

FILED MAR 2 2005

SENATE FILE 247

JUDICIARY

BY LUNDBY

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to notifying the parent or legal guardian and the
2 school of enrollment if certain persons under legal age are in
3 possession of an alcoholic beverage.

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

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SF 247
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1 Section 1. Section 123.47B, Code 2005, is amended to read
2 as follows:

3 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
4 EIGHTEEN YEARS OF AGE.

5 1. A peace officer shall make a reasonable effort to
6 identify a person under the age of eighteen or any person
7 enrolled in a secondary school regardless of age discovered to
8 be in possession of alcoholic liquor, wine, or beer in
9 violation of section 123.47 and if the person is not referred
10 to juvenile court, the law enforcement agency of which the
11 peace officer is an employee shall make a reasonable attempt
12 to notify the person's ~~custodial~~ parent or legal guardian of
13 such possession, whether or not the person is arrested or a
14 citation is issued pursuant to section 805.16, unless the
15 officer has reasonable grounds to believe that such
16 notification is not in the best interests of the person or
17 will endanger that person.

18 2. The peace officer shall also make a reasonable effort
19 to identify the elementary or secondary school which the
20 person attends if the person is enrolled in elementary or
21 secondary school and to notify the superintendent or the
22 superintendent's designee of the school which the person
23 attends, or the authorities in charge of the nonpublic school
24 which the person attends, of the possession. If the person is
25 taken into custody and the person is under the age of
26 eighteen, the peace officer shall notify a juvenile court
27 officer who shall make a reasonable effort to identify the
28 elementary or secondary school the person attends, if any, and
29 to notify the superintendent of the school district or the
30 superintendent's designee, or the authorities in charge of the
31 nonpublic school, of the taking into custody. A reasonable
32 attempt to notify the person includes but is not limited to a
33 telephone call or notice by first-class mail.

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EXPLANATION

35 This bill relates to notifying the parent or legal guardian

1 and the school of enrollment if certain persons under legal
2 age are in possession of an alcoholic beverage.

3 The bill provides that a peace officer shall make every
4 reasonable effort to notify the parent or legal guardian and
5 school regardless of the age of the person if the person is in
6 possession of alcohol under legal age. Current law provides
7 the peace officer shall attempt to notify the parent or legal
8 guardian and the school if the person is under the age of 18
9 and discovered to be in possession of alcohol.

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