

MAR 29 2006
Place On Calendar

HOUSE FILE 2779
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HSB 775)

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 2779

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
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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 805.8A, subsection 14, paragraph e, Code
3 Supplement 2005, is amended to read as follows:

4 e. OPEN CONTAINER VIOLATIONS. For violations under
5 ~~sections~~ section 321.284, subsection 1, and section 321.284A,
6 subsection 1, the scheduled fine is one hundred dollars.

7 EXPLANATION

8 This bill relates to citations issued to persons under the
9 age of 18 for alcohol-related offenses and parental
10 notification.

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

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

29 The bill makes a conforming change to current law that
30 specifies that both a driver and a passenger convicted of a
31 violation of the open container law are guilty of a simple
32 misdemeanor punishable as a scheduled fine of \$100.

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HSB 775

OVERSIGHT

By

HOUSE FILE

SF

02779

BY (PROPOSED COMMITTEE ON GOVERNMENT OVERSIGHT BILL BY CHAIRPERSON ALONS)

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

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30 b. The peace officer shall also make a reasonable effort
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