

1 Section 1. NEW SECTION. 321J.2B PARENTAL AND SCHOOL
2 NOTIFICATION -- PERSONS UNDER EIGHTEEN YEARS OF AGE.

3 1. A peace officer shall make a reasonable effort to
4 identify a person under the age of eighteen who violates
5 section 321J.2 or 321J.2A, and if the person is not referred
6 to juvenile court, the law enforcement agency of which the
7 peace officer is an employee shall make a reasonable attempt
8 to notify the person's custodial parent or legal guardian of
9 the violation, whether or not the person is taken into
10 custody, unless the officer has reasonable grounds to believe
11 that notification is not in the best interests of the person
12 or will endanger that person.

13 2. The peace officer shall also make a reasonable effort
14 to identify the elementary or secondary school which the
15 person attends if the person is enrolled in elementary or
16 secondary school and to notify the superintendent or the
17 superintendent's designee of the school which the person
18 attends, or the authorities in charge of the nonpublic school
19 which the person attends, of the violation. If the person is
20 taken into custody, the peace officer shall notify a juvenile
21 court officer who shall make a reasonable effort to identify
22 the elementary or secondary school the person attends, if any,
23 and 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 violation. A reasonable attempt to
26 notify the person includes, but is not limited to, a telephone
27 call or notice by first-class mail.

28 EXPLANATION

29 This bill creates a parental and school notification
30 requirement by a law enforcement officer when a child under
31 the age of 18 violates Code section 321J.2 or 321J.2A relating
32 to operating a motor vehicle while intoxicated or with a blood
33 alcohol concentration at or above .02. The notice
34 requirements are identical to the parental and school notice
35 requirements under Code section 123.47B when a child under the

SB 625

S.F. _____ H.F. _____

1 age of 18 is discovered to be in possession of alcohol.

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3/21/00 Removed from Calendar

FEB 22 2000

Place On Calendar

HOUSE FILE **2367**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 625)

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

A BILL FOR

1 An Act relating to parental and school notification by law
2 enforcement officers when a child under the age of eighteen is
3 publicly intoxicated or drives with a blood alcohol
4 concentration at or above .02.

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

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HF 2367

1 Section 1. Section 123.46, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. a. A peace officer shall make a
4 reasonable effort to identify a person under the age of
5 eighteen who violates this section, and if the person is not
6 referred to juvenile court, the law enforcement agency of
7 which the peace officer is an employee shall make a reasonable
8 attempt to notify the person's custodial parent or legal
9 guardian of the violation, whether or not the person is taken
10 into custody, unless the officer has reasonable grounds to
11 believe that notification is not in the best interests of the
12 person or will endanger that person.

13 b. The peace officer shall also make a reasonable effort
14 to identify the elementary or secondary school which the
15 person attends if the person is enrolled in elementary or
16 secondary school and to notify the superintendent or the
17 superintendent's designee of the school which the person
18 attends, or the authorities in charge of the nonpublic school
19 which the person attends, of the violation. If the person is
20 taken into custody, the peace officer shall notify a juvenile
21 court officer who shall make a reasonable effort to identify
22 the elementary or secondary school the person attends, if any,
23 and 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 violation. A reasonable attempt to
26 notify the person includes, but is not limited to, a telephone
27 call or notice by first-class mail.

28 Sec. 2. NEW SECTION. 321J.2B PARENTAL AND SCHOOL
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31 identify a person under the age of eighteen who violates
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33 to juvenile court, the law enforcement agency of which the
34 peace officer is an employee shall make a reasonable attempt
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1 the violation, whether or not the person is taken into
2 custody, unless the officer has reasonable grounds to believe
3 that notification is not in the best interests of the person
4 or will endanger that person.

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6 to identify the elementary or secondary school which the
7 person attends if the person is enrolled in elementary or
8 secondary school and to notify the superintendent or the
9 superintendent's designee of the school which the person
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12 taken into custody, the peace officer shall notify a juvenile
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17 nonpublic school, of the violation. A reasonable attempt to
18 notify the person includes, but is not limited to, a telephone
19 call or notice by first-class mail.

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EXPLANATION

21 This bill creates a parental and school notification
22 requirement by a law enforcement officer when a child under
23 the age of 18 violates Code section 123.46 relating to public
24 intoxication, or violates Code section 321J.2 or 321J.2A
25 relating to operating a motor vehicle while intoxicated or
26 with a blood alcohol concentration at or above .02. The
27 notice requirements are identical to the parental and school
28 notice requirements under Code section 123.47B when a child
29 under the age of 18 is discovered to be in possession of
30 alcohol.

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