

CHAPTER 1099**PRESENTENCE INVESTIGATIONS***H.F. 2325*

AN ACT to limit the use of presentence investigations.

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

Section 1. Section 901.2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a public offense may be rendered, the court shall receive from the state, from the judicial district department of correctional services, and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources.

PARAGRAPH DIVIDED. Notwithstanding section 13.10, the court may determine if the defendant shall be required to provide a physical specimen to be submitted for DNA profiling if the defendant is to be placed on probation or work release. The court shall consider the deterrent effect of DNA profiling, the likelihood of repeated violations by the defendant, and the seriousness of the offense. When funds have been allocated from the general fund of the state, or funds are provided by other public or private sources, the court shall order DNA profiling.

The court shall not order a presentence investigation when the offense is a class "A" felony. If, however, the board of parole determines that the Iowa medical and classification center reception report for a class "A" felon is inadequate, the board may request and shall be provided with additional information from the appropriate judicial district department of correctional services. The court shall order a presentence investigation when the offense is a class "B," "B", class "C," "C", or class "D" felony. A presentence investigation for a class "B," "B", class "C," "C", or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty. The court may order a presentence investigation when the offense is an aggravated or misdemeanor. The court may order a presentence investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. Notwithstanding section 901.3, a presentence investigation ordered by the court for a serious misdemeanor shall include information concerning only the following:

Approved April 19, 1994

CHAPTER 1100**RACING AND GAMING – MISCELLANEOUS PROVISIONS***H.F. 2375*

AN ACT relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date.

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

Section 1. Section 99D.7, subsection 19, Code 1993, is amended to read as follows:

19. To require licensees to indicate in their racing programs those horses to which the drugs are treated with the legal medication lasix or phenylbutazone were administered within ten days before the race or to which the drugs are to be administered before the race. The program shall also indicate if it is the first, second, or third or subsequent time that a horse is racing with lasix, or if the horse has previously raced with lasix and the present race is the first race for the horse without lasix following its use.

Sec. 2. Section 99D.23, subsection 4, Code 1993, is amended to read as follows:

4. The commission veterinarian shall keep a continuing record of ~~the racing soundness of~~ all horses examined determined to be sick, unsafe, unsound, or unfit to race by a commission veterinarian at a racetrack.

Sec. 3. Section 99D.25, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. "Numbing" means the applying of ~~dry ice or a chemical or mechanical freezing device or substance to the limbs of a horse or dog within ten hours before the start of a race, or the applying of ice or a cold pack to the limbs of a horse or dog within two hours before the start of a race, or a surgical or other procedure which was, at any time, performed in which the nerves of a horse or dog were severed, destroyed, injected, or removed.~~

Sec. 4. Section 99D.25, subsection 6, Code 1993, is amended by striking the subsection.

Sec. 5. Section 99D.25A, subsection 7, Code 1993, is amended to read as follows:

7. A horse entered to race with lasix must be treated at least four hours prior to post time. The lasix shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse under the visual supervision of the commission veterinarian. The practicing veterinarian must deposit with the commission veterinarian at the detention barn an unopened supply of lasix and sterile hypodermic needles and syringes to be used for the administrations. Lasix shall only be administered in a dose level of two hundred fifty milligrams. The commission veterinarian shall extract a test sample of the horse's blood, urine, or saliva to determine whether the horse was improperly drugged ~~both before the lasix was administered and after the race is run.~~

Sec. 6. Section 99F.17, subsection 5, Code 1993, is amended to read as follows:

5. ~~A manufacturer or distributor of gambling games who has been granted a license under this section shall have a representative within this state to take delivery of gambling games or implements of gambling prior to delivery to a licensee. The manufacturer or distributor of gambling games or implements of gambling shall provide the commission with a copy of the invoice showing the items shipped to the licensee and a copy of the bill of lading.~~

Sec. 7. Section 99F.17, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Subsection 2 does not apply in the following cases, if approved by the commission:

a. Gambling games or implements of gambling previously installed on an excursion gambling boat licensed in another jurisdiction.

b. Gambling games or implements of gambling previously installed on an excursion gambling boat licensed in this state.

Sec. 8. Section 99F.17A, Code 1993, is amended to read as follows:

99F.17A INSPECTION OF SLOT MACHINES OR VIDEO GAMES OF CHANCE GAMBLING GAMES OR IMPLEMENTS OF GAMBLING.

~~The representative of a~~ A licensed manufacturer or distributor of gambling games ~~who takes delivery of slot machines or video games of chance under section 99F.17, subsection 5, or implements of gambling shall deliver those slot machines or video games of chance the gambling games or implements of gambling to a land-based facility location approved by the commission for inspection and approval prior to installation being placed in operation. Gambling games or implements of gambling acquired pursuant to section 99F.17, subsection 6, shall be inspected and approved by the commission prior to being placed in operation. Slot machines or video games of chance~~ Gambling games or implements of gambling passing inspection and receiving approval may then be ~~installed~~ placed in operation on an excursion gambling boat.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 1994