

parties to the needs of any child or party during and subsequent to the proceeding within forty-five days of the service of notice and petition for the action or within forty-five days of the service of notice and application for modification of an order. Participation in the course may be waived or delayed by the court for good cause including, but not limited to, a default by any of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent. Participation in the course is not required if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be granted or a final order shall not be entered until the parties have complied with this section.

Sec. 2. NEW SECTION. 598.41A VISITATION — HISTORY OF CRIMINAL OFFENSES AGAINST A MINOR.

Notwithstanding section 598.41, the court shall consider in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor. As used in this section, “criminal offense against a minor”, “sexually violent offense”, and “sexual exploitation” mean as defined in section 692A.1.

Approved April 10, 1998

CHAPTER 1071

DRUG ABUSE RESISTANCE EDUCATION SURCHARGE

H.F. 2337

AN ACT concerning the method for imposition of the drug abuse resistance education surcharge.

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

Section 1. Section 602.8102, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 135A. Assess the drug abuse resistance education surcharge as provided by section 911.2.

Sec. 2. Section 911.2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to thirty percent of the fine or forfeiture imposed. An additional drug abuse resistance education surcharge of five dollars shall be assessed by the clerk of the district court if the violation arose out of a violation of an offense provided for in chapter 321J or chapter 124, division IV. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

Approved April 10, 1998