 the criminal proceedings leading to the conviction and, if  
1 28 not, shall order that the defendant be fingerprinted and those  
1 29 prints submitted to the department of public safety. The  
1 30 court shall also order that a juvenile adjudicated delinquent  
1 31 for an offense which would be a violation of section 321J.2 or  
1 32 an act which would be an aggravated misdemeanor or felony if  
1 33 committed by an adult be fingerprinted and the prints  
1 34 submitted to the department of public safety if the juvenile  
1 35 has not previously been fingerprinted in proceedings leading  
2 1 to the adjudication.

### EXPLANATION

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

### BACKGROUND STATEMENT

#### SUBMITTED BY THE AGENCY

2 14  
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2 16 When the Iowa Code was changed to establish a threshold for  
2 17 the taking of fingerprints, it did not exclude violation of  
2 18 these chapters. It is unnecessary for the criminal history  
2 19 records maintained by the department of public safety to  
2 20 contain serious misdemeanor violations of chapter 321 and 321A  
2 21 regarding the operation of motor vehicles and operator

2 22 financial responsibility as these records are available from  
2 23 the department of transportation. The requirement of  
2 24 fingerprinting individuals taken into custody under chapter  
2 25 321 or 321A has placed an undue processing burden on law  
2 26 enforcement, county attorneys, and clerks of court.  
2 27 House File 528, 1995 Iowa Acts, chapter 191, authorized the  
2 28 retention of juvenile criminal history records. This bill  
2 29 adds language requiring courts to order the fingerprinting of  
2 30 juveniles who are adjudicated delinquent for a violation of  
2 31 section 321J.2 or an offense which would be an aggravated  
2 32 misdemeanor or felony if committed by an adult who have not  
2 33 previously been fingerprinted in connection with the  
2 34 adjudication.  
2 35 LSB 3107DP 76  
3 1 mk/sc/14