

In the case of lost library materials, arrangements may be made to make a monetary settlement.

Sec. 3. Section eight hundred eight point twelve (808.12), Code 1979, is amended to read as follows:

808.12 DETENTION AND SEARCH IN THEFT OF LIBRARY MATERIALS AND SHOPLIFTING.

1. Persons concealing property as set forth in section 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee ~~shall~~ does not render ~~such peace officer, merchant, or merchant's employee~~ the person liable, in a criminal or civil action, for false arrest or false imprisonment provided ~~the peace officer, merchant, or merchant's employee~~ the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in section 714.5.

Sec. 4. This Act is effective on January first following its enactment.

Approved June 1, 1979

CHAPTER 146

SOLICITATION TO GATHER EVIDENCE

H. F. 368

AN ACT relating to police activity in gathering evidence which does not constitute the crime of solicitation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section seven hundred four point eleven (704.11), Code 1979, is amended to read as follows:

704.11 POLICE ACTIVITY. A peace officer or person ~~employed by~~ acting as an agent of or directed by any police agency who ~~joins~~ participates in the ~~participation~~ commission of a crime by another person solely for the purpose of gathering evidence leading to the prosecution of such other person shall not be guilty of that crime or of the crime of solicitation as set forth in section seven hundred five point one (705.1) of the Code, provided that all of the following are true:

1. He or she is not ~~the~~ an instigator of the criminal activity.

2. He or she does not intentionally injure a nonparticipant in the crime.
3. He or she acts with the consent of ~~his--or--her~~ superiors, or the necessity of immediate action precludes ~~his--or--her~~ obtaining such consent.
4. His or her actions are reasonable under the circumstances.

This section is not intended to preclude the use of undercover or surveillance persons by law enforcement agencies in appropriate circumstances and manner. It is intended to discourage such activity to tempt, urge or persuade the commission of offenses by persons not already disposed to commit offenses of that kind.

Approved June 10, 1979

CHAPTER 147
DOMESTIC ABUSE

H. F. 709

AN ACT relating to domestic abuse and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. SHORT TITLE. This Act may be cited as the "Domestic Abuse Act" and shall appear as a separate chapter in the Code.

Sec. 2. NEW SECTION. DEFINITIONS. For purposes of this Act, unless a different meaning is clearly indicated by the context:

1. "Domestic abuse" means committing assault as defined in section seven hundred eight point one (708.1) of the Code under either of the following circumstances:

a. The assault is between family or household members who resided together at the time of the assault.

b. The assault is between separated spouses not residing together at the time of the assault.

2. "Family or household members" means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity, except children under eighteen.

Sec. 3. NEW SECTION. COMMENCEMENT OF ACTIONS. A person may seek relief from domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state the:

1. Name of the plaintiff and the name and address of the plaintiff's attorney.

2. Name and address, if known, of the defendant.

3. Relationship of the plaintiff to the defendant.

4. Nature of the alleged domestic abuse.

5. Name and age of each child under eighteen whose welfare may be affected by the controversy.