

CHAPTER 1200**SELF-INSURED DENTAL INSURANCE — SCHOOL CORPORATIONS***S.F. 441*

AN ACT providing an exemption from certain requirements of self-insured dental insurance plans provided by school corporations.

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

Section 1. Section 509A.15, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION.** 4. One or more school corporations maintaining a self-insured dental insurance plan, with yearly claims which do not exceed one percent of the school corporation's general fund budget, shall be exempt from the following requirements with respect to that plan:

a. Maintaining aggregate excess loss coverage required by rules relating to the adequacy of reserves adopted pursuant to subsection 1, paragraph "b".

b. Contracting with a third-party administrator pursuant to subsection 1, paragraph "d".

The yearly claim amount shall be determined annually on the policy renewal date, or an alternative date established by rule, by a plan administrator or school corporation employee to be designated by the plan administrator. The exemption shall not apply for the year following a year in which yearly claims are determined to exceed one percent of the school corporation's general fund budget.

Approved May 19, 2000

CHAPTER 1201**CRIMINAL OFFENSES AND LIQUOR LICENSEE OR PERMITTEE REGULATION***S.F. 2241*

AN ACT relating to penalties and regulations concerning certain criminal offenses and liquor licenses and permits.

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

Section 1. Section 123.3, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION.** 12A. "Designated security employee" means an agent or employee of a licensee or permittee who is primarily employed for security purposes at a commercial establishment licensed or permitted under this chapter.

Sec. 2. Section 123.31, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION.** 6A. A statement, if required by the local authority indicating whether all designated security employees have received training and certification as provided in section 123.32.

Sec. 3. Section 123.32, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION.** 3A. A local authority, as a condition of obtaining a license or permit for on-premises consumption, may require a designated security employee as defined in

section 123.3, to be trained and certified in security methods. The training shall include but is not limited to mediation techniques, civil rights or unfair practices awareness as provided in section 216.7, and providing instruction on the proper physical restraint methods used against a person who has become combative.

Sec. 4. Section 124.401, subsection 5, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this ~~subsection~~ chapter or chapter 124A, 124B, or 453B is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this ~~subsection~~ chapter or chapter 124A, 124B, or 453B is guilty of a class "D" felony.

Sec. 5. NEW SECTION. 622.51A COMPUTER PRINTOUTS.

For purposes of chapters 714 and 716, computer printouts shall be admitted as evidence of any computer software, program, or data contained in or taken from a computer, notwithstanding an applicable rule of evidence to the contrary.

Sec. 6. NEW SECTION. 702.1A COMPUTER TERMINOLOGY.

For purposes of section 714.1, subsection 7A, and section 716.6B:

1. "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulation of electronic or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities which are connected or related to the computer in a computer system or computer network.

2. "Computer access" means to instruct, communicate with, store data in, or retrieve data from a computer, computer system, or computer network.

3. "Computer data" means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed in a computer. Computer data may be in any form including, but not limited to, printouts, magnetic storage media, punched cards, and as stored in the memory of a computer.

4. "Computer network" means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

5. "Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

6. "Computer services" means the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage functions.

7. "Computer software" means a set of computer programs, procedures, or associated documentation used in the operation of a computer.

8. "Computer system" means related, connected or unconnected, computers or peripheral equipment.

9. "Loss of property" means the greatest of the following:

a. The retail value of the property involved.

b. The reasonable replacement or repair cost, whichever is less.

10. "Loss of services" means the reasonable value of the damage created by the unavailability or lack of utility of the property or services involved until repair or replacement can be effected.

Sec. 7. Section 702.14, Code 1999, is amended to read as follows:

702.14 PROPERTY.

“Property” is anything of value, whether publicly or privately owned, including but not limited to computers and computer data, computer software, and computer programs. The term includes both tangible and intangible property, labor, and services. The term includes all that is included in the terms “real property” and “personal property”.

Sec. 8. **NEW SECTION. 702.20A VIDEO RENTAL PROPERTY.**

“Video rental property” means an audiovisual recording, including a videotape, videodisc, or other tangible medium of expression on which an audiovisual work is recorded or otherwise stored, or any equipment or supplies used to view the recording, and which is held out for rental to the public in the ordinary course of business.

Sec. 9. Section 714.1, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. Knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of obtaining computer services, information, or property or knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals, or retains possession of a computer, computer system, or computer network or any computer software or computer program, or computer data contained in a computer, computer system, or computer network.

NEW SUBSECTION. 7B. a. Obtains the temporary use of video rental property with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner.

b. Lawfully obtains the temporary use of video rental property and fails to return the video rental property by the agreed time with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner. The aggregate value of the video rental property involved shall be the original retail value of the video rental property.

Sec. 10. **NEW SECTION. 714.6A VIDEO RENTAL PROPERTY THEFT — EVIDENCE OF INTENTION — AFFIRMATIVE DEFENSE.**

1. The fact that a person obtains possession of video rental property by means of deception, including but not limited to furnishing a false name, address, or other identification to the owner, is evidence that possession was obtained with intent to knowingly deprive the owner of the use and possession of the video rental property.

2. The fact that a person, having lawfully obtained possession of video rental property, fails to pay the owner the fair market value of the video rental property or to return or make arrangements acceptable to the owner to return the video rental property to the owner, within forty-eight hours after receipt of written notice and demand from the owner is evidence of an intent to knowingly deprive the owner of the use and possession of the video rental property.

3. It shall be an affirmative defense to a prosecution under section 714.1, subsection 7B, paragraph “a”, if the defendant in possession of video rental property pays the owner the fair market value of the video rental property or returns the property to the owner within forty-eight hours of arrest, together with any standard overdue charges for the period that the owner was unlawfully deprived of possession, but not to exceed one hundred twenty days, and the value of the damage to the property, if any.

Sec. 11. **NEW SECTION. 716.6B UNAUTHORIZED COMPUTER ACCESS.**

A person who knowingly and without authorization accesses a computer, computer system, or computer network commits a simple misdemeanor.

Sec. 12. Section 722.4, Code 1999, is amended to read as follows:

722.4 BRIBERY OF ELECTOR OR ELECTION OFFICIALS.

1. A person who offers, promises, or gives anything of value or any benefit to any elector for the purpose of influencing the elector’s vote, in any election authorized by law, or any

elector who receives anything of value or any benefit knowing that it was given for such purpose, commits an aggravated misdemeanor.

2. A person who offers, promises, or gives anything of value or any benefit to any precinct election official authorized by law, or to any executive officer attending the same, conditioned on some act done or omitted to be done contrary to the person's official duty in relation to such election, commits an aggravated misdemeanor.

Sec. 13. Section 722.8, Code 1999, is amended to read as follows:

722.8 DURESS TO PREVENT OR PROCURE VOTING.

1. A person who unlawfully and by force, or threats of force, prevents or endeavors to prevent an elector from giving the elector's vote at any public election commits an aggravated misdemeanor.

2. A person who procures, or endeavors to procure, the vote of an elector for or against any candidate or for or against any issue by means of violence, threats of violence, or by any means of duress commits an aggravated misdemeanor.

Sec. 14. Section 901B.1, subsection 3, Code 1999, is amended to read as follows:

3. Each judicial district and judicial district department of correctional services shall implement an intermediate criminal sanctions program by July 1, 2001. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.

The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.

A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights by July 1, 2001.

Sec. 15. Section 907.3, subsection 2, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. The court may assign the defendant to supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate, ~~if an intermediate criminal sanctions plan and program has been adopted in the judicial district under section 901B.1.~~ However, the court shall not defer the sentence for a violation of any of the following:

Sec. 16. Chapter 714C, Code 1999, is repealed.

Sec. 17. Chapter 716A, Code 1999 and Code Supplement 1999, is repealed.

Sec. 18. Sections 722.6 and 722.9, Code 1999, are repealed.

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