

Hallam-Cr

Davis
Schultz

HSB 38

JUDICIARY

Introduced By
SF/ 405

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

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

A BILL FOR

1 An Act relating to the fingerprinting of persons or juveniles who
2 have been arrested or taken into custody and changing the
3 procedures for the collection of a criminal disposition
4 report.

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

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~~January 2~~

1 Section 232.148, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. Fingerprints and photographs of a child who has been
4 taken into custody ~~may~~ shall be taken and filed by a criminal
5 or juvenile justice agency investigating the commission of a
6 public offense other than a simple misdemeanor. Fingerprints
7 of a child who is taken into custody may be taken and filed by
8 a criminal or juvenile justice agency investigating the
9 commission of a simple misdemeanor that is subject to an
10 enhanced penalty for conviction of a second or subsequent
11 offense. The criminal or juvenile justice agency shall
12 forward the fingerprints to the department of public safety
13 for inclusion in the automated fingerprint identification
14 system and may also retain a copy of the fingerprint card for
15 comparison with latent fingerprints and the identification of
16 repeat offenders.

17 Sec. 2. Section 690.2, Code 1999, is amended to read as
18 follows:

19 690.2 FINGER AND PALM PRINTS -- PHOTOGRAPHS -- DUTY OF
20 SHERIFF AND CHIEF OF POLICE.

21 The sheriff of every county, and the chief of police of
22 each city regardless of the form of government thereof, shall
23 take the fingerprints of all unidentified dead bodies in their
24 respective jurisdictions and all persons who are taken into
25 custody for the commission of a serious misdemeanor, ~~other~~
26 ~~than-a-serious-misdemeanor-under-chapter-321-or-321A7~~
27 aggravated misdemeanor, or felony and shall forward such
28 fingerprint records on such forms and in such manner as may be
29 prescribed by the commissioner of public safety, within two
30 working days after the fingerprint records are taken, to the
31 department of public safety and, if appropriate, to the
32 federal bureau of investigation. Fingerprints may be taken of
33 a person who has been arrested for a ~~public-offense~~ simple
34 misdemeanor subject to an enhanced penalty for conviction of a
35 second or subsequent offense. In addition to the fingerprints

1 as herein provided, any such officer may also take the
 2 photograph and palm prints of any such person and forward them
 3 to the department of public safety. If a defendant is
 4 convicted by a court of this state of an offense which is a
 5 simple misdemeanor subject to an enhanced penalty for
 6 conviction of a second or subsequent offense, a serious
 7 misdemeanor, other-than-a-serious-misdemeanor-under-chapter
 8 321-or-321A, an aggravated misdemeanor, or a felony, the court
 9 shall determine whether such defendant has previously been
 10 fingerprinted in connection with the criminal proceedings
 11 leading to the conviction and, if not, shall order that the
 12 defendant be fingerprinted and those prints submitted to the
 13 department of public safety. The court shall also order that
 14 a juvenile adjudicated delinquent, or upon an informal
 15 adjustment of the complaint, or upon entry of a consent decree
 16 for an offense which would be a-violation-of-section-321d-2-or
 17 an-act-which-would-be-an-aggravated-misdemeanor-or-felony an
 18 offense other than a simple misdemeanor or would be a simple
 19 misdemeanor subject to an enhanced penalty for conviction of a
 20 second or subsequent offense if committed by an adult, be
 21 fingerprinted and the prints submitted to the department of
 22 public safety if the juvenile has not previously been
 23 fingerprinted ~~in-proceedings-leading-to-the-adjudication.~~ The
 24 taking of fingerprints for a serious misdemeanor offense under
 25 chapter 321 or 321A is not required under this section.

26 Sec. 3. Section 692.15, subsections 3 and 4, Code 1999,
 27 are amended to read as follows:

28 3. The law enforcement agency making an arrest and
 29 securing fingerprints pursuant to section 690.2 or taking a
 30 juvenile into custody and securing fingerprints pursuant to
 31 section 232.148 shall fill out a final disposition report on
 32 each arrest on a form and in the manner prescribed by the
 33 commissioner of public safety. The final disposition report
 34 shall be forwarded to the county attorney in the county where
 35 the arrest or taking into custody occurred or to the juvenile

1 court officer who received the referral.

2 4. The county attorney of each county or juvenile court
3 officer who received the referral shall complete the final
4 disposition report and submit it to the department within
5 thirty days if a preliminary information or citation is
6 dismissed without a new charge being filed. If an indictment
7 is returned or a county attorney's information is filed, or a
8 petition is filed under section 232.35, the final disposition
9 form shall be forwarded to either the clerk of the district
10 court or juvenile court of that county.

11 EXPLANATION

12 This bill provides for the mandatory fingerprinting and
13 photographing of a juvenile who has been taken into custody
14 and charged with an offense greater than a simple misdemeanor.
15 The bill also provides for the fingerprinting of a juvenile
16 who has been charged with a simple misdemeanor that carries a
17 penalty enhancement. The bill further provides for the
18 mandatory fingerprinting of all persons arrested for any
19 misdemeanor greater than a simple misdemeanor and provides
20 that fingerprints may be taken of persons charged with a
21 simple misdemeanor that carries a penalty enhancement. The
22 bill and existing law exempt the fingerprinting of persons
23 arrested for serious misdemeanor violations under Code chapter
24 321 or 321A, which mostly include traffic charges.

25 Current law requires that a disposition report on every
26 arrest or criminal charge be submitted to the department of
27 public safety for the purpose of generating crime statistics.
28 The arresting law enforcement agency completes a portion of
29 the report and existing law requires the report to be
30 forwarded to the county attorney for completion. The bill
31 provides that a law enforcement agency taking a juvenile into
32 custody may provide a juvenile court officer with the
33 disposition report for completion of the report. In addition,
34 the bill provides that the juvenile court officer who received
35 the disposition report must complete and submit the report to

1 the department of public safety if a formal charge is not
2 filed. If a charge is filed, the disposition report must be
3 forwarded to either the clerk of the district court or the
4 juvenile court so the report may be finished and submitted to
5 the department when the case is completed.

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
PAUL H. WIECK II, COMMISSIONER

TO: Members of the General Assembly

FROM: Paul Wieck II, Commissioner *PHW*

DATE: September 17, 1998

RE: Removing statutory conflicts in the fingerprinting of juveniles and authorizing a juvenile court officer to receive the final disposition form.

-
1. This proposal addresses conflicts that remain in the Code between 690.2 and 232.148 which occurred when legislation was enacted to authorize fingerprinting of juveniles at the same level as those of adults.

The proposal also changes "may" to "shall" in 232.148 to reflect language currently in 690.2 which requires sheriffs and police chiefs to take fingerprints of *all* individuals taken into custody for commission of an enhanced simple misdemeanor, serious misdemeanor, or above. Some confusion has occurred among law enforcement on when and whether to print juveniles.

The proposal clarifies that fingerprints shall also be submitted when a *juvenile* is taken into custody for an offense that is subject to an enhanced penalty (same as adults). The section of 690.2 dealing with juveniles and 232.148 are therefore amended with language similar to that currently in 690.2 for adults.

The proposal requires fingerprinting of a juvenile when an informal consent or agreement has been reached as well as when an adjudication of delinquency has occurred.

2. This proposal also authorizes a juvenile court officer to receive the final disposition form . Currently the Code requires final disposition reports that are completed by law enforcement agencies to be sent to the county attorney. Often the event that led to an arrest of a juvenile will be handled by a juvenile court officer informally rather than by a county attorney.

This change reflects current practice and authorizes the disposition to be sent to the proper authority.

Other technical changes are proposed to simplify the reading of the statute.

REPRINTED

FEB 25 1999

Place On Calendar

HOUSE FILE **403**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 38)

Passed House, Date 3/11/99 ^(P. 634) Passed Senate, Date 4/6/99 ^(P. 917)
Vote: Ayes 97 Nays 0 Vote: Ayes 45 Nays 0
Approved 4/16/99

A BILL FOR

1 An Act relating to the fingerprinting of persons or juveniles who
2 have been arrested or taken into custody and changing the
3 procedures for the collection of a criminal disposition
4 report.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6

HOUSE FILE 403

H-1053

- 1 Amend House File 403 as follows:
- 2 1. Page 1, line 3, by striking the words "and
- 3 photographs" and inserting the following: "and
- 4 photographs".
- 5 2. Page 1, line 6, by inserting after the word
- 6 "misdemeanor." the following: "In addition,
- 7 photographs of a child who has been taken into custody
- 8 may be taken and filed by a criminal or juvenile
- 9 justice agency investigating the commission of a
- 10 public offense other than a simple misdemeanor."

By RAECKER of Polk

H-1053 FILED MARCH 8, 1999

adopted 3/11/99 (P. 634)

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403

1 form shall be forwarded to either the clerk of the district
2 court or juvenile court of that county.

3 EXPLANATION

4 This bill provides for the mandatory fingerprinting and
5 photographing of a juvenile who has been taken into custody
6 and charged with an offense greater than a simple misdemeanor.
7 The bill further provides for the mandatory fingerprinting of
8 all persons arrested for any misdemeanor greater than a simple
9 misdemeanor and provides that fingerprints may be taken of
10 persons other than a juvenile charged with a simple
11 misdemeanor that carries a penalty enhancement. The bill
12 requires fingerprinting if a person other than a juvenile is
13 convicted of a simple misdemeanor that carries a penalty
14 enhancement. The bill and existing law exempt the
15 fingerprinting of persons arrested for serious misdemeanor
16 violations under Code chapter 321 or 321A, which mostly
17 include traffic charges.

18 Current law requires that a disposition report on every
19 arrest or criminal charge be submitted to the department of
20 public safety for the purpose of generating crime statistics.
21 The arresting law enforcement agency completes a portion of
22 the report and existing law requires the report to be
23 forwarded to the county attorney for completion. The bill
24 provides that a law enforcement agency taking a juvenile into
25 custody may provide a juvenile court officer with the
26 disposition report for completion of the report. In addition,
27 the bill provides that the juvenile court officer who received
28 the disposition report must complete and submit the report to
29 the department of public safety if a formal charge is not
30 filed. If a charge is filed, the disposition report must be
31 forwarded to either the clerk of the district court or the
32 juvenile court so the report may be finished and submitted to
33 the department when the case is completed.

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**HOUSE FILE 403
FISCAL NOTE**

A fiscal note for House File 403 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 403 provides for the fingerprinting and photographing of juveniles charged with a public offense other than a simple misdemeanor, by law enforcement. The law enforcement agency will forward the fingerprints to the Department of Public Safety to be included in the Automated Fingerprint Identification System. Currently, local law enforcement fingerprints and photographs adults and juveniles charged as adults.

ASSUMPTIONS

1. The Judicial Department expects to process 4,000 more juvenile dispositions which will be absorbed in their daily operations.
2. Current costs associated with the taking and processing of fingerprints and photographs are approximately \$25 per individual (based on Polk County experience).

FISCAL IMPACT

The fiscal impact to the General Fund for House File 403 is expected to be minimal.

The impact to local governments will be approximately \$100,000 annually to process the additional juveniles.

SOURCES

Judicial Department
Department of Public Safety
Iowa State Sheriffs and Deputies Association
Polk County Jail

(LSB 1067hv, CRS)

FILED MARCH 4, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

5.3/24/99 Judicary
5.3/24/99 Do Pass

403

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 38)

Passed House, Date _____ Passed Senate, ^(p. 917) Date 4/5/99
Vote: Ayes _____ Nays _____ Vote: Ayes 45 Nays 0
Approved 4/16/99

A BILL FOR

1 An Act relating to the fingerprinting of persons or juveniles who
2 have been arrested or taken into custody and changing the
3 procedures for the collection of a criminal disposition
4 report.

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

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HF 403

1 Section 1. Section 232.148, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. Fingerprints ~~and-photographs~~ of a child who has been
4 taken into custody ~~may shall~~ be taken and filed by a criminal
5 or juvenile justice agency investigating the commission of a
6 public offense other than a simple misdemeanor. In addition,
7 photographs of a child who has been taken into custody may be
8 taken and filed by a criminal or juvenile justice agency
9 investigating the commission of a public offense other than a
10 simple misdemeanor. The criminal or juvenile justice agency
11 shall forward the fingerprints to the department of public
12 safety for inclusion in the automated fingerprint
13 identification system and may also retain a copy of the
14 fingerprint card for comparison with latent fingerprints and
15 the identification of repeat offenders.

16 Sec. 2. Section 690.2, Code 1999, is amended to read as
17 follows:

18 690.2 FINGER AND PALM PRINTS -- PHOTOGRAPHS -- DUTY OF
19 SHERIFF AND CHIEF OF POLICE.

20 The sheriff of every county, and the chief of police of
21 each city regardless of the form of government thereof, shall
22 take the fingerprints of all unidentified dead bodies in their
23 respective jurisdictions and all persons who are taken into
24 custody for the commission of a serious misdemeanor, ~~other~~
25 ~~than-a-serious-misdemeanor-under-chapter-321-or-321A7~~
26 aggravated misdemeanor, or felony and shall forward such
27 fingerprint records on such forms and in such manner as may be
28 prescribed by the commissioner of public safety, within two
29 working days after the fingerprint records are taken, to the
30 department of public safety and, if appropriate, to the
31 federal bureau of investigation. Fingerprints may be taken of
32 a person who has been arrested for a ~~public-offense~~ simple
33 misdemeanor subject to an enhanced penalty for conviction of a
34 second or subsequent offense. In addition to the fingerprints
35 as herein provided, any such officer may also take the

1 photograph and palm prints of any such person and forward them
2 to the department of public safety. If a defendant is
3 convicted by a court of this state of an offense which is a
4 simple misdemeanor subject to an enhanced penalty for
5 conviction of a second or subsequent offense, a serious
6 misdemeanor, other-than-a-serious-misdemeanor-under-chapter
7 321-or-321A, an aggravated misdemeanor, or a felony, the court
8 shall determine whether such defendant has previously been
9 fingerprinted in connection with the criminal proceedings
10 leading to the conviction and, if not, shall order that the
11 defendant be fingerprinted and those prints submitted to the
12 department of public safety. The court shall also order that
13 a juvenile adjudicated delinquent for an offense which would
14 be a-violation-of-section-321j-2-or-an-act-which-would-be-an
15 aggravated-misdemeanor-or-felony an offense other than a
16 simple misdemeanor if committed by an adult, be fingerprinted
17 and the prints submitted to the department of public safety if
18 the juvenile has not previously been fingerprinted in
19 proceedings-leading-to-the-adjudication. The taking of
20 fingerprints for a serious misdemeanor offense under chapter
21 321 or 321A is not required under this section.

22 Sec. 3. Section 692.15, subsections 3 and 4, Code 1999,
23 are amended to read as follows:

24 3. The law enforcement agency making an arrest and
25 securing fingerprints pursuant to section 690.2 or taking a
26 juvenile into custody and securing fingerprints pursuant to
27 section 232.148 shall fill out a final disposition report on
28 each arrest on a form and in the manner prescribed by the
29 commissioner of public safety. The final disposition report
30 shall be forwarded to the county attorney in the county where
31 the arrest or taking into custody occurred or to the juvenile
32 court officer who received the referral.

33 4. The county attorney of each county or juvenile court
34 officer who received the referral shall complete the final
35 disposition report and submit it to the department within

S.F. _____

H.F. _____

403

1 thirty days if a preliminary information or citation is
2 dismissed without a new charge being filed. If an indictment
3 is returned or a county attorney's information is filed, or a
4 petition is filed under section 232.35, the final disposition
5 form shall be forwarded to either the clerk of the district
6 court or juvenile court of that county.

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HF 403

AN ACT

RELATING TO THE FINGERPRINTING OF PERSONS OR JUVENILES WHO HAVE BEEN ARRESTED OR TAKEN INTO CUSTODY AND CHANGING THE PROCEDURES FOR THE COLLECTION OF A CRIMINAL DISPOSITION REPORT.

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

Section 1. Section 232.148, subsection 2, Code 1999, is amended to read as follows:

2. Fingerprints ~~and photographs~~ of a child who has been taken into custody ~~may shall~~ be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. The criminal or juvenile 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.

Sec. 2. Section 690.2, Code 1999, 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 simple misdemeanor 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 simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense, a serious misdemeanor, other than a serious misdemeanor under chapter 321 or 321A, an aggravated misdemeanor, or a felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprinted and those prints submitted to the department of public safety. The court shall also order that a juvenile adjudicated delinquent for an offense which would be a violation of section 321B-2 or an act which would be an aggravated misdemeanor or felony an offense other than a simple misdemeanor if committed by an adult, be fingerprinted and the prints submitted to the department of public safety if the juvenile has not previously been fingerprinted in proceedings leading to the adjudication. The taking of fingerprints for a serious misdemeanor offense under chapter 321 or 321A is not required under this section.

Sec. 3. Section 692.15, subsections 3 and 4, Code 1999, are amended to read as follows:

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 or to the juvenile court officer who received the referral.

4. The county attorney of each county or juvenile court officer who received the referral 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 either the clerk of the district court or juvenile court of that county.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 403, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/16, 1999

THOMAS J. VILSACK
Governor