

**House Study Bill 525 - Introduced**

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

**A BILL FOR**

1 An Act relating to criminal identification and criminal history  
2 and intelligence data, including fingerprints and palm  
3 prints.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 690.2, Code 2024, is amended to read as  
2 follows:

3 **690.2 Fingerprints and palm prints — photographs — duty of**  
4 **sheriff and chief of police.**

5 1. The sheriff of every county, and the chief of police  
6 of each city, regardless of the form of government thereof,  
7 shall take the fingerprints of all unidentified dead bodies in  
8 their respective jurisdictions and of all persons who are taken  
9 into custody, or who have been issued a citation in lieu of  
10 continued custody, for the commission of a serious misdemeanor,  
11 an aggravated misdemeanor, or a felony and shall forward such  
12 fingerprint records, on such forms and in such manner as may be  
13 prescribed by the commissioner of public safety, within to the  
14 department of public safety as follows:

15 a. Within two working days after ~~the fingerprint records are~~  
16 ~~taken, to the department of public safety~~ an unidentified dead  
17 body is fingerprinted or a person is taken into custody.

18 b. Within two working days after the initial court  
19 appearance for a person issued a citation in lieu of continued  
20 custody.

21 2. Fingerprints may be taken of a person who has been  
22 ~~arrested~~ taken into custody or issued a citation in lieu of  
23 continued custody for a simple misdemeanor subject to an  
24 enhanced penalty for conviction of a second or subsequent  
25 offense. Fingerprints taken pursuant to this subsection shall  
26 be forwarded to the department of public safety within the  
27 time limits established in subsection 1. In addition to the  
28 fingerprints as herein provided, ~~any such officer may also take~~  
29 ~~the photograph and palm prints~~ the sheriff or chief of police  
30 shall also take the palm prints and may take the photograph  
31 of any such person and forward them any such palm prints and  
32 photographs to the department of public safety within the time  
33 limits established in subsection 1.

34 3. If a defendant is convicted by a court of this state  
35 of an offense ~~which~~ that is a simple misdemeanor subject to

1 an enhanced penalty for conviction of a second or subsequent  
2 offense, a serious misdemeanor, an aggravated misdemeanor, or a  
3 felony, the court shall determine whether such defendant has  
4 previously been fingerprinted in connection with the criminal  
5 proceedings leading to the conviction and, if not, shall order  
6 that the defendant be fingerprinted and those prints submitted  
7 to the department of public safety.

8 4. The court shall also order that a juvenile adjudicated  
9 delinquent for an offense ~~which~~ that would be an offense  
10 other than a simple misdemeanor if committed by an adult,  
11 be fingerprinted and the prints submitted to the department  
12 of public safety if the juvenile has not previously been  
13 fingerprinted in connection with juvenile proceedings. ~~The~~  
14 ~~taking of fingerprints for a serious misdemeanor offense under~~  
15 ~~chapter 321 or 321A is not required under this section.~~

16 Sec. 2. Section 690.5, subsection 1, Code 2024, is amended  
17 to read as follows:

18 1. An agency subject to fingerprinting and disposition  
19 requirements under this chapter and chapter 692 shall take  
20 all steps necessary to ensure that all agency officials and  
21 employees understand the requirements and shall provide for and  
22 impose administrative sanctions, as appropriate, for failure  
23 to report as required.

24 Sec. 3. Section 692.13, Code 2024, is amended to read as  
25 follows:

26 **692.13 Review.**

27 The department shall initiate periodic review procedures  
28 designed to determine compliance with the provisions of this  
29 chapter and chapter 690 within the department and by criminal  
30 or juvenile justice agencies and to determine that data  
31 furnished to ~~them~~ those agencies is factual and accurate.

32 Sec. 4. Section 692.15, subsection 3, Code 2024, is amended  
33 to read as follows:

34 3. The law enforcement agency making an arrest and securing  
35 fingerprints pursuant to section 690.2 or taking a juvenile

1 into custody and securing fingerprints pursuant to section  
2 232.148 shall fill out a final disposition report on each  
3 arrest or taking into custody on a form and in the manner  
4 prescribed by the commissioner of public safety. The final  
5 disposition report shall be forwarded to the county attorney,  
6 or at the discretion of the county attorney, to the clerk of  
7 the district court, in the county where the arrest or taking  
8 into custody occurred, or to the juvenile court officer who  
9 received the referral, whichever is deemed appropriate under  
10 the circumstances, within two working days after fingerprints  
11 are taken.

12 EXPLANATION

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

15 This bill relates to criminal identification and criminal  
16 history and intelligence data, including fingerprints and palm  
17 prints.

18 Current law requires the sheriff of every county and the  
19 chief of police of each city to take the fingerprints of all  
20 unidentified dead bodies in their jurisdictions and all persons  
21 who are taken into custody for the commission of a serious  
22 misdemeanor, aggravated misdemeanor, or felony. Fingerprint  
23 records are required to be forwarded to the commissioner of the  
24 department of public safety (department) within two working  
25 days after the fingerprint records are taken. Fingerprints  
26 may be taken of a person who has been arrested for a simple  
27 misdemeanor that is subject to an enhanced penalty for  
28 conviction of a second or subsequent offense. An officer may  
29 also take the photograph and palm prints of any person required  
30 to provide fingerprints and forward them to the department.

31 The bill includes persons who have been issued a citation  
32 in lieu of continued custody for the commission of a serious  
33 misdemeanor, aggravated misdemeanor, or felony to the list  
34 of those persons who are required to be fingerprinted. The  
35 fingerprint requirements also apply to serious misdemeanor

1 offenses under chapters 321 and 321A, which are excluded under  
2 current law. The bill also authorizes taking the fingerprints  
3 of a person taken into custody or issued a citation in lieu of  
4 continued custody for the commission of a simple misdemeanor  
5 subject to an enhanced penalty for a second or subsequent  
6 offense.

7 The bill provides that fingerprint records are required to  
8 be forwarded to the commissioner of the department within two  
9 working days after an unidentified dead body is fingerprinted  
10 or a person is taken into custody, or within two working days  
11 after the initial court appearance for a person issued a  
12 citation in lieu of continued custody.

13 The bill provides that any officer taking the fingerprints  
14 of a person shall also take the palm prints and may take the  
15 photograph of any such person and forward any such palm prints  
16 and photographs to the department within two days.

17 The bill provides that a court shall require fingerprinting  
18 of a juvenile adjudicated delinquent for an offense that would  
19 be an offense other than a simple misdemeanor if committed by  
20 an adult if the juvenile has not previously been fingerprinted  
21 in connection with juvenile proceedings.

22 The bill requires the department to initiate periodic review  
23 procedures to determine compliance with the provisions of Code  
24 chapter 690 (criminal identification) and Code chapter 692  
25 (criminal history and intelligence data) within the department  
26 and by criminal or juvenile justice agencies and to determine  
27 that data furnished to those agencies is factual and accurate.

28 The bill provides that, within two working days after  
29 fingerprints are taken, a final disposition report prepared  
30 by a law enforcement agency making an arrest and securing  
31 fingerprints or taking a juvenile into custody and securing  
32 fingerprints shall be forwarded to the county attorney or to  
33 the clerk of the district court, or to the juvenile court  
34 officer who received the referral.