

MAR 7 2006
Place On Calendar

HOUSE FILE 2678
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2444)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to citations issued to persons under the age of
2 eighteen for alcohol-related offenses and parental and school
3 notification.

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

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HF 2678

HOUSE FILE 2678

H-8227

- 1 Amend House File 2678 as follows:
- 2 1. Page 3, by striking lines 2 through 11.
- 3 2. By renumbering as necessary.

By ALONS of Sioux

H-8227 FILED MARCH 14, 2006

1 Section 1. Section 321.284, Code 2005, is amended to read
2 as follows:

3 321.284 OPEN CONTAINERS IN MOTOR VEHICLES -- DRIVERS.

4 1. A driver of a motor vehicle upon a public street or
5 highway shall not possess in the passenger area of the motor
6 vehicle an open or unsealed bottle, can, jar, or other
7 receptacle containing an alcoholic beverage. "Passenger area"
8 means the area designed to seat the driver and passengers
9 while the motor vehicle is in operation and any area that is
10 readily accessible to the driver or a passenger while in their
11 seating positions, including the glove compartment. An open
12 or unsealed receptacle containing an alcoholic beverage may be
13 transported in the trunk of the motor vehicle. An unsealed
14 receptacle containing an alcoholic beverage may be transported
15 behind the last upright seat of the motor vehicle if the motor
16 vehicle does not have a trunk. A person convicted of a
17 violation of this section is guilty of a simple misdemeanor
18 punishable as a scheduled violation under section 805.8A,
19 subsection 14, paragraph "e".

20 2. a. A peace officer shall make a reasonable effort to
21 identify a person under the age of eighteen who violates this
22 section and, if the person is not referred to juvenile court,
23 the law enforcement agency of which the peace officer is an
24 employee shall make a reasonable attempt to notify the
25 person's custodial parent or legal guardian of the violation,
26 whether or not the person is taken into custody, unless the
27 officer has reasonable grounds to believe that notification is
28 not in the best interests of the person or will endanger that
29 person.

30 b. The peace officer shall also make a reasonable effort
31 to identify the elementary or secondary school which the
32 person attends if the person is enrolled in elementary or
33 secondary school and to notify the superintendent or the
34 superintendent's designee of the school which the person
35 attends, or the authorities in charge of the nonpublic school

1 which the person attends, of the violation. If the person is
2 taken into custody, the peace officer shall notify a juvenile
3 court officer who shall make a reasonable effort to identify
4 the elementary or secondary school the person attends, if any,
5 and to notify the superintendent of the school district or the
6 superintendent's designee, or the authorities in charge of the
7 nonpublic school, of the violation. A reasonable attempt to
8 notify the person includes but is not limited to a telephone
9 call or notice by first-class mail.

10 Sec. 2. Section 321.284A, Code 2005, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 1A. a. A peace officer shall make a
13 reasonable effort to identify a person under the age of
14 eighteen who violates this section and, if the person is not
15 referred to juvenile court, the law enforcement agency of
16 which the peace officer is an employee shall make a reasonable
17 attempt to notify the person's custodial parent or legal
18 guardian of the violation, whether or not the person is taken
19 into custody, unless the officer has reasonable grounds to
20 believe that notification is not in the best interests of the
21 person or will endanger that person.

22 b. The peace officer shall also make a reasonable effort
23 to identify the elementary or secondary school which the
24 person attends if the person is enrolled in elementary or
25 secondary school and to notify the superintendent or the
26 superintendent's designee of the school which the person
27 attends, or the authorities in charge of the nonpublic school
28 which the person attends, of the violation. If the person is
29 taken into custody, the peace officer shall notify a juvenile
30 court officer who shall make a reasonable effort to identify
31 the elementary or secondary school the person attends, if any,
32 and to notify the superintendent of the school district or the
33 superintendent's designee, or the authorities in charge of the
34 nonpublic school, of the violation. A reasonable attempt to
35 notify the person includes but is not limited to a telephone

1 call or notice by first-class mail.

2 Sec. 3. Section 602.8102, Code Supplement 2005, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 42A. Send a copy of the citation and
5 complaint issued to a person under the age of eighteen
6 pursuant to section 805.8C, subsection 7, and section 805.16
7 to the person's custodial parent or legal guardian and the
8 school superintendent or the superintendent's designee of the
9 school which the person attends, or the authorities in charge
10 of the nonpublic school which the person attends, or the
11 person's juvenile court officer.

12 EXPLANATION

13 This bill relates to citations issued to persons under the
14 age of 18 for alcohol-related offenses and parental
15 notification.

16 The bill provides that a peace officer shall make a
17 reasonable effort to identify a person under 18 who drives a
18 motor vehicle or is a passenger in a motor vehicle and who is
19 in possession of an open or unsealed container of alcohol. If
20 such person is not referred to juvenile court, the relevant
21 law enforcement agency shall make a reasonable attempt to
22 notify the person's custodial parent or legal guardian,
23 whether or not the person is taken into custody, unless the
24 officer has reasonable grounds to believe that notification is
25 not in the best interests of the person or will endanger that
26 person.

27 The bill provides that the peace officer shall make a
28 reasonable effort to identify the school which the person
29 attends and the superintendent of such school district or the
30 authorities in charge of a nonpublic school the person
31 attends. If the person is taken into custody, the peace
32 officer shall notify a juvenile court officer who shall make a
33 reasonable effort to notify all interested persons.

34 The bill also provides that the clerk of the district court
35 shall send a copy of the citation and complain issued to a

1 person under 18 pursuant to Code section 805.8C, subsection 7,
2 and Code section 805.16 to the person's custodial parent or
3 legal guardian and the school superintendent or designee, or
4 the relevant nonpublic school authorities, or the person's
5 juvenile court officer.

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