

7. As to motor vehicles of a model year subsequent to the model year 1968 less than eleven model years old which were equipped with an odometer by the manufacturer, no certificate of title shall be issued unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of such a vehicle and is furnished with the application for certificate of title. The new certificate of title shall record on the its face thereof the odometer reading and if the odometer reading is not the true mileage or the true mileage is unknown, then the word "unknown" shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if such the person acquired ownership of the motor vehicle prior to moving to this state. The provisions of this This subsection shall does not apply to motor vehicles transferred by operation of law pursuant to section 321.47 nor to motor vehicles having a registered gross vehicle weight of more than sixteen thousand pounds.

Sec. 3. Section 321.71, subsection 9, Code 1983, is amended to read as follows:

9. An Iowa licensed motor vehicle dealer shall not have in his possession as inventory for sale any a used motor vehicle acquired by the dealer after January 1, 1972 the eleventh model year prior to the current registration year, for which he the dealer does not have in his possession possess an odometer statement by the transferor which is in compliance with federal law and regulations unless a certificate of title has been issued for such the vehicle in the name of the dealer.

Approved May 9, 1984

CHAPTER 1244
CORRECTIONAL PROCEDURES
H.F. 2348

AN ACT relating to correctional procedures by expanding the circumstances under which home work release may be granted, providing for the duty of counties to comply with state requests for temporary confinement of alleged parole or work release violators, allowing a designee of the warden or superintendent to hear appeals of hearing officers, extending the time for the board of directors of a judicial district department of correctional services to file its annual report, and providing for the penalty of contempt for violations of parole.

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

Section 1. Section 247A.2, Code Supplement 1983, is amended to read as follows:

247A.2 PROGRAM. The Iowa department of corrections shall establish a work release program under which inmates sentenced to an institution under the jurisdiction of the department may be granted the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. In the case of inmates who have children in their homes

under the age of eighteen years, the program may include child care and housekeeping in their homes. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. An inmate shall receive a unanimous vote from the work release committee to be approved for home work release.

Sec. 2. Section 247A.10, Code Supplement 1983, is amended to read as follows:

247A.10 ALLEGED WORK RELEASE VIOLATORS – REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT BY COUNTIES – REIMBURSEMENT.

1. Upon request by the Iowa department of corrections a county shall provide temporary confinement for alleged violators of work release conditions if space is available.

2. The Iowa department of corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the Iowa department of corrections or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the Iowa department of corrections.

Sec. 3. Section 903A.3, subsection 2, Code Supplement 1983, is amended to read as follows:

2. The orders of the hearing officer are subject to appeal to the superintendent or warden of the institution, or the superintendent's or warden's designee, who may either affirm, modify, remand for correction of procedural errors, or reverse an order. However, sanctions shall not be increased on appeal. A decision of the superintendent, or warden, or designee is subject to review by the director of the Iowa department of corrections who may either affirm, modify, remand for correction of procedural errors, or reverse the decision. However, sanctions shall not be increased on review.

Sec. 4. Section 905.4, subsection 4, Code Supplement 1983, is amended to read as follows:

4. File with the board of supervisors of each county in the district and with the Iowa department of corrections, within thirty ninety days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

Sec. 5. Section 906.17, Code Supplement 1983, is amended to read as follows:

906.17 ALLEGED PAROLE VIOLATORS – REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT BY COUNTIES – REIMBURSEMENT.

1. Upon request by the Iowa department of corrections a county shall provide temporary confinement for alleged parole violators if space is available.

2. The Iowa department of corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the Iowa department of corrections.

Sec. 6. Section 908.11, Code 1983, is amended to read as follows:

908.11 VIOLATION OF PROBATION. A probation officer or the judicial district department of correctional services having probable cause to believe that any person released on probation has violated the conditions of probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the liaison officer and the board of parole shall

be performed by the judge or magistrate who placed the alleged violator on probation if that judge or magistrate is available, otherwise by another judge or magistrate who would have had jurisdiction to try the original offense. ~~Where~~ If the probation officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing ~~where~~ if it is not convenient for the judge who placed the alleged violator on probation to do so. The initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing when it appears that the alleged violator will not be prejudiced thereby. If the violation is established, the court may continue the probation with or without an alteration of the conditions of probation. If the defendant is an adult the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation, or may revoke the probation and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Approved May 9, 1984

CHAPTER 1245
PSYCHOLOGICAL TESTING OF OFFICERS
H.F. 2392

AN ACT relating to the psychological testing of law enforcement and correctional officers.

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

Section 1. Section 80B.11, subsection 4, Code 1983, is amended to read as follows:

4. Minimum standards of physical, educational, ~~mental~~ and moral fitness which shall govern the recruitment, selection and appointment of law enforcement officers.

Sec. 2. Section 80B.11, Code 1983, is amended by adding after subsection 4 the following new subsection:

NEW SUBSECTION. 5. Minimum standards of mental fitness which shall govern the initial recruitment, selection and appointment of law enforcement officers. The rules shall include, but are not limited to, providing a battery of psychological tests to determine cognitive skills, personality characteristics and suitability of an applicant for a law enforcement career. However, this battery of tests need only be given to applicants being considered in the final selection process for a law enforcement position. For original appointments to law enforcement officer positions under chapter 400 of the Code, the "final selection process" means the point in the examination process of section 400.8 of the Code which is just prior to the certification to the city council of the list of names of the persons who qualify with the highest standing pursuant to section 400.11 of the Code.

Sec. 3. Section 80B.11, subsection 5, Code 1983, is amended to read as follows: