

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.

- c. The recommendation of the child's custodian or legal guardian.
 - d. The recommendation of a child counselor or mental health professional following evaluation of the child.
 - e. The recommendation of a guardian ad litem for the child if one has been appointed to represent the child in the proceeding.
 - f. Any other information which the court deems to be relevant.
3. Until such time as an order regarding visitation rights under subsection 1 is entered, the child of a parent who has been convicted of murder in the first degree of the child's other parent shall not visit the parent who has been convicted.

Approved April 16, 1999

CHAPTER 39

NATURAL RESOURCES DEPARTMENT AUTHORITY — SAC AND FOX TRIBE AND SETTLEMENT

S.F. 264

AN ACT relating to the regulatory authority of the natural resource commission on the Sac and Fox tribe of the Mississippi in Iowa settlement in Tama county.

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

Section 1. Section 481A.38, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department and the commission shall exercise regulatory authority regarding seasons, bag limits, possession limits, locality, the method of taking, or the taking of fish and wildlife by members of the Sac and Fox tribe of the Mississippi in Iowa within the boundaries of the Sac and Fox tribe settlement in Tama county only to the extent provided in a written agreement between the tribal council of the Sac and Fox tribe of the Mississippi in Iowa and the department. The written agreement shall not be construed to supersede or impair the regulatory authority exercised by the commission pursuant to the federal Migratory Bird Treaty Act, the federal Migratory Bird Stamp Hunting Act, the federal Endangered Species Act, or other federal law. The department and the commission shall not unreasonably fail to enter into an agreement and shall pursue such an agreement in an expedient manner. This subsection shall become effective upon signing of the written agreement by the director of the department and the chairperson of the Sac and Fox tribe of the Mississippi in Iowa.

Approved April 20, 1999