

CHAPTER 95

PUBLIC SAFETY — MISCELLANEOUS CHANGES

S.F. 236

AN ACT relating to public safety including the Iowa law enforcement academy council, the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

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

Section 1. Section 80B.6, subsection 1, Code 2011, is amended to read as follows:

1. ~~There is created the An~~ Iowa law enforcement academy council ~~which shall consist is~~ created consisting of the following seven thirteen voting members appointed by the governor, subject to confirmation by the senate, to terms of four years commencing as provided in section 69.19:

a. Three residents of the state.

b. A sheriff of a county with a population of fifty thousand persons or more who is a member of the Iowa state sheriffs and deputies association.

c. A sheriff of a county with a population of less than fifty thousand persons who is a member of the Iowa state sheriffs and deputies association.

d. A deputy sheriff of a county who is a member of the Iowa state sheriffs and deputies association.

e. A member of the Iowa peace officers association.

f. A member of the Iowa state police association.

g. A member of the Iowa police chiefs association.

~~e.~~ h. A police officer who is a member of a police department of a city with a population larger than of fifty thousand persons or more.

~~d.~~ i. A police officer who is a member of a police department of a city with a population of less than fifty thousand persons.

e. j. A member of the department of public safety.

k. A member of the office of motor vehicle enforcement of the department of transportation.

Sec. 2. Section 100B.1, subsection 1, paragraph a, subparagraph (1), subparagraph division (c), Code 2011, is amended to read as follows:

(c) ~~One member~~ Two members from a list submitted by the Iowa association of professional fire fighters.

Sec. 3. Section 100B.1, subsection 1, paragraph a, subparagraph (1), subparagraph division (e), Code 2011, is amended by striking the subparagraph division.

Sec. 4. Section 104B.1, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 5. Section 690.2, Code 2011, 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, 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 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, 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 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. The taking of fingerprints for a serious misdemeanor offense under chapter 321 or 321A is not required under this section.

Sec. 6. Section 690.4, Code 2011, is amended to read as follows:

690.4 Fingerprints and photographs at institutions.

1. The warden of the Iowa medical and classification center and superintendent of the state training school shall take or procure the taking of the fingerprints, and, in the case of the Iowa medical and classification center only, Bertillon photographs of any person received on commitment to their respective institutions, and shall forward such fingerprint records and photographs within ten days after they are taken to the department of public safety ~~and to the federal bureau of investigation~~. Information obtained from fingerprint cards submitted pursuant to this section may be retained by the department of public safety as criminal history records. If a charge for a serious misdemeanor, aggravated misdemeanor, or felony is brought against a person already in the custody of a law enforcement or correctional agency and the charge is filed in a case separate from the case for which the person was previously arrested or confined, the agency shall take the fingerprints of the person in connection with the new case and submit them to the department of public safety.

2. The wardens and superintendents of all department of corrections facilities shall procure the taking of a photograph showing the facial features of each inmate of a state correctional institution prior to the inmate's discharge. The photograph shall be placed in the inmate's file and shall be made available to the Iowa department of public safety upon request.

Sec. 7. Section 692.15, subsection 6, Code 2011, is amended to read as follows:

6. Any disposition report shall be sent to the department within thirty days after disposition either electronically or on a printed form provided by the department.

Sec. 8. Section 692A.102, subsection 1, paragraph a, subparagraph (6), subparagraph division (b), Code 2011, is amended to read as follows:

(b) Stalking in violation of section 708.11, ~~except a violation of subsection 3, paragraph "b", subparagraph (3)~~, if a determination is made that the offense was sexually motivated pursuant to section 692A.126, except a violation of section 708.11, subsection 3, paragraph "b", subparagraph (3), shall be classified a tier II offense as provided in paragraph "b".

Sec. 9. Section 692A.126, subsection 1, paragraph g, Code 2011, is amended to read as follows:

g. Stalking in violation of section 708.11, ~~subsection 3, paragraph "b", subparagraph (3)~~.

Sec. 10. Section 907.4, Code 2011, is amended to read as follows:

907.4 Deferred judgment docket.

A deferment of judgment under section 907.3 shall be entered promptly by the clerk of the district court, or the clerk's designee, into the deferred judgment database of the state, which shall serve as the deferred judgment docket. The docket shall contain a permanent record of the deferred judgment including the name and date of birth of the defendant, the district court docket number, the nature of the offense, and the date of the deferred judgment. Before granting deferred judgment in any case, the court shall search the deferred judgment docket and shall consider any prior record of a deferred judgment against the defendant. The permanent record provided for in this section is a confidential record exempted from public access under section 22.7 and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges, judicial magistrates, clerks of the district court, judicial district departments of correctional services, county attorneys,

the department of public safety, and the department of corrections requesting information pursuant to this section, or the designee of a justice, judge, magistrate, clerk, judicial district department of correctional services, or county attorney, or ~~department~~ departments.

Approved April 28, 2011