

FEB 20 2006
PUBLIC SAFETY

HOUSE FILE 2444
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WATTS, BOAL, and CHAMBERS

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

A BILL FOR

1 An Act relating to minors taken into custody or arrested for
2 public intoxication or possession of alcohol and parental
3 notification.

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

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1 Section 1. Section 123.46, subsection 4, paragraph a, Code
2 2005, is amended to read as follows:

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

13 Sec. 2. Section 123.47B, subsection 1, Code 2005, is
14 amended to read as follows:

15 1. A peace officer shall make a reasonable effort to
16 identify a person under the age of eighteen discovered to be
17 in possession of alcoholic liquor, wine, or beer in violation
18 of section 123.47 and ~~if the person is not referred to~~
19 ~~juvenile court,~~ the law enforcement agency of which the peace
20 officer is an employee shall ~~make a reasonable attempt to~~
21 notify the person's custodial parent or legal guardian of such
22 possession, whether or not the person is arrested or a
23 citation is issued pursuant to section 805.16 ~~unless the~~
24 ~~officer has reasonable grounds to believe that such~~
25 ~~notification is not in the best interests of the person or~~
26 ~~will endanger that person.~~

27 EXPLANATION

28 This bill relates to minors taken into custody or arrested
29 for public intoxication or found to be in possession of
30 alcohol and parental notification.

31 Current law provides that a peace officer shall make a
32 reasonable effort to identify a minor charged with public
33 intoxication or found to be in possession of alcohol and if
34 the minor is not referred to juvenile court, the law
35 enforcement agency of which the peace officer is an employee

1 shall make a reasonable attempt to notify the person's
2 custodial parent or legal guardian of such intoxication or
3 possession unless the peace officer has reasonable grounds to
4 believe that such notification is not in the minor's best
5 interests or will endanger the minor.

6 The bill eliminates the law enforcement agency's discretion
7 in both cases to determine that parental notification is not
8 in the minor's best interests or will endanger the minor and
9 requires the law enforcement agency of which the peace officer
10 is an employee to notify the minor's custodial parent or legal
11 guardian in such cases whether or not the minor is referred to
12 juvenile court.

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