

if a city has adopted an ordinance which increases the number of members of the board of trustees to five or seven members and the terms of office of four of the five members or six of the seven members end in the same year, the date of expiration of the term of one of the four members or two of the six members, to be determined by lot, shall be extended by an additional two years.

Approved April 16, 1999

CHAPTER 37

FINGERPRINTING AND CRIMINAL DISPOSITION REPORT PROCEDURES

H.F. 403

AN ACT relating to the fingerprinting of persons or juveniles who have been arrested or taken into custody and changing the procedures for the collection of a criminal disposition report.

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

Section 1. Section 232.148, subsection 2, Code 1999, is amended to read as follows:

2. Fingerprints ~~and photographs~~ of a child who has been taken into custody ~~may~~ shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

Sec. 2. Section 690.2, Code 1999, is amended to read as follows:

690.2 FINGER AND PALM PRINTS — PHOTOGRAPHS — DUTY OF SHERIFF AND CHIEF OF POLICE.

The sheriff of every county, and the chief of police of each city regardless of the form of government thereof, shall take the fingerprints of all unidentified dead bodies in their respective jurisdictions and all persons who are taken into custody for the commission of a serious misdemeanor, ~~other than a serious misdemeanor under chapter 321 or 321A~~, aggravated misdemeanor, or felony and shall forward such fingerprint records on such forms and in such manner as may be prescribed by the commissioner of public safety, within two working days after the fingerprint records are taken, to the department of public safety and, if appropriate, to the federal bureau of investigation. Fingerprints may be taken of a person who has been arrested for a ~~public offense~~ simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense. In addition to the fingerprints as herein provided, any such officer may also take the photograph and palm prints of any such person and forward them to the department of public safety. If a defendant is convicted by a court of this state of an offense which is a simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense, a serious misdemeanor, ~~other than a serious misdemeanor under chapter 321 or 321A~~, an aggravated misdemeanor, or a felony, the court shall determine whether such defendant has previously been fingerprinted in

connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprinted and those prints submitted to the department of public safety. The court shall also order that a juvenile adjudicated delinquent for an offense which would be a violation of section 321J.2 or an act which would be an aggravated misdemeanor or felony an offense other than a simple misdemeanor if committed by an adult, be fingerprinted and the prints submitted to the department of public safety if the juvenile has not previously been fingerprinted in proceedings leading to the adjudication. The taking of fingerprints for a serious misdemeanor offense under chapter 321 or 321A is not required under this section.

Sec. 3. Section 692.15, subsections 3 and 4, Code 1999, are amended to read as follows:

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 or taking a juvenile into custody and securing fingerprints pursuant to section 232.148 shall fill out a final disposition report on each arrest on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney in the county where the arrest or taking into custody occurred or to the juvenile court officer who received the referral.

4. The county attorney of each county or juvenile court officer who received the referral shall complete the final disposition report and submit it to the department within thirty days if a preliminary information or citation is dismissed without a new charge being filed. If an indictment is returned or a county attorney's information is filed, or a petition is filed under section 232.35, the final disposition form shall be forwarded to either the clerk of the district court or juvenile court of that county.

Approved April 16, 1999

CHAPTER 38

CHILD VISITATION RIGHTS — MURDER OF OTHER PARENT

H.F. 633

AN ACT restricting the awarding of child visitation rights to a parent convicted of murder in the first degree of the other parent.

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

Section 1. NEW SECTION. 598.41B VISITATION — RESTRICTIONS — MURDER OF PARENT.

1. Notwithstanding section 598.41, the court shall not do either of the following:

a. Enforce an existing order awarding visitation rights to a child's parent, which was obtained prior to that parent's conviction for first degree murder in the murder of the child's other parent, unless such enforcement is in the best interest of the child.

b. Award visitation rights to a child's parent who has been convicted of murder in the first degree of the child's other parent, unless the court finds that such visitation is in the best interest of the child.

2. In determining whether visitation would be in the best interest of the child pursuant to subsection 1, the court shall consider all of the following:

a. The age and level of maturity of the child.

b. If the child is developmentally mature enough to provide assent and whether the child does assent.