

House File 526 - Introduced

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 174)

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

A BILL FOR

1 An Act relating to the department of public safety practices and
2 procedures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1263HV 82
5 jm/gg/14

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1 1 Section 1. Section 80.9, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 ~~They~~ A peace officer shall not exercise ~~their~~ the general
1 4 powers ~~of a peace officer~~ within the limits of any city,
1 5 except:

1 6 Sec. 2. Section 80.9, subsection 2, unnumbered paragraph
1 7 1, Code 2007, is amended to read as follows:

1 8 In more particular, ~~their~~ the duties of a peace officer
1 9 shall be as follows:

1 10 Sec. 3. Section 80.9, subsection 3, Code 2007, is amended
1 11 to read as follows:

1 12 3. ~~They~~ A peace officer may administer oaths, acknowledge
1 13 signatures, and take voluntary testimony pursuant to their
1 14 duties as provided by law.

1 15 Sec. 4. Section 81.2, subsection 6, Code 2007, is amended
1 16 to read as follows:

1 17 6. A person required to register as a sex offender shall
1 18 submit a DNA sample for DNA profiling pursuant to section
1 19 81.4.

1 20 Sec. 5. NEW SECTION. 692.3 REDISSEMINATION OF ARREST
1 21 DATA AND OTHER INFORMATION.

1 22 A criminal or juvenile justice agency may disseminate
1 23 arrest data, and the name, photograph, physical description,
1 24 and other identifying information concerning a person who is
1 25 wanted or being sought if a warrant for the arrest of that
1 26 person has been issued. Information relating to any threat
1 27 the person may pose to the public may also be disseminated.
1 28 The information may be disseminated through any written,
1 29 audio, or visual means utilized by a criminal or juvenile
1 30 justice agency. Any dissemination of information pursuant
1 31 to this section shall also include the statement provided in
1 32 section 692.2, subsection 1, paragraph "b", subparagraph (5).

1 33 Sec. 6. Section 692.6, Code 2007, is amended to read as
1 34 follows:

1 35 692.6 CIVIL REMEDY.

2 1 Any person may institute a civil action for damages under
2 2 chapter 669 or 670 or to restrain the dissemination of the
2 3 person's criminal history data or intelligence data in
2 4 violation of this chapter, ~~and, Notwithstanding any~~
2 5 ~~provisions of chapter 669 or 670 to the contrary,~~ any person,
2 6 agency, or governmental body proven to have disseminated or to
2 7 have requested and received criminal history data or
2 8 intelligence data in violation of this chapter shall be liable
2 9 for actual damages and exemplary damages for each violation
2 10 and shall be liable for court costs, expenses, and reasonable
2 11 attorneys' fees incurred by the party bringing the action. In
2 12 no case shall the award for damages be less than one hundred
2 13 dollars.

2 14 Sec. 7. Section 692.15, subsection 3, Code 2007, is
2 15 amended to read as follows:

2 16 3. The law enforcement agency making an arrest and
2 17 securing fingerprints pursuant to section 690.2 or taking a
2 18 juvenile into custody and securing fingerprints pursuant to

2 19 section 232.148 shall fill out a final disposition report on
2 20 each arrest or taking into custody on a form and in the manner
2 21 prescribed by the commissioner of public safety. The final
2 22 disposition report shall be forwarded to the county attorney,
2 23 or at the discretion of the county attorney, to the clerk of
2 24 the district court, in the county where the arrest or taking
2 25 into custody occurred, or to the juvenile court officer who
2 26 received the referral, whichever is deemed appropriate under
2 27 the circumstances.

2 28 Sec. 8. Section 692.16, Code 2007, is amended to read as
2 29 follows:

2 30 692.16 REVIEW AND REMOVAL.

2 31 At least every year the division shall review and determine
2 32 current status of all Iowa arrests or takings into custody
2 33 reported, which are at least ~~one year~~ four years old with no
2 34 disposition data. Any Iowa arrest or taking of a juvenile
2 35 into custody recorded within a computer data storage system
3 1 which has no disposition data after four years shall be
3 2 removed unless there is an outstanding arrest warrant or
3 3 detainer on such charge.

3 4 Sec. 9. Section 725.9, subsection 2, Code 2007, is amended
3 5 by striking the subsection.

3 6 Sec. 10. Section 725.9, subsection 3, Code 2007, is
3 7 amended to read as follows:

3 8 3. "Gambling device" means a device used or adapted or
3 9 designed to be used for gambling and includes, but is not
3 10 limited to, roulette wheels, klondike tables, punchboards,
3 11 faro layouts, keno layouts, numbers tickets, slot machines,
3 12 pachislo skill=stop machine or any other similar machine or
3 13 device, pinball machines, push cards, jar tickets and
3 14 pull=tabs. However, "gambling device" does not include an
3 15 antique slot machine, ~~antique pinball machine,~~ or any device
3 16 regularly manufactured and offered for sale and sold as a toy,
3 17 except that any use of such a toy, or antique slot machine ~~or~~
3 18 ~~antique pinball machine~~ for gambling purposes constitutes
3 19 unlawful gambling.

3 20 Sec. 11. Section 809A.3, subsection 4, Code 2007, is
3 21 amended to read as follows:

3 22 4. Notwithstanding subsections 1 through 3, violations of
3 23 chapter 321 or 321J shall not be considered conduct giving
3 24 rise to forfeiture, except for violations of the following:

3 25 a. Section 321.232.

3 26 ~~a.~~ b. A second or subsequent violation of section
3 27 321J.4B, subsection 2, paragraph "b".

3 28 ~~b.~~ c. Section 321J.4B, subsection 9.

3 29 EXPLANATION

3 30 This bill relates to department of public safety practices
3 31 and procedures.

3 32 The amendments to Code section 80.9 enhance the readability
3 33 of the Code section.

3 34 The amendment to Code section 81.2 specifies that a person
3 35 required to register as a sex offender shall submit a DNA
4 1 sample for DNA profiling.

4 2 New Code section 692.3 provides that a criminal or juvenile
4 3 justice agency may redisseminate department of public safety
4 4 arrest data, and the name, photograph, physical description,
4 5 and other identifying information concerning a person who is
4 6 wanted or being sought if a warrant for the arrest of that
4 7 person has been issued. Information relating to any threat
4 8 the person may pose to the public may also be redisseminated
4 9 under the bill.

4 10 The amendment to Code section 692.6 provides that a person
4 11 may bring a civil suit to restrain the dissemination of a
4 12 person's criminal history in violation of Code chapter 692 and
4 13 be awarded actual and exemplary damages notwithstanding Code
4 14 chapter 669 (state tort claims) or Code chapter 670 (tort
4 15 liability of governmental subdivisions).

4 16 The amendment to Code section 692.15 grants the county
4 17 attorney discretion to decide whether the final disposition
4 18 report of an arrest made in the county is forwarded to the
4 19 county attorney, or to the clerk of the district court in the
4 20 county where the arrest was made or to a juvenile court
4 21 officer who received the referral, whichever is deemed
4 22 appropriate under the circumstances. Under current law the
4 23 final disposition report shall be forwarded by the law
4 24 enforcement agency making the arrest to the county attorney in
4 25 the county of arrest or to the juvenile court officer who
4 26 received the referral.

4 27 The amendment to Code section 692.16 provides that the
4 28 department of public safety shall annually review all arrests
4 29 or takings into custody which are at least four years old with

4 30 no disposition data. Current law provides the department
4 31 shall annually review all arrests or takings into custody
4 32 which are at least one year old with no disposition data.
4 33 The amendment to Code section 725.9 strikes the definition
4 34 of "antique pinball machine" and defines a pachislo skill-stop
4 35 machine as a "gambling device". The amendment to Code section
5 1 725.9 also strikes "pinball machine" from the definition of
5 2 gambling device. The definition of "gambling device" in Code
5 3 section 725.9 also applies to Code chapter 99A (possession of
5 4 gambling device) and 99B (games of skill or chance).
5 5 The amendment to Code section 809A.3 provides that a person
5 6 who violates Code section 321.232 (radar jamming devices) may
5 7 be subject to a forfeiture action. Current law prohibits a
5 8 forfeiture action for violations of Code chapter 321 (motor
5 9 vehicles and laws of the road).
5 10 LSB 1263HV 82
5 11 jm:rj/gg/14