

force or which may be thereafter enacted, shall apply to its existing line or lines, franchises, and rights ~~with the same force and effect as if such~~ the franchise had been granted ~~or such,~~ the lines had been constructed, or rights had been obtained under the provisions of this chapter.

~~5.~~ An extension of a franchise is not required for an electric transmission line ~~which that~~ has been permanently retired from operation at thirty-four and one-half kilovolts or more but ~~which that~~ remains in service at a lower voltage. The board shall be notified of changes in operating status.

Sec. 2. Section 478.18, Code 2001, is amended to read as follows:

478.18 SUPERVISION OF CONSTRUCTION — LOCATION.

~~1.~~ The utilities board shall have power of supervision over the construction of said ~~a~~ transmission line and over its future operation and maintenance. Said

~~2.~~ A transmission line shall be constructed near and parallel ~~to roads,~~ to the ~~right of way~~ right-of-way of the railways of the state, or along the division lines of the lands, according to the government survey ~~thereof,~~ wherever the same is practicable and reasonable, and so as not to interfere with the use by the public of the highways or streams of the state, nor unnecessarily interfere with the use of any lands by the occupant ~~thereof.~~

Sec. 3. Section 478.21, Code 2001, is amended to read as follows:

478.21 NONUSER.

~~1.~~ If the improvement for which a franchise is granted is not constructed in whole or in part within two years from the date the franchise is granted, ~~or within two years after final unappealable disposition of judicial review of a franchise order or of condemnation proceedings,~~ the franchise shall be forfeited and the utilities board which granted the franchise shall revoke the franchise and make a record of the revocation, unless the person holding the franchise petitions the board for an extension of time.

~~2.~~ Upon a showing of sufficient justification for the delay of construction, the board may grant ~~an extension one or more extensions~~ of time for ~~not more than an additional periods up to two years for each extension.~~ An extension of time shall only be allowed for franchises granted on or after July 1, 1994.

Approved April 9, 2002

CHAPTER 1098

PROCEDURES AND RECORDS PERTAINING TO DEATHS — MEDICAL EXAMINERS

H.F. 2453

AN ACT relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable.

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

Section 1. Section 22.7, subsection 41, Code Supplement 2001, is amended by striking the subsection and inserting in lieu thereof the following:

41. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports. However, medical examiner records and reports shall be released

to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency, and autopsy reports shall be released to the decedent's immediate next of kin upon the request of the decedent's immediate next of kin unless disclosure to the decedent's immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Information regarding the cause and manner of death shall not be kept confidential under this subsection unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

Sec. 2. Section 144.28, subsection 1, Code 2001, is amended to read as follows:

1. The medical certification shall be completed and signed ~~within twenty-four hours after death~~ by the physician in charge of the patient's care for the illness or condition which resulted in death within seventy-two hours after receipt of the death certificate from the funeral director or individual who initially assumes custody of the body, except when inquiry is required by the county medical examiner. When inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification within ~~twenty-four~~ seventy-two hours after ~~taking charge of the case determination of the cause of death~~.

Sec. 3. Section 331.802, subsection 3, paragraph g, Code 2001, is amended by striking the paragraph and inserting in lieu thereof the following:

g. Death of a person who was prediagnosed as a terminal or bedfast case who did not have a physician in attendance within the preceding thirty days; or death of a person who was admitted to and had received services from a hospice program as defined in section 135J.1, if a physician or registered nurse employed by the program was not in attendance within thirty days preceding death.

Sec. 4. Section 331.804, subsection 1, Code 2001, is amended to read as follows:

1. After an investigation has been completed, including an autopsy if one is ~~made performed~~, the body shall be ~~delivered to~~ prepared for transportation. The body shall be transported by a funeral director, if chosen by a relative or friend of the deceased person, for burial or other appropriate disposition. A medical examiner shall not use influence in favor of a particular funeral director. However, if a person other than a funeral director assumes custody of a dead body, the person shall secure a burial-transit permit pursuant to section 144.32. If no one claims a body, it shall be disposed of as provided in chapter 142.

Sec. 5. Section 331.805, subsection 3, paragraph b, Code 2001, is amended to read as follows:

b. If the next of kin, guardian, or other person authorized to act on behalf of a deceased person has requested that the body of the deceased person be cremated, a permit for cremation must be obtained from a medical examiner. ~~However, a permit is not required if the deceased person was a member of an established religion whose tenets are opposed to the inspection or examination of the body of a deceased person.~~ Cremation permits by the medical examiner must be made on the most current forms prepared at the direction of and approved by the state medical examiner, with copies forwarded to the state medical examiner's office. Costs for the cremation permit issued by a medical examiner shall not exceed ~~thirty-five~~ seventy-five dollars. The costs shall be borne by the family, next of kin, guardian of the decedent, or other person.

Sec. 6. Section 691.5, Code Supplement 2001, is amended to read as follows:⁴

691.5 STATE MEDICAL EXAMINER.

The office and position of state medical examiner is established for administrative purposes within the Iowa department of public health. Other state agencies shall cooperate with the

⁴ See chapter 1175, §101; the proposed amendment to this section contained in the original draft of House File 2453 was stricken by amendment H-8115

state medical examiner in the use of state-owned facilities when appropriate for the performance of nonadministrative duties of the state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon, be licensed to practice medicine in the state of Iowa, and be board certified or eligible to be board certified in anatomic and forensic pathology by the American board of pathology. The state medical examiner shall be appointed by and serve at the pleasure of the director of public health upon the advice of and in consultation with the director of public safety and the governor. The state medical examiner, in consultation with the director of public health, shall be responsible for developing and administering the medical examiner's budget and for employment of medical examiner staff and assistants. The state medical examiner may be a faculty member of the university of Iowa college of medicine or the college of law at the university of Iowa, and any of the examiner's assistants or staff may be members of the faculty or staff of the university of Iowa college of medicine or the college of law at the university of Iowa.

Approved April 9, 2002

CHAPTER 1099

SEXUAL ABUSE — ISSUANCE OF NO-CONTACT ORDER UPON DEFENDANT'S ARREST

H.F. 2495

AN ACT providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse.

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

Section 1. NEW SECTION. 709.19 SEXUAL ABUSE — NO-CONTACT.

1. When a person arrested for sexual abuse in violation of section 709.2, 709.3, or 709.4 is brought before a magistrate for initial appearance under section 804.21, 804.22, or 804.24, and the magistrate finds probable cause to believe that a violation of section 709.2, 709.3, or 709.4 has occurred and that the presence of or contact with the defendant poses a threat to the safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, the magistrate shall enter an order which shall require the defendant to have no contact with the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, and to refrain from harassing the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, in addition to any other conditions of release determined and imposed by the magistrate under section 811.2. A no-contact order requiring the defendant to have no contact with the alleged victim's children shall prevail over any existing order which may be in conflict with the no-contact order.

The court order shall contain the court's directives restricting the defendant from having contact with the victim, persons residing with the victim, or the victim's immediate family. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

2. The clerk of the district court or other person designated by the court shall provide a copy of this order to the victim pursuant to this chapter. The order has force and effect until it is