

MAR 9 2005
Place On Calendar

HOUSE FILE 685
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 483)

Passed House, Date 3-15-05 Passed Senate, Date 4-18-05
Vote: Ayes 95 Nays 3 Vote: Ayes 48 Nays 0
Approved 3/20/05

A BILL FOR

1 An Act establishing the child identification and protection Act,
2 which prohibits the fingerprinting of children, and providing
3 for exceptions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 685

1 Section 1. NEW SECTION. 726.21 SHORT TITLE.

2 This division shall be known as and may be cited as the
3 "Child Identification and Protection Act".

4 Sec. 2. NEW SECTION. 726.22 DEFINITIONS.

5 As used in this division, unless the context otherwise
6 requires:

7 1. "Child" means any person under eighteen years of age.

8 2. "Governmental unit" means the state, or any county,
9 municipality, or other political subdivision of the state, or
10 any department, board, division, or other agency of any of
11 these entities; an authorized representative of the state, or
12 any county, municipality, or other political subdivision of
13 the state, or of a department, board, division, or other
14 agency of any of these entities; or a school district or an
15 authorized representative of a school district.

16 Sec. 3. NEW SECTION. 726.23 FINGERPRINTING OF CHILDREN
17 PROHIBITED -- EXCEPTION -- CONDITIONS.

18 1. Except as provided in subsection 2, a governmental unit
19 shall not fingerprint a child.

20 2. A governmental unit may fingerprint a child if one or
21 more of the following conditions apply:

22 a. A parent or guardian has given written authorization
23 for the taking of the fingerprints for use in the future in
24 case the child becomes a runaway or a missing child. Only one
25 set of prints shall be taken and the fingerprint cards shall
26 be given to the parent or guardian. The fingerprints, written
27 authorizations for fingerprinting, or notice of the
28 fingerprints' existence shall not be recorded, stored, or kept
29 in any manner by a law enforcement agency, except as provided
30 in this division or except at the request of the parent or
31 guardian if the child becomes a runaway or a missing child.
32 When the child is located or the case is otherwise disposed
33 of, the fingerprint cards shall be returned to the parents or
34 guardian.

35 b. Fingerprints are required to be taken pursuant to

1 section 232.148, 690.2, or 690.4.

2 c. Fingerprints are required by court order.

3 d. Fingerprints are voluntarily given with the written
4 permission of the child and parent or guardian, upon request
5 of a law enforcement officer, to aid in a specific criminal
6 investigation. Only one set of prints shall be taken and,
7 upon completion of the investigation, the law enforcement
8 agency shall return the fingerprint cards to the parent or
9 guardian of the child.

10 EXPLANATION

11 This bill creates the "Child Identification and Protection
12 Act", which prohibits the fingerprinting of a child under age
13 17 by a governmental unit, except under conditions specified
14 under the bill.

15 The parent or guardian of a child may give written
16 authorization for fingerprinting the child for use in the
17 future in case the child becomes a runaway or a missing child.
18 If a parent or guardian gives such authorization, the
19 fingerprint cards must be given to the parent or guardian.
20 Fingerprints may also be voluntarily given with the written
21 permission of the child and parent or guardian when requested
22 by a law enforcement officer to aid in a specific criminal
23 investigation. Upon completion of the investigation, the
24 fingerprint cards must be returned to the parent or guardian
25 of the child. In either situation, only one set of prints
26 shall be taken.

27 The bill exempts from the Act fingerprinting required under
28 the juvenile justice chapter of the Code or other criminal
29 proceeding, required when an unidentified dead body is found
30 or when a child is adjudicated delinquent for an offense which
31 would be an offense other than a simple misdemeanor if
32 committed by an adult within the jurisdiction of a county
33 sheriff or a city police chief, required for purposes of the
34 Iowa medical and classification center or the state training
35 school, and required by court order.

1 "Governmental unit", under the bill, means the state, or
2 any county, municipality, or other political subdivision or
3 any authorized representative or department, board, division,
4 or other agency of any of those entities; or a school district
5 or an authorized representative of a school district.

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HOUSE FILE 685

AN ACT

ESTABLISHING THE CHILD IDENTIFICATION AND PROTECTION ACT,
WHICH PROHIBITS THE FINGERPRINTING OF CHILDREN, AND
PROVIDING FOR EXCEPTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 726.21 SHORT TITLE.

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"Child Identification and Protection Act".

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requires:

1. "Child" means any person under eighteen years of age.

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Sec. 3. NEW SECTION. 726.23 FINGERPRINTING OF CHILDREN PROHIBITED -- EXCEPTION -- CONDITIONS.

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- b. Fingerprints are required to be taken pursuant to section 232.148, 690.2, or 690.4.

- c. Fingerprints are required by court order.

- d. Fingerprints are voluntarily given with the written permission of the child and parent or guardian, upon request of a law enforcement officer, to aid in a specific criminal investigation. Only one set of prints shall be taken and, upon completion of the investigation, the law enforcement

agency shall return the fingerprint cards to the parent or guardian of the child.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 685, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/20, 2005

THOMAS J. VILSACK
Governor