

**Senate File 342 - Introduced**

SENATE FILE 342  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1107)

**A BILL FOR**

1 An Act providing limited immunity from certain criminal  
2 offenses and prohibiting certain disciplinary sanctions for  
3 persons under twenty-one years of age who report, seek,  
4 or require emergency assistance for alcohol overdoses or  
5 protection from certain crimes, and modifying penalties.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.46, Code 2019, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 7. A person shall not be charged or  
4 prosecuted for a violation of this section if the person is  
5 immune from charge or prosecution pursuant to section 701.12.

6 Sec. 2. Section 123.47, Code 2019, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 5A. A person shall not be charged or  
9 prosecuted for a violation of subsection 3 or 4 if the person  
10 is immune from charge or prosecution pursuant to section  
11 701.12.

12 Sec. 3. Section 123.47B, Code 2019, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 1A. If a person under the age of  
15 eighteen is discovered consuming or to be in possession of  
16 alcoholic liquor, wine, or beer, but the person is immune from  
17 prosecution under section 701.12, a peace officer shall make a  
18 reasonable effort to identify the person and notify a juvenile  
19 court officer of such person's consumption or possession.

20 Sec. 4. Section 262.9, Code 2019, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 39. Prohibit an institution of higher  
23 education under its control from imposing any of the following  
24 disciplinary sanctions against a student for possession or  
25 consumption of alcohol if the student is immune from charge or  
26 prosecution pursuant to section 701.12:

- 27 a. Removal from a course.
- 28 b. Enrollment restrictions in a course or program.
- 29 c. Suspension or expulsion from the university.
- 30 d. Eviction or exclusion from student housing.

31 Sec. 5. Section 321.216B, Code 2019, is amended to read as  
32 follows:

33 **321.216B Use of driver's license or nonoperator's**  
34 **identification card by underage person to obtain alcohol.**

35 1. A person who is under the age of twenty-one, who alters

1 or displays or has in the person's possession a fictitious  
2 or fraudulently altered driver's license or nonoperator's  
3 identification card and who uses the license to violate or  
4 attempt to violate [section 123.47](#), commits a simple misdemeanor  
5 punishable as a scheduled violation under section 805.8A,  
6 subsection 4. The court shall forward a copy of the conviction  
7 to the department.

8 2. A person shall not be charged or prosecuted for a  
9 violation of this section if the person is immune from charge  
10 or prosecution pursuant to section 701.12.

11 Sec. 6. Section 321.284, Code 2019, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 3. A person shall not be charged or  
14 prosecuted for a violation of this section if the person is  
15 immune from charge or prosecution pursuant to section 701.12.

16 Sec. 7. Section 321.284A, Code 2019, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 6. A person shall not be charged or  
19 prosecuted for a violation of this section if the person is  
20 immune from charge or prosecution pursuant to section 701.12.

21 Sec. 8. NEW SECTION. **701.12 Persons under the age of**  
22 **twenty-one seeking emergency assistance for overdose or crime**  
23 **victims — immunity.**

24 1. A person under the age of twenty-one years shall not be  
25 charged or prosecuted for the violation of any of the following  
26 offenses if the evidence for the charge was obtained as a  
27 result of the person in good faith seeking emergency medical  
28 assistance for the person or another person due to an alcohol  
29 overdose or because the person or other person is a victim of a  
30 crime prohibited by chapter 708, 709, or 710A:

31 a. Section 123.46.

32 b. Section 123.47, subsection 3 or 4.

33 c. Section 321.216B.

34 d. Section 321.284.

35 e. Section 321.284A.

1 2. To be eligible for immunity under this section, the  
2 reporting person, or persons acting in concert, must do all of  
3 the following:

4 a. Be the first person to seek emergency assistance.

5 b. Provide the reporting person's name and contact  
6 information to medical or law enforcement personnel.

7 c. Remain on the scene until assistance arrives or is  
8 provided.

9 d. Cooperate with medical and law enforcement personnel.

10 3. The person for whom emergency assistance was sought as  
11 described in subsection 1 shall not be charged or prosecuted  
12 for an offense listed in subsection 1.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill provides immunity from certain alcohol-related  
17 criminal offenses and prohibits certain disciplinary sanctions  
18 for certain persons who seek or require emergency assistance  
19 for alcohol overdoses or protection from certain crimes.

20 The bill creates new Code section 701.12, which provides  
21 that a person under the age of 21 shall not be charged or  
22 prosecuted for public intoxication, possession of alcohol under  
23 the legal age, use of a driver's license by an underage person  
24 to obtain alcohol, or possession of an open container in a  
25 motor vehicle, if the person in good faith sought emergency  
26 assistance for the person or another person due to an alcohol  
27 overdose or because the person or other person is a victim  
28 of a crime prohibited by Code chapter 708 (assault), 709  
29 (sexual abuse), or 710A (human trafficking). A person seeking  
30 emergency assistance is only eligible for immunity if the  
31 person, or persons acting in concert, is the first person to  
32 seek emergency assistance, provides the reporting person's  
33 name and contact information to medical or law enforcement  
34 personnel, remains on the scene until assistance arrives or  
35 is provided, and cooperates with medical and law enforcement

1 personnel. The bill also provides immunity to the person for  
2 whom emergency assistance was sought.

3 Under Code section 232.52, a juvenile court may suspend  
4 or revoke the driver's license or operating privilege of a  
5 person under the age of 18, for a period of one year, who  
6 has violated Code section 123.46 or 123.47 or Code chapter  
7 124. Because the bill provides immunity to persons from those  
8 provisions, a person under the age of 18 who receives immunity  
9 from prosecution under the bill will not face the loss of such  
10 person's driver's license for one year.

11 The bill provides that if a person under the age of 18 is  
12 discovered consuming or to be in possession of alcohol but  
13 receives immunity from prosecution under Code section 701.12,  
14 a peace officer shall notify a juvenile court officer of  
15 such person's consumption or possession. Under Code section  
16 123.47B(2), the juvenile court officer is required to notify  
17 the person's custodial parent, legal guardian, or custodian and  
18 the superintendent of authority in charge of the school the  
19 person attends of the consumption or possession.

20 The bill directs the board of regents to prohibit the regents  
21 universities from imposing certain disciplinary sanctions  
22 against a student for the possession or consumption of alcohol  
23 if the student is immune from prosecution pursuant to new Code  
24 section 701.12. The prohibited disciplinary sanctions are the  
25 removal from a course, enrollment restrictions in a course  
26 or program, suspension or expulsion from the university, or  
27 eviction or exclusion from student housing.

28 The bill makes conforming Code changes.