

CHAPTER 1069**ELUDING A LAW ENFORCEMENT VEHICLE***H.F. 2153*

AN ACT relating to eluding a law enforcement vehicle by prohibiting eluding while participating in the commission of a felony, making changes in the provisions applicable to unintentional death or serious injury caused as a result of eluding, and providing penalties.

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

Section 1. Section 321.279, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The driver of a motor vehicle commits an aggravated misdemeanor if, while participating in a public offense, as defined in section 702.13, that is a felony, the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual or audible signal as provided in this section.

Sec. 2. Section 707.6A, subsections 1, 2, and 3, Code 1993, are amended to read as follows:

1. A person commits a class "C" felony when the person unintentionally causes the death of another by either any of the following means:

a. Operating a motor vehicle while under the influence of alcohol or other drug or a combination of such substances or while having an alcohol concentration, as defined in section 321J.1, subsection 1, of .10 or more. Upon a plea or verdict of guilty of a violation of this paragraph, the court shall order the state department of transportation to revoke the defendant's motor vehicle license or nonresident operating privileges for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the revocation order.

b. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

c. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279, if the death of the other person directly or indirectly results from the violation.

2. A person commits a class "D" felony when the person unintentionally causes the death of another by operating a motor vehicle in any of the following manners:

a. Drag while drag racing, in violation of section 321.278.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279.

3. A person commits an aggravated misdemeanor when the person unintentionally causes a serious injury, as defined in section 321J.1, subsection 8, by either any of the means described in subsection 1 of this section.

Approved April 13, 1994

CHAPTER 1070**INVESTMENT OF FUNDS PAID TO DISTRICT COURT CLERKS***H.F. 2197*

AN ACT relating to the investment of funds paid to the clerk of the district court.

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

Section 1. Section 602.8103, subsection 5, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition, the money may be invested in an open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80(a), and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to obligations of the United States of America or agencies or instrumentalities of the United States of America and to repurchase agreements fully collateralized by obligations of the United States of America or an agency or instrumentality of the United States of America if the investment company takes delivery of the collateral either directly or through an authorized custodian.

Approved April 13, 1994

CHAPTER 1071**CITY CIVIL SERVICE***H.F. 2218*

AN ACT relating to civil service employment, to the probationary employment period for police dispatchers and to certain fire fighters, to civil service lists for certain cities, and providing retroactive applicability and effective dates.

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

Section 1. Section 400.8, subsection 3, Code Supplement 1993, is amended to read as follows:

3. All appointments to such positions shall be conditional upon a probation period of not to exceed six months, and in the case of police patrol officers, police dispatchers, and fire fighters a probation period not to exceed twelve months, during which time. However, in cities with a population over one hundred seventy-five thousand, appointments to the position of fire fighter shall be conditional upon a probation period of not to exceed twenty-four months. During the probation period, the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the commission. A person removed or discharged during a probationary period shall, at the time of discharge, be given a notice in writing stating the reason or reasons for the dismissal. A copy of such notice shall be promptly filed with the commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

Sec. 2. Section 400.11, Code Supplement 1993, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. However, for a city with a population over one hundred seventy-five thousand, the commission may hold in reserve, for original appointments to the position of fire fighter and for promotions in the fire department, additional lists of ten persons each next highest in standing, in order of their grade, or such number as may qualify if less than ten. If the list of ten persons provided in the first paragraph is exhausted within one year, the commission may certify such additional lists of ten persons each, in order of their standing, to the council as eligible for appointment to fill such vacancies as may exist. However,