



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 224 - Introduced

HOUSE FILE
BY LUKAN

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

A BILL FOR

1 An Act requiring public school districts and nonpublic schools to
2 offer a free college entrance exam to students in grades ten
3 and eleven each school year, and providing effective and
4 applicability dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1951HH 83
7 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 224 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.29 FREE COLLEGE ENTRANCE
1 2 EXAM TEST.
1 3 The board of directors of each public school district and
1 4 the authorities in charge of each nonpublic school shall
1 5 provide at no cost to each student in grades ten and eleven
1 6 once each school year the opportunity to take the American
1 7 College Test or, at the discretion of the board and nonpublic
1 8 school authorities, the American College Test Plus Writing
1 9 exam or the SAT Reasoning Test.
1 10 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
1 11 with section 25B.2, subsection 3, the state cost of requiring
1 12 compliance with any state mandate included in this Act shall
1 13 be paid by a school district from state school foundation aid
1 14 received by the school district under section 257.16. This
1 15 specification of the payment of the state cost shall be deemed
1 16 to meet all the state funding-related requirements of section
1 17 25B.2, subsection 3, and no additional state funding shall be
1 18 necessary for the full implementation of this Act by and
1 19 enforcement of this Act against all affected school districts.
1 20 Sec. 3. EFFECTIVE AND APPLICABILITY DATES. This Act takes
1 21 effect July 1, 2010, and applies to school years beginning on
1 22 or after that date.
1 23 EXPLANATION
1 24 This bill requires school districts and nonpublic schools
1 25 to offer a free American College Test (ACT) once a year to
1 26 students in grades 10 and 11. The school districts and the
1 27 accredited nonpublic schools have the option of providing the
1 28 expanded version of the ACT exam that includes a writing
1 29 component, called the ACT Plus Writing exam, or offering the
1 30 SAT Reasoning Test.
1 31 The bill may include a state mandate as defined in Code
1 32 section 25B.3. The bill requires that the state cost of any
1 33 state mandate included in the bill be paid by a school
1 34 district from state school foundation aid received by the
1 35 school district under Code section 257.16. The specification



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House File 224 - Introduced continued

2 1 is deemed to constitute state compliance with any state
2 2 mandate funding-related requirements of Code section 25B.2.
2 3 The inclusion of this specification is intended to reinstate
2 4 the requirement of political subdivisions to comply with any
2 5 state mandates included in the bill.
2 6 The bill takes effect July 1, 2010, and applies to school
2 7 years beginning on or after that date.
2 8 LSB 1951HH 83
2 9 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 225 - Introduced

HOUSE FILE

BY WINDSCHITL, ALONS, HUSEMAN,
STRUYK, SODERBERG, BAUDLER,
DOLECHECK, WORTHAN, DE BOEF,
PETTENGILL, WATTS, SANDS,
MAY, KAUFMANN, RAECKER,
HELLAND, HAGENOW, ARNOLD,
and DRAKE

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act defining resident for purposes of tuition and fees for
2 certain veterans at Iowa's public universities and community
3 colleges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1945YH 83
6 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 225 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 14, Code 2009, is
1 2 amended to read as follows:

1 3 14. a. In its discretion, adopt rules relating to the
1 4 classification of students enrolled in the community college
1 5 who are residents of Iowa's sister states as residents or
1 6 nonresidents for tuition and fee purposes.

1 7 b. Adopt rules to classify qualified veterans and
1 8 qualified veterans' spouses and dependent children who are
1 9 domiciled in this state while enrolled in a community college,
1 10 as residents for purposes of tuition and fees. A spouse or
1 11 dependent child of a veteran shall not be deemed a resident
1 12 under this paragraph "b" unless the veteran meets all of the
1 13 requirements of subparagraph (2).

1 14 (1) For purposes of this paragraph "b", "dependent child"
1 15 means a student who was claimed by a qualified veteran as a
1 16 dependent on the qualified veteran's internal revenue service
1 17 tax filing for the previous tax year.

1 18 (2) For purposes of this paragraph "b", "qualified
1 19 veteran" means a person who meets the following requirements:

1 20 (a) Is eligible for benefits, or has exhausted the
1 21 benefits, under the federal Post-9/11 Veterans Educational
1 22 Assistance Act of 2008.

1 23 (b) Is domiciled in this state.

1 24 Sec. 2. Section 262.9, subsection 16, Code 2009, is
1 25 amended to read as follows:

1 26 16. a. In its discretion, adopt rules relating to the
1 27 classification of students enrolled in institutions of higher
1 28 education under the board who are residents of Iowa's sister
1 29 states as residents or nonresidents for fee purposes.

1 30 b. Adopt rules to classify qualified veterans and
1 31 qualified veterans' spouses and dependent children who are
1 32 domiciled in this state while enrolled in an institution of
1 33 higher education under the board, as residents for purposes of
1 34 tuition and fees. A spouse or dependent child of a veteran
1 35 shall not be deemed a resident under this paragraph "b" unless



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 225 - Introduced continued

2 1 the veteran meets all of the requirements of subparagraph (2).

2 2 (1) For purposes of this paragraph "b", "dependent child"

2 3 means a student who was claimed by the qualified veteran as a

2 4 dependent on the qualified veteran's internal revenue service

2 5 tax filing for the previous tax year.

2 6 (2) For purposes of this paragraph "b", "qualified

2 7 veteran" means a person who meets the following requirements:

2 8 (a) Is eligible for benefits, or has exhausted the

2 9 benefits, under the federal Post-9/11 Veterans Educational

2 10 Assistance Act of 2008.

2 11 (b) Is domiciled in this state.

2 12 EXPLANATION

2 13 This bill requires the state board of regents and the

2 14 boards of directors of the state's community colleges to adopt

2 15 rules that classify qualified military veterans and their

2 16 spouses and dependent children, who are domiciled in this

2 17 state while enrolled in a regents university or community

2 18 college, as residents for purposes of tuition and fees.

2 19 The "qualified veteran" must be eligible for benefits under

2 20 the federal Post-9/11 Veterans Educational Assistance Act of

2 21 2008 and be domiciled in this state, whether or not the

2 22 veteran is attending classes, in order for the spouse or

2 23 dependent child to be eligible for status as a resident.

2 24 The bill may create a state mandate as provided in Code

2 25 chapter 25B.

2 26 LSB 1945YH 83

2 27 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 226 - Introduced

HOUSE FILE
BY GRASSLEY and KAUFMANN

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

A BILL FOR

1 An Act relating to salary and tuition increases for individuals
2 at community colleges and institutions of higher education
3 governed by the state board of regents.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1603YH 83
6 kh/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House File 226 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 8, Code 2009, is
 1 2 amended to read as follows:
 1 3 8. Set the salary of the area superintendent. In setting
 1 4 the salary, the board shall consider the salaries of
 1 5 administrators of educational institutions in the merged area
 1 6 and the enrollment of the community college. However, for the
 1 7 fiscal year for which the board approves a tuition increase
 1 8 pursuant to subsection 2, the salary of the area
 1 9 superintendent shall not be increased by the board.

1 10 Sec. 2. Section 262.9, subsection 2, Code 2009, is amended
 1 11 to read as follows:

1 12 2. Elect a president of each of the institutions of higher
 1 13 learning; a superintendent of each of the other institutions;
 1 14 a treasurer and a secretarial officer for each institution
 1 15 annually; professors, instructors, officers, and employees;
 1 16 and fix their compensation. However, for the fiscal year for
 1 17 which the board approves a tuition increase for an institution
 1 18 of higher learning under its control pursuant to subsection
 1 19 18, paragraph "a", the salary of the president of the
 1 20 institution shall not be increased by the board. Sections

1 21 279.12 through 279.19 and section 279.27 apply to employees of
 1 22 the Iowa braille and sight saving school and the state school
 1 23 for the deaf, who are licensed pursuant to chapter 272. In
 1 24 following those sections in chapter 279, the references to
 1 25 boards of directors of school districts shall be interpreted
 1 26 to apply to the board of regents.

EXPLANATION

1 28 This bill provides that if the board of directors of a
 1 29 community college or the state board of regents approves an
 1 30 increase in the tuition for a community college or regents
 1 31 university, that board is prohibited from increasing the
 1 32 salary of the merged area superintendent or the university's
 1 33 president, as applicable, for the same fiscal year for which
 1 34 the board approved the tuition increase.

1 35 LSB 1603YH 83



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House File 226 - Introduced continued

2 1 kh/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 227 - Introduced

HOUSE FILE
BY D. OLSON

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

A BILL FOR

- 1 An Act relating to the lowering of the blood alcohol limit for
- 2 motorboat or sailboat operating while intoxicated offenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2122YH 83
- 5 rh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 227 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.14, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 0A. This section shall be known as the
1 4 "Michael Brosnahan Safe Boating Law".
1 5 Sec. 2. Section 462A.14, subsection 1, paragraph b, Code
1 6 2009, is amended to read as follows:
1 7 b. While having an alcohol concentration of ~~.10~~ .08 or
1 8 more.

1 9 EXPLANATION
1 10 This bill lowers the current .10 blood alcohol limit for
1 11 motorboat or sailboat operating while intoxicated offenses to
1 12 .08. The bill also designates Code section 462A.14 (operating
1 13 a motorboat or sailboat while intoxicated), as the "Michael
1 14 Brosnahan Safe Boating Law".
1 15 LSB 2122YH 83
1 16 rh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 - Introduced

HOUSE FILE
BY ANDERSON

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

A BILL FOR

1 An Act making the use of credit information for underwriting or
2 rating risks for personal insurance an unfair insurance
3 practice and providing penalties and an applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1827HH 83
6 av/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 - Introduced continued

PAG LIN

1 1 Section 1. Section 507B.4, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 19. USE OF CREDIT INFORMATION. Any
1 4 violation of section 515.103.

1 5 Sec. 2. Section 515.103, subsections 1 and 2, Code 2009,
1 6 are amended to read as follows:

1 7 1. DEFINITIONS. As used in this section unless the
1 8 context otherwise requires:

1 9 a. "Adverse action" means a denial of issuance,
1 10 cancellation, or refusal to renew, an increase in any charge
1 11 for, or a reduction or other unfavorable change in the terms
1 12 of coverage or amount of any personal insurance existing or
1 13 applied for, or in connection with the underwriting of
1 14 personal insurance.

~~1 15 b. "Affiliate" means any company that controls, is
1 16 controlled by, or is under common control with another
1 17 company.~~

1 18 ~~e.~~ b. "Applicant" means an individual who has applied to
1 19 be covered by a personal insurance policy with an insurer.

1 20 ~~d.~~ c. "Consumer" means an insured whose credit
1 21 information is used or whose insurance score is calculated in
1 22 the underwriting or rating of a personal insurance policy or
1 23 an applicant for such a personal insurance policy.

1 24 ~~e.~~ d. "Consumer reporting agency" means any person that,
1 25 for monetary fees, dues, or on a cooperative nonprofit basis,
1 26 regularly engages in whole or in part in the practice of
1 27 assembling or evaluating consumer credit information or other
1 28 information concerning consumers for the purpose of furnishing
1 29 consumer credit reports to third parties.

1 30 ~~f.~~ e. "Credit information" means any information related
1 31 to credit that is contained in or derived from a credit
1 32 report, or provided in an application for personal insurance.
1 33 Information that is not related to credit shall not be
1 34 considered "credit information" regardless of whether the
1 35 information is contained in or derived from a credit report or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 - Introduced continued

2 1 an application for credit or is used to calculate an insurance
2 2 score.

2 3 ~~g.~~ f. "Credit report" means any written, oral, or other
2 4 communication of information by a consumer reporting agency
2 5 that relates to a consumer's creditworthiness, credit
2 6 standing, or credit capacity and that is used or expected to
2 7 be used or is collected, in whole or in part, for the purpose
2 8 of serving as a factor in determining personal insurance
2 9 premiums, eligibility for personal insurance coverage, or tier
2 10 placement.

2 11 ~~h.~~ g. "Insurance score" means a number or rating that is
2 12 derived from an algorithm, computer application, model, or
2 13 other process that is based in whole or in part on credit
2 14 information for the purposes of predicting the future
2 15 insurance loss exposure of a consumer.

2 16 ~~i.~~ h. "Insured" means an individual who is covered by a
2 17 personal insurance policy.

2 18 ~~j.~~ i. "Personal insurance" means personal insurance and
2 19 not commercial insurance and is limited to private passenger
2 20 automobile, homeowners, farm owners, personal farm liability,
2 21 motorcycle, mobile home owners, noncommercial dwelling fire,
2 22 boat, personal watercraft, snowmobile, and recreational
2 23 vehicle insurance policies, that are individually underwritten
2 24 for personal, family, farm, or household use. No other type
2 25 of insurance is included as personal insurance for the
2 26 purposes of this section.

2 27 2. USE OF CREDIT INFORMATION == PROHIBITED. An insurer
2 28 authorized to do business in Iowa ~~that uses~~ shall not use
2 29 credit information to underwrite or rate risks for a policy of
2 30 personal insurance ~~shall not do~~ including but not limited to
2 31 doing any of the following:

2 32 a. ~~Use~~ Using an insurance score ~~that is calculated using~~
~~2 33 income, gender, address, zip code, ethnic group, religion,~~
~~2 34 marital status, race, or nationality of a consumer as a~~
~~2 35 factor.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 - Introduced continued

3 1 b. ~~Deny~~ Denying issuance of, ~~cancel~~ canceling, or ~~refuse~~
3 2 refusing to renew a policy of personal insurance ~~solely based~~
3 3 on the basis any consideration of credit information, ~~without~~
3 4 ~~consideration of any other applicable underwriting factors~~
3 5 ~~independent of credit information that are not otherwise~~
3 6 ~~prohibited under paragraph "a".~~
3 7 c. ~~Base~~ Basing a consumer's renewal rates for personal
3 8 insurance ~~solely on the basis any consideration~~ of credit
3 9 information, ~~without consideration of any other applicable~~
3 10 ~~underwriting factors independent of credit information that~~
3 11 ~~are not otherwise prohibited under paragraph "a".~~
3 12 d. ~~Take~~ Taking adverse action against a consumer ~~solely~~
3 13 ~~because based on any consideration of the fact that the~~
3 14 consumer does not have a credit card account, ~~without~~
3 15 ~~consideration of any other applicable underwriting factors~~
3 16 ~~independent of credit information that are not otherwise~~
3 17 ~~prohibited under paragraph "a".~~
3 18 e. ~~Consider~~ Considering an absence of credit information
3 19 or an inability to calculate an insurance score in
3 20 underwriting or rating personal insurance ~~unless the insurer~~
3 21 ~~does one of the following:~~
3 22 (1) ~~Treats the consumer as if the consumer has neutral~~
3 23 ~~credit information, as defined by the insurer.~~
3 24 (2) ~~Excludes the use of credit information as an~~
3 25 ~~underwriting factor and only uses other underwriting criteria.~~
3 26 f. ~~Take~~ Taking adverse action against a consumer based on
3 27 credit information, ~~unless the insurer obtains and uses a~~
3 28 ~~credit report issued or an insurance score calculated within~~
3 29 ~~ninety days before the date a personal insurance policy is~~
3 30 ~~first written or a renewal is issued.~~
3 31 g. ~~Use credit information unless not later than every~~
3 32 ~~thirty-six months following the last time that the insurer~~
3 33 ~~obtained current credit information for the insured, the~~
3 34 ~~insurer recalculates the insurance score or obtains an updated~~
3 35 ~~credit report for the insured. Regardless of the requirements~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 — Introduced continued

~~4 1 of this paragraph:~~

~~4 2 (1) At annual renewal, upon the request of the consumer or
4 3 the consumer's agent, the insurer shall re-underwrite and
4 4 re-rate the personal insurance policy based upon a current
4 5 credit report or insurance score. An insurer is not required
4 6 to recalculate an insurance score or obtain a current credit
4 7 report more than once in a twelve-month period.~~

~~4 8 (2) The insurer shall have the discretion to obtain
4 9 current credit information for a consumer more frequently than
4 10 every thirty-six months, if consistent with the insurer's
4 11 underwriting guidelines.~~

~~4 12 (3) Notwithstanding subparagraph (1), an insurer is not
4 13 required to obtain current credit information for a consumer
4 14 if any of the following applies:~~

~~4 15 (a) The insurer is treating the consumer as otherwise
4 16 approved by the commissioner of insurance.~~

~~4 17 (b) The consumer is in the most favorably priced tier of
4 18 the insurer, within a group of affiliated insurers. However,
4 19 the insurer shall have the discretion to obtain current credit
4 20 information, if consistent with the insurer's underwriting
4 21 guidelines.~~

~~4 22 (c) Credit information was not used for underwriting or
4 23 rating the insured when the personal insurance policy was
4 24 initially written. However, the insurer shall have the
4 25 discretion to use current credit information for underwriting
4 26 or rating the insured upon renewal of the policy, if
4 27 consistent with the insurer's underwriting guidelines.~~

~~4 28 (d) The insurer reevaluates the insured beginning no later
4 29 than thirty-six months after the personal insurance policy was
4 30 initially written and thereafter, based on other underwriting
4 31 or rating factors, excluding credit information.~~

~~4 32 h. g. Use Using any of the following as a negative factor
4 33 in any insurance scoring methodology or in reviewing credit
4 34 information used for the purpose of underwriting or rating a
4 35 personal insurance policy:~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 - Introduced continued

5 1 (1) Credit inquiries not initiated by the consumer or
5 2 inquiries requested by the consumer for the consumer's own
5 3 credit information.

5 4 (2) Inquiries relating to insurance coverage, if so
5 5 identified on a consumer's credit report.

5 6 (3) Collection accounts with a medical industry code, if
5 7 so identified on a consumer's credit report.

5 8 (4) Multiple lender inquiries, if coded by a consumer
5 9 reporting agency on the consumer's credit report as being from
5 10 the home mortgage industry and made within thirty days of one
5 11 another, unless only one inquiry is considered.

5 12 (5) Multiple lender inquiries, if coded by a consumer
5 13 reporting agency on the consumer's credit report as being from
5 14 the automobile lending industry and made within thirty days of
5 15 one another, unless only one inquiry is considered.

5 16 Sec. 3. Section 515.103, subsections 3 through 8, Code
5 17 2009, are amended by striking the subsections.

5 18 Sec. 4. Section 515.103, subsection 9, Code 2009, is
5 19 amended by striking the subsection and inserting in lieu
5 20 thereof the following:

5 21 9. VIOLATIONS. A violation of this section is an unfair
5 22 insurance practice as provided in chapter 507B.

5 23 Sec. 5. Section 515.103, subsection 10, Code 2009, is
5 24 amended to read as follows:

5 25 10. APPLICABILITY DATE. This section applies to personal
5 26 insurance contracts or policies delivered, issued for
5 27 delivery, continued, or renewed in this state on or after
5 28 October 1, ~~2004~~ 2009.

5 29 EXPLANATION

5 30 This bill amends Code section 515.103 to prohibit the use
5 31 of credit information by insurers for underwriting or rating
5 32 risks for personal insurance. Currently, the use of credit
5 33 information for such purposes is allowed under certain
5 34 circumstances.

5 35 Uses of credit information prohibited by the bill include



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 228 - Introduced continued

6 1 using an insurance score; denying issuance of, canceling, or
6 2 refusing to renew a personal insurance policy based on any
6 3 consideration of credit information; basing a consumer's
6 4 insurance renewal rates on any consideration of credit
6 5 information; taking any adverse action against a consumer
6 6 based on any consideration of the fact that the consumer does
6 7 not have a credit card account; considering an absence of
6 8 credit information or an inability to calculate an insurance
6 9 score in underwriting or rating personal insurance; and taking
6 10 any adverse action against a consumer based on credit
6 11 information. For purposes of the bill, "adverse action" means
6 12 a denial of issuance, cancellation, or refusal to renew, an
6 13 increase in any charge for, or a reduction or other
6 14 unfavorable change in the terms of coverage or amount of any
6 15 personal insurance existing or applied for, or in connection
6 16 with, the underwriting of personal insurance.

6 17 The bill provides that a violation of Code section 515.103
6 18 is an unfair insurance practice as provided in Code chapter
6 19 507B and the proceedings, orders, and penalties contained in
6 20 Code chapter 507B are applicable to violations of the bill.

6 21 The bill is applicable to personal insurance contracts or
6 22 policies delivered, issued for delivery, continued, or renewed
6 23 in this state on or after October 1, 2009.

6 24 LSB 1827HH 83

6 25 av/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 229 - Introduced

HOUSE FILE
BY ANDERSON

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

A BILL FOR

1 An Act prohibiting the distribution of campaign material without
2 the consent of the candidate benefiting from that material,
3 restricting the content of certain types of campaign material,
4 and providing remedies and a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1817HH 83
7 jr/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 229 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.407 RESTRICTIONS ON THE
1 2 DISTRIBUTION OF CAMPAIGN MATERIAL WITHOUT THE CONSENT OF THE
1 3 CANDIDATE BENEFITING FROM THAT MATERIAL == CONTENT
1 4 RESTRICTIONS ON CAMPAIGN MATERIAL == REMEDIES AND PENALTIES.
1 5 1. The general assembly finds that the use of campaign
1 6 material to disparage or denigrate a particular candidate for
1 7 public office is increasing and that such campaign material is
1 8 often generated and distributed without the approval or
1 9 knowledge of the candidate who might benefit from such
1 10 campaign material. The general assembly further finds that
1 11 such campaign material impedes a full and fair discussion of
1 12 campaign issues and diminishes the trust and confidence of the
1 13 public in the electoral process. It is not the intent of the
1 14 general assembly to lessen political debate that furthers the
1 15 ability of the public to understand the issues and positions
1 16 of candidates for public office. The general assembly
1 17 declares that a compelling state interest exists in regulating
1 18 the generation or distribution of campaign material that has
1 19 not been approved by the candidate who would benefit from that
1 20 campaign material, in order to restore the public's trust and
1 21 confidence in the electoral process.
1 22 2. As used in this section:
1 23 a. "Beneficiary candidate" means the candidate for public
1 24 office who would benefit from the distribution of campaign
1 25 material.
1 26 b. "Campaign material" means any print, radio, televised,
1 27 or electronic communication in any form or with any content
1 28 that is intended to encourage the recipient of the
1 29 communication to vote against a particular candidate for
1 30 public office.
1 31 c. "Public office" means any state, county, city, school,
1 32 or other office of a political subdivision of this state
1 33 filled by election.
1 34 d. "Target candidate" means the candidate for public
1 35 office against whom the campaign material is directed.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 229 - Introduced continued

2 1 3. A person shall not distribute any campaign material
2 2 concerning a target candidate with the intent to encourage the
2 3 recipient of that campaign material to vote against that
2 4 target candidate, without first disclosing to the beneficiary
2 5 candidate the nature and content of the campaign material and
2 6 obtaining, in writing, the prior consent of the beneficiary
2 7 candidate to the distribution of the campaign material.

2 8 4. A person shall not distribute any campaign material
2 9 that contains a cartoon, caricature, or defacement of the
2 10 personal likeness of a target candidate.

2 11 5. A person shall not distribute any campaign material
2 12 that contains photographs or other depictions of human role
2 13 playing, except of a candidate who has approved the campaign
2 14 material.

2 15 6. A person shall not distribute any campaign material
2 16 regarding a vote cast by a target candidate who is a member of
2 17 a house of the general assembly if a majority of the
2 18 membership of the house of which the target candidate is a
2 19 member voted in the same manner as the target candidate and if
2 20 the majority of those members of that house of the general
2 21 assembly who are affiliated with the political party which is
2 22 not the party of the target candidate voted in the same manner
2 23 as the target candidate.

2 24 7. Campaign material that refers to a prior vote cast by a
2 25 target candidate on an issue must disclose all of the
2 26 following:

2 27 a. The total votes cast for and against the issue.

2 28 b. The total votes cast on the issue by members of each
2 29 political party of the membership of the legislative chamber
2 30 of which the target candidate is a member.

2 31 8. A candidate for public office who alleges a violation
2 32 of this section may file a complaint with the board. The
2 33 board shall give priority consideration to any complaint filed
2 34 under this section over all other matters pending before the
2 35 board.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 229 - Introduced continued

3 1 9. If the board determines that a violation of this
3 2 section did occur, the board may impose any of the recommended
3 3 actions under section 68B.32D. The penalty established in
3 4 section 68A.701 does not apply to violations of this section.

3 5 EXPLANATION

3 6 This bill creates new Code section 68A.407 that prohibits
3 7 the distribution of campaign material intended to encourage
3 8 the recipient of that material to vote against a particular
3 9 candidate without the consent of the candidate benefiting from
3 10 that material.

3 11 The bill also places additional restrictions on the
3 12 negative content of campaign material used against a
3 13 particular candidate. Campaign material regarding a vote cast
3 14 in a house of the general assembly by a target candidate is
3 15 prohibited if a majority of the members of that house voted in
3 16 the same manner as the target candidate and if a majority of
3 17 the political party which is not the party of the target
3 18 candidate voted in the same manner as the target candidate.

3 19 Any candidate may file a complaint with the ethics and
3 20 campaign disclosure board. If the board determines that a
3 21 violation did occur, the board may impose any of the sanctions
3 22 and remedial actions under Code section 68B.32D. These
3 23 include a civil penalty of not more than \$2,000 for each
3 24 violation.

3 25 LSB 1817HH 83

3 26 jr/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 230 - Introduced

HOUSE FILE
BY PETTENGILL and BERRY

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

A BILL FOR

- 1 An Act providing a sales tax exemption from the sale of textbooks
- 2 for use in attending a postsecondary educational institution.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1870YH 83
- 5 ak/mg:sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 230 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 95. a. The sales price from the sale of
1 4 new and used textbooks for use in attending a postsecondary
1 5 educational institution.

1 6 b. For purposes of this subsection:

1 7 (1) "Textbooks" means books and other instructional
1 8 materials and equipment used in attending a postsecondary
1 9 educational institution in this state, including books and
1 10 materials for extracurricular activities, which include
1 11 sporting events, musical or dramatic events, speech
1 12 activities, or programs of a similar nature. "Textbooks" does
1 13 not include instructional books and materials used in the
1 14 teaching of religious tenets, doctrines, or worship, the
1 15 purpose of which is to inculcate those tenets, doctrines, or
1 16 worship.

1 17 (2) "Postsecondary educational institution" means an
1 18 accredited higher education institution, as defined in section
1 19 261.92, an Iowa community college, or a postsecondary
1 20 educational institution under the control of the state board
1 21 of regents.

1 22 c. Postsecondary educational institutions are required to
1 23 provide a list of required and suggested textbooks for all
1 24 courses and the corresponding international standard book
1 25 numbers for such textbooks at least fourteen days, or as soon
1 26 as practicable, before the start of each semester or term, at
1 27 the locations where textbooks are sold on campus and on the
1 28 internet website for the respective postsecondary educational
1 29 institution.

1 30 d. In order to receive the sales tax exemption, a person
1 31 is required to show a current official identification card
1 32 from a postsecondary educational institution and show that the
1 33 textbooks intended to be purchased are on the list of
1 34 textbooks provided by the postsecondary educational
1 35 institution under paragraph "c".



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 230 - Introduced continued

2 1 EXPLANATION
2 2 This bill provides a sales tax exemption from the sale of
2 3 textbooks used in attending a public or private Iowa
2 4 postsecondary educational institution. "Textbooks" are
2 5 defined as books and other instructional materials and
2 6 equipment, including books and materials for extracurricular
2 7 activities, but does not include instructional books and
2 8 materials used for teaching religious tenets, doctrines, or
2 9 worship if the purpose is to inculcate those tenets,
2 10 doctrines, or worship.
2 11 Postsecondary educational institutions are required to
2 12 provide a list of textbooks for all courses and the
2 13 corresponding international standard book numbers for the
2 14 textbooks at least 14 days, or as soon as practicable, before
2 15 the start of each semester or term, where textbooks are sold
2 16 on campus and on the institution's internet website.
2 17 In order to receive the sales tax exemption, a person must
2 18 show a current official identification card from a
2 19 postsecondary educational institution and show that the
2 20 textbooks intended to be purchased are on the institution's
2 21 textbooks list.
2 22 LSB 1870YH 83
2 23 ak/mg:sc/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 09, 2009

House File 231 - Introduced

HOUSE FILE

BY WINDSCHITL, ALONS, STRUYK,
 SODERBERG, BAUDLER, DOLECHECK,
 PETTENGILL, HAGENOW, DE BOEF,
 SCHULTZ, WATTS, SANDS, MAY,
 RAECKER, HUSEMAN, HELLAND,
 and L. MILLER

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to termination of pregnancy reporting
- 2 information, and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1953YH 83
- 5 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 231 - Introduced continued

PAG LIN

1 1 Section 1. Section 144.29A, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 1. A description of complications, if any,
1 4 from the termination of pregnancy or following the termination
1 5 of pregnancy.

1 6 EXPLANATION

1 7 This bill requires as additional information to be
1 8 collected by a health care provider regarding a termination of
1 9 pregnancy, a description of complications, if any, from the
1 10 termination of pregnancy or following the termination of
1 11 pregnancy. Existing penalties applicable to the Code chapter
1 12 apply to violations of the reporting requirements under the
1 13 bill, including but not limited to a penalty of a serious
1 14 misdemeanor for willfully and knowingly making any false
1 15 statement in the report or supplying false information
1 16 intending that the information be used in the preparation of
1 17 the report and a penalty of a simple misdemeanor for refusing
1 18 to provide information required, or for willfully violating
1 19 any of the provisions of the bill or refusing to perform any
1 20 of the duties imposed in the bill.

1 21 LSB 1953YH 83

1 22 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 232 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 59)

(COMPANION TO SF 108 BY
COMMITTEE ON JUDICIARY)

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

A BILL FOR

- 1 An Act relating to the membership of the public safety
- 2 communications interoperability board and providing an
- 3 effective and applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1560HV 83
- 6 jp/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 232 - Introduced continued

PAG LIN

1 1 Section 1. Section 80.28, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:

1 3 b. The following members, to be appointed by the governor
1 4 from nominees submitted by volunteer and professional
1 5 organizations associated with the following:

1 6 (1) Two members who are representatives from municipal
1 7 police departments.

1 8 (2) Two members who are representatives of sheriff's
1 9 offices.

1 10 (3) Two members who are representatives from fire
1 11 departments. One of the members shall be a volunteer fire
1 12 fighter and the other member shall be a paid fire fighter.

1 13 (4) Two members who are law communication center managers
1 14 employed by state or local government agencies.

1 15 (5) One at-large member.

1 16 Sec. 2. Section 80.28, Code 2009, is amended by adding the
1 17 following new subsection:

1 18 NEW SUBSECTION. 2A. In addition to the voting members,
1 19 the board membership shall include four members of the general
1 20 assembly with one member designated by each of the following:
1 21 the majority leader of the senate, the minority leader of the
1 22 senate, the speaker of the house of representatives, and the
1 23 minority leader of the house of representatives. A
1 24 legislative member serves for a term as provided in section
1 25 69.16B in an ex officio, nonvoting capacity and is eligible
1 26 for per diem and expenses as provided in section 2.10.

1 27 Sec. 3. Section 80.28, subsection 3, Code 2009, is amended
1 28 to read as follows:

1 29 3. ~~Board~~ The voting members of the board shall be
1 30 appointed in compliance with sections 69.16 and 69.16A.
1 31 Members shall elect a chairperson and vice chairperson from
1 32 the board membership, who shall serve two-year terms. The
1 33 members appointed by the governor shall be appointed to
1 34 three-year staggered terms and the terms shall commence and
1 35 end as provided by section 69.19. ~~The governor shall solicit~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

~~House File 232 — Introduced continued~~

~~2 1 and consider recommendations from professional or volunteer
2 2 organizations in making appointments to the board. If a
2 3 vacancy occurs among the voting members, a successor shall be
2 4 appointed to serve the unexpired term. A successor shall be
2 5 appointed in the same manner and subject to the same
2 6 qualifications as the original appointment to serve the
2 7 unexpired term. ~~Members~~ The voting members of the board are
2 8 entitled to receive reimbursement for actual expenses incurred
2 9 while engaged in the performance of official duties from funds
2 10 appropriated to the department of public safety and the state
2 11 department of transportation for that purpose. The
2 12 departments shall enter into an agreement to provide
2 13 administrative assistance and support to the board.
2 14 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 15 immediate importance, takes effect upon enactment and
2 16 initially applies to appointments made on or after April 1,
2 17 2009.~~

2 18 EXPLANATION

2 19 This bill relates to the membership of the public safety
2 20 communications interoperability board under Code section
2 21 80.28. The term "interoperability" means the ability of
2 22 public safety and public services personnel to communicate and
2 23 to share data on an immediate basis, on demand, when needed,
2 24 and when authorized.

2 25 The bill revises requirements for the voting members of the
2 26 board representing various types of public safety and public
2 27 services personnel by requiring appointments from nominees
2 28 submitted by professional and volunteer organizations
2 29 associated with the personnel. This provision replaces
2 30 current law which requires the governor to solicit and
2 31 consider recommendations in making appointments. The bill
2 32 specifies that one of the two members representing fire
2 33 departments must be a volunteer fire fighter and the other a
2 34 paid fire fighter.

2 35 The bill also adds four legislators to serve in an ex



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House File 232 - Introduced continued

3 1 officio, nonvoting capacity. The legislators are appointed by
3 2 legislators to serve two-year terms coinciding with the
3 3 legislative biennium.
3 4 The bill takes effect upon enactment and initially applies
3 5 to appointments made on or after April 1, 2009.
3 6 LSB 1560HV 83
3 7 jp/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 233

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 4)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the disposition of school property and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1538HV 83
- 5 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 233 continued

PAG LIN

1 1 Section 1. Section 278.1, subsection 1, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. Except when restricted by section 297.25, direct the
1 4 sale, lease, or other disposition of any schoolhouse or school
1 5 site or other property belonging to the corporation, and the
1 6 application to be made of the proceeds thereof. However,
1 7 nothing in this section shall be construed to prevent the
1 8 ~~independent action by the board of directors of the~~
1 9 ~~corporation to sell sale, lease, exchange, gift, or grant, or~~
1 10 ~~otherwise dispose and acceptance of any interest in real or~~
1 11 ~~other property of the corporation to the extent authorized in~~
1 12 ~~section 297.22. For the purposes of this paragraph, "dispose"~~
1 13 ~~or "disposition" includes the exchange, transfer, demolition,~~
1 14 ~~or destruction of any real or other property of the~~
1 15 ~~corporation.~~
1 16 Sec. 2. Section 297.22, subsection 1, paragraph e, Code
1 17 2009, is amended by striking the paragraph.
1 18 Sec. 3. Section 297.25, Code 2009, is amended to read as
1 19 follows:
1 20 297.25 RULE OF CONSTRUCTION.
1 21 Section 297.22 shall be construed as independent of the
1 22 power vested in the electors by section 278.1, and as
1 23 additional to such power. If a board of directors has
1 24 exercised its independent power under section 297.22 regarding
1 25 the disposition of real or personal property of the school
1 26 district and has by resolution approved such action, the
1 27 electors may subsequently proceed to exercise their power
1 28 under section 278.1 for a purpose directly contrary to an
1 29 action previously approved by the board of directors in
1 30 accordance with section 297.22. However, the electors shall
1 31 be limited to ~~twelve calendar months~~ ten days after an action
1 32 by the board to exercise such power for a purpose directly
1 33 contrary to the board's action.
1 34 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
1 35 immediate importance, takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 233 continued

2 1 EXPLANATION
2 2 This bill relates to the disposition of school property.
2 3 The bill strikes some of the changes made to Code sections
2 4 278.1(1)(b) and 297.25 and strikes Code section 297.22(1)(e),
2 5 all from House File 2526, which passed during the 2008
2 6 legislative session.
2 7 Currently, Code section 278.1(1)(b) specifies that the
2 8 board of directors of a school district may take independent
2 9 action to dispose of any interest in real or other property of
2 10 the school corporation. Currently, "dispose" or "disposition"
2 11 includes the exchange, transfer, demolition, or destruction of
2 12 any real or personal property of the school district. The
2 13 bill strikes this language.
2 14 Code section 297.25 currently allows voters to exercise
2 15 their power to direct the disposition of school district
2 16 property for a purpose directly contrary to an action
2 17 previously approved by the board of directors under current
2 18 Code section 297.22, regarding real or personal property of
2 19 the school district. Electors may currently exercise their
2 20 power in regard to an action by the board for only 12 months
2 21 after the board approved an action unless the action itself
2 22 includes a specific time frame. The bill limits the electors'
2 23 time to exercise this power to 10 days.
2 24 The bill takes effect upon enactment.
2 25 LSB 1538HV 83
2 26 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 234 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 139)
(SUCCESSOR TO HSB 6)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring health insurance coverage for costs relating to
2 mental health conditions, including alcohol or substance abuse
3 treatment services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1524HZ 83
6 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 234 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 EQUALITY IN HEALTH CARE
1 2 COVERAGE AND VETERANS WELLNESS ACT.
1 3 1. This section shall be known and may be cited as the
1 4 "Equality in Health Care Coverage and Veterans Wellness Act".
1 5 2. For purposes of this section, unless the context
1 6 otherwise requires:
1 7 a. "Mental health condition" means a condition or disorder
1 8 involving mental illness or alcohol or substance abuse as
1 9 defined by the commissioner of insurance by rule, consistent
1 10 with the diagnostic categories listed in the mental disorders
1 11 section of the most recent version of the diagnostic and
1 12 statistical manual of mental disorders.
1 13 b. "Rates, terms, and conditions" means any lifetime
1 14 payment limits, deductibles, copayments, coinsurance, and any
1 15 other cost-sharing requirements, out-of-pocket limits, visit
1 16 limitations, and any other financial component of benefits
1 17 coverage that affects the covered individual.
1 18 3. a. Notwithstanding section 514C.6, a policy, contract,
1 19 or plan providing for third-party payment or prepayment of
1 20 health or medical expenses shall provide coverage benefits for
1 21 mental health conditions based on rates, terms, and conditions
1 22 which are no more restrictive than the rates, terms, and
1 23 conditions for coverage benefits provided for other health or
1 24 medical conditions under the policy, contract, or plan.
1 25 Additionally, any rates, terms, and conditions involving
1 26 deductibles, copayments, coinsurance, and any other
1 27 cost-sharing requirements shall be cumulative for coverage of
1 28 both mental health conditions and other health or medical
1 29 conditions under the policy, contract, or plan.
1 30 b. Coverage required under this subsection shall be as
1 31 follows:
1 32 (1) For the treatment of mental illness, coverage shall be
1 33 for services provided by a licensed mental health
1 34 professional, as defined in section 228.1, subsection 6, or
1 35 services provided in a licensed hospital or health facility.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 234 - Introduced continued

2 1 (2) For the treatment of alcohol or substance abuse,
2 2 coverage shall be for services provided by a substance abuse
2 3 treatment and rehabilitation facility, as licensed by the
2 4 department of public health pursuant to chapter 125.
2 5 4. This section applies to the following classes of
2 6 third-party payment provider policies, contracts, or plans
2 7 delivered, issued for delivery, continued, or renewed in this
2 8 state on or after January 1, 2010:
2 9 a. Individual or group accident and sickness insurance
2 10 providing coverage on an expense-incurred basis.
2 11 b. An individual or group hospital or medical service
2 12 contract issued pursuant to chapter 509, 514, or 514A.
2 13 c. A plan established pursuant to chapter 509A for public
2 14 employees.
2 15 d. An individual or group health maintenance organization
2 16 contract regulated under chapter 514B.
2 17 e. Any other entity engaged in the business of insurance,
2 18 risk transfer, or risk retention, which is subject to the
2 19 jurisdiction of the commissioner.
2 20 f. An organized delivery system licensed by the director
2 21 of public health.
2 22 5. The division of mental health and disability services
2 23 of the department of human services and the division of
2 24 behavioral health of the department of public health shall
2 25 coordinate with the Iowa department of veterans affairs to
2 26 maximize access to mental health and substance abuse treatment
2 27 for veterans.
2 28 6. This section shall not apply to accident-only,
2 29 specified disease, short-term hospital or medical, hospital
2 30 confinement indemnity, credit, dental, vision, Medicare
2 31 supplement, long-term care, basic hospital and
2 32 medical-surgical expense coverage as defined by the
2 33 commissioner, disability income insurance coverage, coverage
2 34 issued as a supplement to liability insurance, workers'
2 35 compensation or similar insurance, or automobile medical



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House File 234 - Introduced continued

3 1 payment insurance.

3 2 Sec. 2. Section 514C.22, Code 2009, is repealed effective
3 3 January 1, 2010.

3 4 EXPLANATION

3 5 This bill creates new Code section 514C.24 entitled the
3 6 "Equality in Health Care Coverage and Veterans Wellness Act"
3 7 and provides that, effective January 1, 2010, a policy,
3 8 contract, or plan providing for third-party payment or
3 9 prepayment of health or medical expenses must provide coverage
3 10 benefits for mental health conditions based on rates, terms,
3 11 and conditions which are no more restrictive than the rates,
3 12 terms, and conditions associated with coverage benefits
3 13 provided for other conditions under the policy, contract, or
3 14 plan. "Mental health condition" means a condition or disorder
3 15 involving mental illness or alcohol or substance abuse as
3 16 defined by the commissioner of insurance, by rule, consistent
3 17 with the diagnostic categories listed in the mental disorders
3 18 section of the most recent version of the diagnostic and
3 19 statistical manual of mental disorders.

3 20 The bill also requires the division of mental health and
3 21 disability services of the department of human services and
3 22 the division of behavioral health of the department of public
3 23 health to coordinate with the Iowa department of veterans
3 24 affairs to maximize access to mental health and substance
3 25 abuse treatment for veterans.

3 26 Code section 514C.22, which currently mandates coverage for
3 27 certain biologically based mental illnesses, is repealed
3 28 effective January 1, 2010.

3 29 LSB 1524HZ 83

3 30 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Resolution 9 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY MURPHY and PAULSEN
1 3 A Resolution to honor the memory of former state
1 4 representative Barbara Finch.
1 5 WHEREAS, when Barbara Finch came to the House of
1 6 Representatives in 2001, she represented a central
1 7 Iowa legislative district with a wide array of urban,
1 8 rural, and academic constituencies, and she ably
1 9 served the needs of each; and
1 10 WHEREAS, an active member of Farm Bureau,
1 11 Representative Finch also had a strong interest in
1 12 education; and
1 13 WHEREAS, Representative Finch was elected to the
1 14 79th General Assembly and served on the committees on
1 15 education, environmental protection, ways and means,
1 16 and served as the vice=chair of the health and human
1 17 rights appropriations subcommittee; and
1 18 WHEREAS, her dedication to public service won her
1 19 the respect of her legislative colleagues and
1 20 constituents alike; NOW THEREFORE,
1 21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 22 That the House of Representatives rises to honor the
1 23 life and the memory of former Representative Barbara
1 24 Finch, to celebrate her work on behalf of the people
1 25 of Iowa, and to offer its condolences to her husband,
1 26 Robert, and their three children.
1 27 LSB 2142HH 83
1 28 jr/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 155

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to publication of property assessment
- 2 equalization orders.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1848HC 83
- 5 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 155 continued

PAG LIN

1 1 Section 1. Section 441.49, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:

1 3 On or before October 15 the county auditor shall cause to
1 4 be published in official newspapers of general circulation the
1 5 final equalization order. The publication shall include, in
1 6 type larger than the remainder of the publication, the
1 7 following ~~statement~~ statements:

1 8 1. "Assessed values are equalized by the department of
1 9 revenue every two years. Local taxing authorities determine
1 10 the final tax levies and may reduce property tax rates to
1 11 compensate for any increase in valuation due to equalization."

1 12 2. "An affected property owner or taxpayer may protest the
1 13 application of this equalization order by filing an appeal
1 14 between October 16 and October 25 with the county board of
1 15 review of the county where the property is located."

1 16 PARAGRAPH DIVIDED. Failure to publish the equalization
1 17 order has no effect upon the validity of the orders.

1 18 EXPLANATION

1 19 This bill requires that the notice of an equalization order
1 20 published by the county auditor contain a statement indicating
1 21 that an affected property owner or taxpayer may protest the
1 22 application of the equalization order by filing an appeal with
1 23 the local board of review between October 16 and October 25,
1 24 which is the current statutory time period for filing such an
1 25 appeal.

1 26 LSB 1848HC 83

1 27 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 156

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

A BILL FOR

1 An Act requiring lessees of certain real estate to file a
2 memorandum of the lease with the county recorder and providing
3 a civil penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1911HC 83
6 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 156 continued

PAG LIN

1 1 Section 1. NEW SECTION. 428.4A BUILDINGS AND
1 2 IMPROVEMENTS == MEMORANDA OF LEASES RECORDED.
1 3 1. If a lease of real estate is made for the purpose of
1 4 erecting a building or making improvements to the real estate
1 5 by a person other than the owner of the land, as provided in
1 6 section 428.4, a memorandum of the lease shall be filed by the
1 7 lessee with the county recorder not later than sixty days
1 8 after the execution of the lease.
1 9 2. a. A memorandum required to be filed under this
1 10 section shall comply with the document formatting requirements
1 11 of section 331.606B, subsection 1, and shall contain the
1 12 information specified in section 331.606B, subsection 2,
1 13 paragraphs "b" and "h".
1 14 b. This section shall not apply to leases made for the
1 15 purpose of placing a manufactured home or mobile home within a
1 16 manufactured home community or a mobile home park. However,
1 17 this section shall apply to other buildings or improvements
1 18 made on the property by the lessee.
1 19 c. If a lease subject to this section is assigned to
1 20 another person, the assignee shall file a memorandum of such
1 21 assignment with the recorder containing all the information
1 22 required in paragraph "a".
1 23 d. A groundwater hazard statement is not required to be
1 24 presented with a memorandum recorded under this section.
1 25 3. Failure to timely file a memorandum under this section
1 26 shall not invalidate an otherwise valid lease.
1 27 4. A memorandum filed under this section shall be retained
1 28 by the recorder for the duration of the lease or until all
1 29 taxes, as defined in section 445.1, subsection 6, owed by the
1 30 lessee have been paid.
1 31 5. Failure of a lessee to file a memorandum as required
1 32 under this section is punishable by a civil penalty not to
1 33 exceed seven hundred fifty dollars. The recorder shall
1 34 forward to the city attorney or county attorney, as
1 35 applicable, of the assessing jurisdiction where the real



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 156 continued

2 1 estate is located a copy of each memorandum recorded more than
2 2 sixty days from the date the lease was executed. The city
2 3 attorney or county attorney shall initiate action in the
2 4 district court to enforce provisions of this section. Civil
2 5 penalties collected pursuant to this subsection shall be
2 6 deposited in the general fund of the city or county, as
2 7 appropriate.

2 8 Sec. 2. Section 331.602, Code 2009, is amended by adding
2 9 the following new subsection:

2 10 NEW SUBSECTION. 39A. Notwithstanding the recording
2 11 requirements of 331.606B, record all memoranda required to be
2 12 filed under section 428.4A, and make such memorandum
2 13 information available to all other county or city officials
2 14 upon request.

2 15 EXPLANATION

2 16 This bill requires that if a lease of real estate is made
2 17 for the purpose of erecting a building or making improvements
2 18 to the real estate by a person other than the owner of the
2 19 land, memorandum of the lease shall be filed by the lessee
2 20 with the county recorder not later than 60 days after the
2 21 execution of the lease. The bill provides that each
2 22 memorandum filed shall include the name and address of the
2 23 taxpayer, the legal description of the property, and the
2 24 parcel identification number.

2 25 The bill provides that a memorandum filed with the recorder
2 26 shall be retained by the recorder for the duration of the
2 27 lease or until all taxes owed by the lessee have been paid.

2 28 The bill provides that the failure of a lessee to file a
2 29 memorandum as required under the bill is punishable by a civil
2 30 penalty not to exceed \$750. The bill provides that civil
2 31 penalties collected shall be deposited in the appropriate city
2 32 or county general fund.

2 33 LSB 1911HC 83

2 34 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to county recorders, fees collected by the county
- 2 recorders, and the county land record information system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1556HC 83
- 5 md/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

PAG LIN

1 1 Section 1. Section 331.601A, Code 2009, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 0A. "Batch basis" means the delivery of
1 4 an accumulation of electronic documents or records recorded or
1 5 maintained by the county recorder.

1 6 NEW SUBSECTION. 1A. "Electronic document" means a
1 7 document or instrument that is received, processed,
1 8 disseminated, or maintained in an electronic format. The
1 9 submission of an electronic document through the county land
1 10 record information system electronic submission service shall
1 11 be equivalent to delivery of a document through the United
1 12 States postal service or by personal delivery at designated
1 13 offices in each county. Persons who submit electronic
1 14 documents for recording are responsible for ensuring that the
1 15 electronic documents comply with all requirements for
1 16 recording.

1 17 Sec. 2. Section 331.603, Code 2009, is amended by adding
1 18 the following new subsection:

1 19 NEW SUBSECTION. 5. a. The recorder or the governing
1 20 board of the county land record information system may enter
1 21 into an agreement to provide access to electronic documents or
1 22 records on a batch basis. The county recorder or the
1 23 governing board of the county land record information system
1 24 may collect reasonable fees for access to electronic documents
1 25 and records pursuant to such an agreement.

1 26 b. Electronic documents and records made available under
1 27 this subsection shall not include personally identifiable
1 28 information and shall be subjected to a redaction process
1 29 prior to the transfer of the electronic documents or records
1 30 to another person pursuant to an agreement under paragraph
1 31 "a".

1 32 c. Persons with access to electronic documents and records
1 33 shall certify in writing that they will not provide such
1 34 documents or records to any third party without the permission
1 35 of the county recorder or the governing board of the county



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

2 1 land record information system, as applicable.

2 2 Sec. 3. Section 331.605B, subsection 2, Code 2009, is
2 3 amended to read as follows:

2 4 2. A recorder or the governing board of the county land
2 5 record information system shall collect only statutorily

2 6 authorized fees for land records management. A recorder or
2 7 the governing board of the county land record information

2 8 system shall not collect a fee for viewing, accessing, or
2 9 printing documents in the county land record information

2 10 system unless specifically authorized by statute. However, a
2 11 recorder or the governing board of the county land record

2 12 information system may collect actual third-party fees

2 13 associated with accepting and processing statutorily

2 14 authorized fees, including credit card fees, treasury

2 15 management fees, and other transaction fees required to enable
2 16 electronic payment. For the purposes of this subsection, the

2 17 term "third-party" does not include the county land record

2 18 information system, the Iowa state association of counties, or
2 19 any of the association's affiliates.

2 20 Sec. 4. Section 331.605C, Code 2009, is amended to read as
2 21 follows:

2 22 331.605C ELECTRONIC TRANSACTION FEE == AUDIT.

2 23 1. ~~For the fiscal year beginning July 1, 2003, and ending~~
2 24 ~~June 30, 2004, the recorder shall collect a fee of five~~

2 25 ~~dollars for each recorded transaction, regardless of the~~
2 26 ~~number of pages, for which a fee is paid pursuant to section~~

2 27 ~~331.604 to be used for the purposes of planning and~~

2 28 ~~implementing electronic recording and electronic transactions~~
2 29 ~~in each county and developing county and statewide internet~~

2 30 ~~websites to provide electronic access to records and~~

2 31 ~~information. Each county shall participate in the county land~~
2 32 record information system and shall comply with the policies

2 33 and procedures established by the governing board of the

2 34 county land record information system.

2 35 2. a. ~~Beginning~~ For the period beginning July 1, 2004,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

3 1 and ending June 30, 2009, the recorder shall collect a fee of
3 2 one dollar for each recorded transaction, regardless of the
3 3 number of pages, for which a fee is paid pursuant to section
3 4 331.604 to be used for the purpose set forth in subsection 4.

3 5 b. For the period beginning July 1, 2009, and ending June
3 6 30, 2011, the recorder shall collect a fee of three dollars
3 7 for each recorded transaction, regardless of the number of
3 8 pages, for which a fee is paid pursuant to section 331.604 to
3 9 be used for the following purposes:

3 10 (1) Maintaining the statewide internet website and the
3 11 county land record information system.

3 12 (2) Integrating information contained in documents and
3 13 records maintained by the recorder and other land record
3 14 information from other sources with the county land record
3 15 information system.

3 16 (3) Implementing and maintaining a process for redacting
3 17 personally identifiable information contained in electronic
3 18 documents that are displayed for public access through an
3 19 internet website or that are transferred to another person or
3 20 entity for commercial purposes.

3 21 c. Beginning July 1, 2011, the recorder shall collect a
3 22 fee of two dollars for each recorded transaction, regardless
3 23 of the number of pages, for which a fee is paid pursuant to
3 24 section 331.604 to be used for the purposes in paragraph "b"
3 25 and for the following purposes:

3 26 (1) Establishing and implementing standards for recording,
3 27 processing, and archiving electronic documents and records.

3 28 (2) Expanding access to records by encouraging electronic
3 29 indexing and scanning of documents and instruments recorded in
3 30 prior years.

3 31 (3) Other activities deemed necessary by the governing
3 32 board of the county land record information system.

3 33 d. To the extent possible, fees collected in excess of the
3 34 amount needed for the purposes specified in this section shall
3 35 be used by the county land record information system to reduce



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

4 1 or eliminate service fees for electronic submission of
4 2 documents and instruments.

4 3 3. The county treasurer, on behalf of the recorder, shall
4 4 establish and maintain a county recorder's electronic
4 5 transaction fund into which all moneys collected pursuant to
4 6 ~~subsections 1 and~~ subsection 2 shall be deposited. Interest
4 7 earned on moneys deposited in this fund shall be computed
4 8 based on the average monthly balance in the fund and shall be
4 9 credited to the county recorder's electronic transaction fund.

4 10 4. The local government electronic transaction fund is
4 11 established in the office of the treasurer of state under the
4 12 control of the treasurer of state. Moneys deposited into the
4 13 fund are not subject to section 8.33. Notwithstanding section
4 14 12C.7, interest or earnings on moneys in the local government
4 15 electronic transaction fund shall be credited to the fund.
4 16 Moneys in the local government electronic transaction fund are
4 17 not subject to transfer, appropriation, or reversion to any
4 18 other fund, or any other use except as provided in this
4 19 subsection. On a monthly basis, the county treasurer shall
4 20 ~~pay each fee collected pursuant to subsection 2~~ the fees
4 21 deposited in the county recorder's electronic transaction fund

4 22 to the treasurer of state for deposit into the local
4 23 government electronic transaction fund. Moneys credited to
4 24 the local government electronic transaction fund are
4 25 appropriated to the treasurer of state to be used for the
4 26 purpose of paying the ongoing costs of integrating and
4 27 maintaining the statewide internet website ~~developed and~~
4 28 ~~implemented under subsection 1~~ to provide electronic access to
4 29 records and information.

4 30 5. The recorder shall make available any information
4 31 required by the county auditor or auditor of state concerning
4 32 the fees collected under this section for the purposes of
4 33 determining the amount of fees collected and the uses for
4 34 which such fees are expended.

4 35 Sec. 5. Section 331.606, Code 2009, is amended by adding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

5 1 the following new subsection:

5 2 NEW SUBSECTION. 4. The recorder shall permanently archive
5 3 an unaltered version of each recorded document or instrument.
5 4 A document or instrument may be archived in its original
5 5 format, as an electronic document, or in another format
5 6 suitable for preserving information in the document or
5 7 instrument. A person may view and copy an original or
5 8 unaltered document or instrument in the office of the
5 9 recorder.

5 10 Sec. 6. Section 331.606A, subsection 1, paragraph c, Code
5 11 2009, is amended to read as follows:

5 12 c. "Redact" or "redaction" means the process of
5 13 permanently removing all or a portion of personally
5 14 identifiable information from documents.

5 15 Sec. 7. Section 331.606A, subsection 2, Code 2009, is
5 16 amended to read as follows:

5 17 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The
5 18 preparer of a document shall not include an individual's
5 19 personally identifiable information in a document that is
5 20 prepared and presented for recording in the office of the
5 21 recorder. This subsection shall not apply to documents that
5 22 were executed by an individual prior to July 1, 2007. ~~Unless~~
~~5 23 provided otherwise by law, all documents described by this~~
~~5 24 section are subject to inspection and copying by the public.~~

5 25 Sec. 8. Section 331.606A, subsection 3, Code 2009, is
5 26 amended by striking the subsection and inserting in lieu
5 27 thereof the following:

5 28 3. REDACTION FROM ELECTRONIC DOCUMENTS. Personally
5 29 identifiable information that is contained in electronic
5 30 documents that are displayed for public access on a website,
5 31 or which are transferred to any person for commercial
5 32 purposes, shall be redacted prior to displaying or
5 33 transferring the documents. Each recorder that displays
5 34 electronic documents and the county land record information
5 35 system that displays electronic documents on behalf of a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

6 1 county shall implement a system for redacting personally
6 2 identifiable information. The recorder and the governing
6 3 board of the county land record information system shall
6 4 establish a procedure by which individuals may request that
6 5 personally identifiable information contained in an electronic
6 6 document displayed on a website be redacted, at no fee to the
6 7 requesting individual. The requirements of this subsection
6 8 shall be fully implemented not later than December 31, 2011.

6 9 Sec. 9. Section 331.606A, subsection 5, Code 2009, is
6 10 amended to read as follows:

6 11 5. APPLICABILITY. ~~This section~~

6 12 a. Subsection 2 shall not apply to a preparer of a state
6 13 or federal tax lien or release, a military separation or
6 14 discharge record, or a death certificate that is prepared for
6 15 recording in the office of county recorder.

6 16 b. Subsection 3 shall not apply to a military separation
6 17 or discharge record, a birth record, a death certificate, or
6 18 marriage certificate unless such record or certificate is
6 19 incorporated within another document or instrument that is
6 20 recorded and displayed for public access on a website.

6 21 c. If a military separation or discharge record or a death
6 22 certificate is recorded in the office of the county recorder,
6 23 the military separation or discharge record or the death
6 24 certificate shall not be accessible through the internet
6 25 displayed for public access on an internet website, public
6 26 access terminal or other medium, or be transferred to any
6 27 person for commercial purposes.

6 28 Sec. 10. Section 331.606A, Code 2009, is amended by adding
6 29 the following new subsection:

6 30 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. A recorder,
6 31 members of the board of supervisors, members of the Iowa
6 32 county recorders association, and members of the governing
6 33 board of the county land record information system, while
6 34 acting within the scope of their employment or agency, are not
6 35 subject to personal liability resulting from carrying out the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

7 1 powers and duties of this part. Members of the Iowa county
7 2 recorders association or members of the governing board of the
7 3 county land record information system shall not be liable for
7 4 damages resulting from any act or omission associated with the
7 5 public disclosure of personally identifiable information if
7 6 practices were implemented in good faith to redact or
7 7 otherwise restrict access to personally identifiable
7 8 information and if the duty to redact was performed in good
7 9 faith.

7 10 Sec. 11. Section 331.606B, subsection 1, Code 2009, is
7 11 amended by adding the following new paragraph:

7 12 NEW PARAGRAPH. g. Each document or instrument presented
7 13 for recording shall meet the requirements of section 331.606A,
7 14 subsection 2.

7 15 Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 16 3, shall not apply to this Act.

7 17 EXPLANATION

7 18 This bill relates to the duties and authority of county
7 19 recorders and the county land record information system.

7 20 The bill requires each county to participate in the county
7 21 land record information system and comply with the policies
7 22 and procedures established by the governing board of the
7 23 county land record information system.

7 24 The bill increases the electronic transaction fee from \$1
7 25 per recorded transaction to \$3 for transactions recorded
7 26 between July 1, 2009, and June 30, 2011. The bill also
7 27 provides that the electronic transaction fee for transactions
7 28 recorded on or after July 1, 2011, is \$2. The bill specifies
7 29 the purposes for which electronic transaction fees may be used
7 30 and provides that fees collected in excess of the amount
7 31 needed shall be used by the county land record information
7 32 system to reduce or eliminate service fees for electronic
7 33 submission services.

7 34 The bill authorizes the county recorder or the governing
7 35 board of the county land record information system to enter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 157 continued

8 1 into an agreement to provide access to electronic documents or
8 2 records on a batch basis, as defined in the bill, and to
8 3 collect fees for such access. Any such agreement must require
8 4 the person with access to certify in writing that they will
8 5 not provide such documents or records to any third party
8 6 without the permission of the county recorder or the governing
8 7 board of the county land record information system.

8 8 The bill amends the definition of "redact" or "redaction"
8 9 to mean the process of permanently removing all or a portion
8 10 of personally identifiable information from documents and
8 11 requires that personally identifiable information contained in
8 12 electronic documents that are displayed for public access on a
8 13 website, or which are transferred to any person for commercial
8 14 purposes, be redacted prior to displaying or transferring the
8 15 documents.

8 16 The bill also requires each county recorder that displays
8 17 electronic documents and the county land record information
8 18 system that displays electronic documents on behalf of a
8 19 county to implement a system for redacting personally
8 20 identifiable information and to establish a procedure by which
8 21 individuals may request that personally identifiable
8 22 information contained in an electronic document displayed on a
8 23 website be redacted, at no fee to the requesting individual.
8 24 The bill requires procedures for redaction to be fully
8 25 implemented by December 31, 2011. The bill excludes certain
8 26 recorded documents and certificates from the prohibition on
8 27 inclusion of personally identifiable information and the
8 28 requirements for redaction of such information.

8 29 The bill provides that a county recorder shall refuse any
8 30 document or instrument presented for recording that contains
8 31 personally identifiable information, unless the person pays an
8 32 additional recording fee of \$10 per document or instrument.

8 33 The bill requires a county recorder to permanently archive
8 34 an unaltered version of each recorded document or instrument
8 35 and provides that such documents and instruments may be viewed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House Study Bill 157 continued

9 1 or copied in the office of the recorder.
9 2 The bill includes a limitation of liability for county
9 3 recorders, members of the Iowa county recorders association,
9 4 members of the board of supervisors, and members of the
9 5 governing board of the county land record information system
9 6 for actions taken in good faith that are within the scope of
9 7 their employment or agency.
9 8 The bill may include a state mandate as defined in Code
9 9 section 25B.3. The bill makes inapplicable Code section
9 10 25B.2, subsection 3, which would relieve a political
9 11 subdivision from complying with a state mandate if funding for
9 12 the cost of the state mandate is not provided or specified.
9 13 Therefore, political subdivisions are required to comply with
9 14 any state mandate included in the bill.
9 15 LSB 1556HC 83
9 16 md/sc/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

1 An Act relating to magistrate jurisdiction, specifying certain
2 traffic-related offenses as simple misdemeanors, making other
3 related changes to simple misdemeanor offenses, and providing
4 a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1855HC 83
7 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

PAG LIN

1 1 Section 1. Section 321.24, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 12. A person who violates this section
1 4 commits a simple misdemeanor.

1 5 Sec. 2. Section 321.95, Code 2009, is amended to read as
1 6 follows:

1 7 321.95 RIGHT OF INSPECTION.

1 8 1. Peace officers shall have the authority to inspect any
1 9 vehicle or component part in possession of a vehicle
1 10 rebuilder, vehicle salvager, used vehicle parts dealer or any
1 11 person licensed under chapter 322, or found upon the public
1 12 highway or in any public garage, enclosure or property in
1 13 which vehicles or component parts are kept for sale, storage,
1 14 hire or repair and for that purpose may enter any such public
1 15 garage, enclosure or property. Every vehicle rebuilder,
1 16 vehicle salvager, used vehicle parts dealer, or any person
1 17 licensed under chapter 322, or a person having used engines or
1 18 transmissions which are component parts for sale shall keep an
1 19 accurate and complete record of all vehicles demolished and of
1 20 such component parts purchased or received for resale as
1 21 component parts in the course of business. These records shall
1 22 contain the name and address of the person from whom each such
1 23 vehicle or component part was purchased or received and the
1 24 date when the purchase or receipt occurred or the junking
1 25 certificate if required for the vehicle. These records shall
1 26 be open for inspection by any peace officer at any time during
1 27 normal business hours. Records required by this section shall
1 28 be kept for at least three years after the transaction which
1 29 they record.

1 30 2. A person who violates this section commits a simple
1 31 misdemeanor.

1 32 Sec. 3. Section 321.96, Code 2009, is amended to read as
1 33 follows:

1 34 321.96 PROHIBITED PLATES == CERTIFICATES.

1 35 1. A person shall not display or cause or permit to be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

2 1 displayed, or have in the person's possession, a vehicle
2 2 identification number or component part number except as
2 3 provided in this chapter, or a canceled, revoked, altered, or
2 4 fictitious registration number plates, registration receipt,
2 5 or certificate of title, as the same are respectively provided
2 6 for in this chapter.

2 7 2. A person who violates this section commits a simple
2 8 misdemeanor.

2 9 Sec. 4. Section 321.121, subsection 2, Code 2009, is
2 10 amended to read as follows:

2 11 ~~2. A person convicted of or found by audit to be using~~
2 12 ~~shall not use a motor vehicle registered as a special truck~~
2 13 ~~for any purpose other than permitted by section 321.1,~~
2 14 ~~subsection 76, shall, in addition to any other penalty imposed~~
~~2 15 by law, be required to. A person who violates this section~~
2 16 commits a simple misdemeanor. If the person is found by audit
2 17 to be using a motor vehicle for any purpose other than
2 18 permitted by section 321.1, subsection 76, the person may be
2 19 referred to the county attorney's office for prosecution. In
2 20 any event, in addition to any other penalty imposed by law, a
2 21 person convicted of or found by audit to be in violation of
2 22 this section shall pay regular annual motor vehicle
2 23 registration fees for such motor vehicle.

2 24 Sec. 5. Section 321.122, Code 2009, is amended by adding
2 25 the following new subsection:

2 26 NEW SUBSECTION. 4. A person who violates this section
2 27 commits a simple misdemeanor.

2 28 Sec. 6. Section 321.189, subsection 7, Code 2009, is
2 29 amended by adding the following new paragraph:

2 30 NEW PARAGRAPH. e. A person who violates this subsection
2 31 commits a simple misdemeanor.

2 32 Sec. 7. Section 321.208A, Code 2009, is amended to read as
2 33 follows:

2 34 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER ==
2 35 PENALTIES.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

3 1 1. A person required to hold a commercial driver's license
3 2 to operate a commercial motor vehicle shall not operate a
3 3 commercial motor vehicle on the highways of this state in
3 4 violation of an out-of-service order issued by a peace officer
3 5 for a violation of the out-of-service rules adopted by the
3 6 department. A driver who violates an out-of-service order
3 7 commits a simple misdemeanor and shall be subject to a fine of
3 8 not less than two thousand five hundred dollars upon
3 9 conviction for the first violation of an out-of-service order
3 10 and not less than five thousand dollars for a second or
3 11 subsequent violation of an out-of-service order in separate
3 12 incidents within a ten-year period.

3 13 2. An employer shall not knowingly allow, require, permit,
3 14 or authorize an employee to drive a commercial motor vehicle
3 15 in violation of an out-of-service order. An employer who
3 16 violates this subsection commits a simple misdemeanor and
3 17 shall be subject to a fine of not less than two thousand seven
3 18 hundred fifty dollars and not more than twenty-five thousand
3 19 dollars.

3 20 Sec. 8. Section 321.236, Code 2009, is amended by adding
3 21 the following new subsection:

3 22 NEW SUBSECTION. 15. A violation of a local ordinance,
3 23 rule, or regulation promulgated under the authority of this
3 24 section shall be prosecuted under the local ordinance, without
3 25 reference to this section.

3 26 Sec. 9. Section 321.285, Code 2009, is amended by adding
3 27 the following new unnumbered paragraph after subsection 7:

3 28 NEW UNNUMBERED PARAGRAPH. A person who violates this
3 29 section for excessive speed commits a simple misdemeanor
3 30 punishable as a scheduled violation under section 805.8A,
3 31 subsection 5, paragraph "a". A person who violates this
3 32 section for excessive speed as an operator of a school bus
3 33 commits a simple misdemeanor punishable as a scheduled
3 34 violation under section 805.8A, subsection 10, paragraph "a".
3 35 A person who violates any other provision of this section



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House Study Bill 158 continued

4 1 commits a simple misdemeanor.

4 2 Sec. 10. NEW SECTION. 321.296 IMPLEMENT OF HUSBANDRY ==
4 3 SPEED.

4 4 1. A self-propelled implement of husbandry shall not
4 5 operate on a highway in excess of thirty-five miles per hour.

4 6 2. An operator who violates this section commits a simple
4 7 misdemeanor.

4 8 Sec. 11. Section 321.371, Code 2009, is amended to read as
4 9 follows:

4 10 321.371 CLEARING UP WRECKS.

4 11 1. Any person removing a wrecked or damaged vehicle from a
4 12 highway shall remove any glass or other injurious substance
4 13 dropped upon the highway from such vehicle.

4 14 2. A person who violates this section commits a simple
4 15 misdemeanor.

4 16 Sec. 12. Section 321.373, Code 2009, is amended by adding
4 17 the following new subsection:

4 18 NEW SUBSECTION. 8. A person who violates this section
4 19 commits a simple misdemeanor.

4 20 Sec. 13. Section 321.379, Code 2009, is amended to read as
4 21 follows:

4 22 321.379 VIOLATIONS.

4 23 ~~No~~ A school board, individual, or organization shall not
4 24 purchase, construct, or contract for use, to transport pupils
4 25 to or from school, any school bus which does not comply with
4 26 the minimum requirements of section 321.373 and any
4 27 individual, or any member or officer of such board or
4 28 organization who authorizes, the purchase, construction, or
4 29 contract for any such bus not complying with these minimum
4 30 requirements ~~shall be guilty of a misdemeanor punishable as~~
4 31 ~~provided in section 321.482~~ commits a simple misdemeanor.

4 32 Sec. 14. Section 321.406, Code 2009, is amended to read as
4 33 follows:

4 34 321.406 COWL LAMPS.

4 35 1. ~~Any~~ A motor vehicle ~~may be~~ shall not be equipped with



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House Study Bill 158 continued

5 1 ~~not~~ more than two side cowl or fender lamps ~~which shall~~. Such
5 2 lamps shall emit only an amber or white light without glare.

5 3 2. A person who violates this section commits a simple
5 4 misdemeanor.

5 5 Sec. 15. Section 321.408, Code 2009, is amended to read as
5 6 follows:
5 7 321.408 BACK=UP LAMPS.

5 8 1. ~~Any~~ A motor vehicle may be equipped with a back-up lamp
5 9 either separately or in combination with another lamp; ~~except~~
~~5 10 that no such.~~

5 11 2. A back-up lamp shall not be continuously lighted when
5 12 the motor vehicle is in forward motion.

5 13 3. A person who violates this section commits a simple
5 14 misdemeanor.

5 15 Sec. 16. Section 321.431, Code 2009, is amended by adding
5 16 the following new subsection:
5 17 NEW SUBSECTION. 6. A person who violates this section
5 18 commits a simple misdemeanor.

5 19 Sec. 17. Section 321.452, Code 2009, is amended to read as
5 20 follows:
5 21 321.452 SCOPE AND EFFECT.

5 22 1. ~~Except for offenses punishable under the provisions of~~
~~5 23 section 321.463 it is a misdemeanor, punishable as provided in~~
~~5 24 section 321.482, for any~~ A person ~~to~~ shall not drive or move
5 25 or for, and the owner ~~to~~ of such vehicle shall not cause or
5 26 knowingly permit to be driven or moved, on any highway any
5 27 vehicle or vehicles of a size or weight exceeding the
5 28 limitations stated in this chapter, and the maximum size and
5 29 weight of vehicles herein specified shall be lawful throughout
5 30 this state, and local authorities shall have no power or
5 31 authority to alter said limitations except as express
5 32 authority ~~may be~~ is granted in this chapter.

5 33 2. A person who violates this section commits a simple
5 34 misdemeanor.

5 35 Sec. 18. Section 321.463, subsection 12, Code 2009, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

6 1 amended to read as follows:

6 2 12. A person ~~who issues or executes, or causes~~ shall not
6 3 issue or execute, or cause to be issued or executed, a bill of
6 4 lading, manifest, or shipping document of any kind which
6 5 states a false weight of the cargo set forth on such bill,
6 6 manifest, or document, which is less than the actual weight of
6 7 the cargo, ~~shall, upon conviction, be guilty of a simple~~
~~6 8 misdemeanor.~~

6 9 Sec. 19. Section 321.463, Code 2009, is amended by adding
6 10 the following new subsection:

6 11 NEW SUBSECTION. 13. A person who violates this section
6 12 commits a simple misdemeanor.

6 13 Sec. 20. Section 321.467, Code 2009, is amended to read as
6 14 follows:

6 15 321.467 RETRACTABLE AXLES.

6 16 1. A vehicle which is a model year 1999 or later vehicle
6 17 shall not operate on a highway of this state with a
6 18 retractable axle unless the weight on the retractable axle can
6 19 only be adjusted by means of a manual device located on the
6 20 vehicle that is not accessible to the operator of the vehicle
6 21 during operation of the vehicle. However, the controls for
6 22 raising and lowering the retractable axle may be accessible to
6 23 the operator of the vehicle while the vehicle is in operation.

6 24 2. A person who violates this section commits a simple
6 25 misdemeanor.

6 26 Sec. 21. Section 321.484, Code 2009, is amended to read as
6 27 follows:

6 28 321.484 OFFENSES BY OWNERS.

6 29 1. It is unlawful for the owner, or any other person,
6 30 employing or otherwise directing the driver of any vehicle to
6 31 require or knowingly to permit the operation of such vehicle
6 32 upon a highway in any manner contrary to law.

6 33 ~~1.~~ 2. The owner of a vehicle shall not be held
6 34 responsible for a violation of a provision regulating the
6 35 stopping, standing, or parking of a vehicle, whether the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

7 1 provision is contained in this chapter, or chapter 321L, or an
7 2 ordinance or other regulation or rule, if the owner
7 3 establishes that at the time of the violation the vehicle was
7 4 in the custody of an identified person other than the owner
7 5 pursuant to a lease as defined in chapter 321F or pursuant to
7 6 a rental agreement as defined in section 516D.3. The
7 7 furnishing to the county attorney where the charge is pending
7 8 of a copy of the lease prescribed by section 321F.6 or rental
7 9 agreement that was in effect for the vehicle at the time of
7 10 the alleged violation shall be prima facie evidence that the
7 11 vehicle was in the custody of an identified person other than
7 12 the owner within the meaning of this subsection. Upon receipt
7 13 of such evidence, the appropriate authority shall dismiss as
7 14 against the owner of the vehicle any citation issued for a
7 15 violation within the meaning of this subsection that occurred
7 16 while the vehicle was in the custody of the identified person.
7 17 ~~2.~~ 3. If a peace officer as defined in section 801.4 has
7 18 reasonable cause to believe the driver of a motor vehicle has
7 19 violated section 321.261, 321.262, 321.264, 321.341, 321.342,
7 20 321.343, 321.344, or 321.372, the officer may request any
7 21 owner of the motor vehicle to supply information identifying
7 22 the driver. When requested, the owner of the vehicle shall
7 23 identify the driver to the best of the owner's ability.
7 24 However, the owner of the vehicle is not required to supply
7 25 identification information to the officer if the owner
7 26 believes the information is self-incriminating.
7 27 4. A person who violates this section commits a simple
7 28 misdemeanor.

7 29 Sec. 22. Section 321.487, Code 2009, is amended to read as
7 30 follows:

7 31 321.487 VIOLATION OF PROMISE TO APPEAR.

7 32 1. Any person willfully violating a citation to appear in
7 33 court given as provided in this chapter, is guilty of a simple
7 34 misdemeanor, punishable as provided in section 321.482
7 35 regardless of the disposition of the charge upon which the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

8 1 person was cited. Venue shall be in the county where the
8 2 defendant was to appear or in the county where the person
8 3 resides.

8 4 2. An appearance in response to such citation may be made
8 5 either in person or by counsel.

8 6 Sec. 23. Section 321E.11, Code 2009, is amended to read as
8 7 follows:

8 8 321E.11 DAYLIGHT MOVEMENT ONLY == EXCEPTIONS == HOLIDAYS.

8 9 1. Movements by permit in accordance with this chapter
8 10 shall be permitted only during the hours from thirty minutes
8 11 prior to sunrise to thirty minutes following sunset unless the
8 12 issuing authority determines that the movement can be better
8 13 accomplished at another period of time because of traffic
8 14 volume conditions or the vehicle subject to the permit has an
8 15 overall length not to exceed one hundred feet, an overall
8 16 width not to exceed eleven feet, and an overall height not to
8 17 exceed fourteen feet, four inches, and the permit requires the
8 18 vehicle to operate only on those highways designated by the
8 19 department. Additional safety lighting and escorts may be
8 20 required for movement at night.

8 21 2. Except as provided in section 321.457, no movement by
8 22 permit shall be permitted on holidays, after twelve o'clock
8 23 noon on days preceding holidays and holiday weekends, or
8 24 special events when abnormally high traffic volumes can be
8 25 expected. Such restrictions shall not be applicable to urban
8 26 transit systems as defined in section 321.19, subsection 2.
8 27 For the purposes of this chapter, holidays shall include
8 28 Memorial Day, Independence Day, and Labor Day.

8 29 3. A person who violates this section commits a simple
8 30 misdemeanor.

8 31 Sec. 24. Section 481A.135, Code 2009, is amended by adding
8 32 the following new subsection:

8 33 NEW SUBSECTION. 5. An indictment or trial information for
8 34 a violation requiring an enhanced penalty under this section
8 35 shall specify the underlying violation committed by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

9 1 person.

9 2 Sec. 25. Section 602.6405, subsection 1, Code 2009, is
9 3 amended to read as follows:

9 4 1. Magistrates have jurisdiction of simple misdemeanors
9 5 regardless of the amount of the fine, including traffic and
9 6 ordinance violations, and preliminary hearings, search warrant
9 7 proceedings, county and municipal infractions, and small
9 8 claims. Magistrates have jurisdiction to determine the
9 9 disposition of livestock or another animal, as provided in
9 10 sections 717.5 and 717B.4, if the magistrate determines the
9 11 value of the livestock or animal is less than ten thousand
9 12 dollars. Magistrates have jurisdiction to exercise the powers
9 13 specified in sections 556F.2 and 556F.12, and to hear
9 14 complaints or preliminary informations, issue warrants, order
9 15 arrests, make commitments, and take bail. Magistrates have
9 16 jurisdiction over violations of section 123.49, subsection 2,
9 17 paragraph "h". Magistrates who are admitted to the practice
9 18 of law in this state have jurisdiction over all proceedings
9 19 for the involuntary commitment, treatment, or hospitalization
9 20 of individuals under chapters 125 and 229, except as otherwise
9 21 provided under section 229.6A; nonlawyer magistrates have
9 22 jurisdiction over emergency detention and hospitalization
9 23 proceedings under sections 125.91 and 229.22. Magistrates
9 24 have jurisdiction to conduct hearings authorized under section
9 25 809.4.

9 26

EXPLANATION

9 27 This bill relates to magistrate jurisdiction, specifies
9 28 certain traffic-related offenses as simple misdemeanors, and
9 29 makes other related changes to simple misdemeanor offenses.

9 30 Under the bill, the following traffic-related offenses
9 31 which are commonly referred to as nonscheduled violations are
9 32 specified as simple misdemeanors; Code sections 321.24
9 33 (issuance of registration or title); 321.95 (right of
9 34 inspection); 321.96 (prohibited plates); 321.121 (special
9 35 truck registration); 321.122 (truck and other vehicle fees);



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 158 continued

10 1 321.189 (motorized bike violations); 321.208A (out-of-service
10 2 orders); 321.285 (speed restrictions); 321.371 (clearing up
10 3 wrecks); 321.373 (required school bus construction); 321.406
10 4 (cowl lamps); 321.408 (back-up lamps); 321.431 (adequacy of
10 5 brakes); 321.452 (scope and effect of size and weight
10 6 limitations); 321.463 (overweight trucks); 321.467
10 7 (retractable axels); 321.484 (offenses by owners of vehicles);
10 8 321.487 (promises to appear); and 321E.11 (daylight movement
10 9 only == exceptions).

10 10 The bill amends Code section 321.236 to specify that a
10 11 violation of a local ordinance, rule, or regulation
10 12 promulgated under the authority of Code section 321.236 shall
10 13 be prosecuted under the local ordinance, rule, or regulation
10 14 without reference to Code section 321.236.

10 15 The bill creates new Code section 321.296 which prohibits a
10 16 self-propelled implement of husbandry as defined in Code
10 17 section 321.1 from operating on a highway in excess of 35
10 18 miles per hour. A person who violates this provision commits
10 19 a simple misdemeanor.

10 20 The bill amends Code section 481A.135 and specifies that an
10 21 indictment or trial information for a violation requiring an
10 22 enhanced penalty related to wildlife conservation in Code
10 23 section 481A.135 shall specify the underlying violation
10 24 committed by the person.

10 25 The bill also amends Code section 602.6405 specifying a
10 26 magistrate has jurisdiction over any simple misdemeanor
10 27 regardless of the fine amount.

10 28 A simple misdemeanor is punishable by confinement for no
10 29 more than 30 days or a fine of at least \$65 but not more than
10 30 \$625 or by both.

10 31 LSB 1855HC 83

10 32 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 159

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON WENDT)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to licensing fees retained by the board of
- 2 educational examiners and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2132HC 83
- 5 kh/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 159 continued

PAG LIN

1 1 Section 1. Section 272.10, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. Licensing fees are payable to the treasurer of state
1 4 and shall be deposited with the executive director of the
1 5 board. The executive director shall deposit twenty-five
1 6 percent of the fees collected annually with the treasurer of
1 7 state and the fees shall be credited to the general fund of
1 8 the state. The remaining licensing fees collected during the
1 9 fiscal year shall be retained by and are appropriated to the
1 10 board for the purposes related to the board's duties.
1 11 Notwithstanding section 8.33, up to five hundred thousand
1 12 dollars of the licensing fees retained by and appropriated to
1 13 the board pursuant to this section that remain unencumbered or
1 14 unobligated at the close of the fiscal year shall not revert
1 15 but shall remain available for expenditure for the activities
1 16 of the board as provided in this chapter until the close of
1 17 the succeeding fiscal year.

1 18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 19 immediate importance, takes effect upon enactment.

1 20 EXPLANATION

1 21 This bill limits to \$500,000 the amount of licensing fees
1 22 collected and retained by, and appropriated to, the board of
1 23 educational examiners that the board may carry over to the
1 24 succeeding fiscal year for expenditure for the activities of
1 25 the board.

1 26 The bill takes effect upon enactment.

1 27 LSB 2132HC 83

1 28 kh/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

House Study Bill 160

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
VETERANS AFFAIRS BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to employee positions authorized for the Iowa
- 2 veterans home and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1443DP 83
- 5 jp/mg/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

House Study Bill 160 continued

PAG LIN

1 1 Section 1. 2008 Iowa Acts, chapter 1187, section 4,
1 2 subsection 2, is amended to read as follows:

1 3 2. IOWA VETERANS HOME

1 4 For salaries, support, maintenance, and miscellaneous
1 5 purposes, ~~and for not more than the following full-time~~
~~1 6 equivalent positions:~~

1 7	\$ 12,694,154
1 8	FTEs 951.95

1 9 a. The Iowa veterans home billings involving the
1 10 department of human services shall be submitted to the
1 11 department on at least a monthly basis.

1 12 b. If there is a change in the employer of employees
1 13 providing services at the Iowa veterans home under a
1 14 collective bargaining agreement, such employees and the
1 15 agreement shall be continued by the successor employer as
1 16 though there had not been a change in employer.

1 17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 18 immediate importance, takes effect upon enactment.

EXPLANATION

1 20 This bill relates to employee positions authorized for the
1 21 Iowa veterans home by removing the limitation on the number of
1 22 full-time equivalent positions in the appropriation to the
1 23 home for FY 2008=2009.

1 24 The bill takes effect upon enactment.

1 25 LSB 1443DP 83

1 26 jp/mg/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 119 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 70)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to domestic abuse protective orders and animals
2 owned or held by a petitioner, respondent, or minor child of
3 the petitioner or respondent in domestic abuse cases.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1461SV 83
6 rh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 119 - Introduced continued

PAG LIN

1 1 Section 1. Section 236.3, subsection 6, Code 2009, is
1 2 amended to read as follows:

1 3 6. Name and age of each ~~child under eighteen~~ minor child
1 4 whose welfare may be affected by the controversy. The
1 5 petition may also specify and identify each animal owned,
1 6 possessed, leased, kept, or held by the petitioner,
1 7 respondent, or minor child of the petitioner or respondent
1 8 whose welfare may be affected by the controversy.

1 9 Sec. 2. Section 236.4, subsection 2, Code 2009, is amended
1 10 to read as follows:

1 11 2. a. The court may enter any temporary order it deems
1 12 necessary to protect the plaintiff from domestic abuse prior
1 13 to the hearing, upon good cause shown in an ex parte
1 14 proceeding. Present danger of domestic abuse to the plaintiff
1 15 constitutes good cause for purposes of this subsection.

1 16 b. The court may include in the temporary order issued
1 17 pursuant to this subsection a grant to the petitioner of the
1 18 exclusive care, possession, or control of any animal specified
1 19 and identified in the petition that is owned, possessed,
1 20 leased, kept, or held by the petitioner, respondent, or minor
1 21 child of the petitioner or respondent. The court may forbid
1 22 the respondent from approaching, taking, transferring,
1 23 encumbering, concealing, molesting, attacking, striking,
1 24 threatening, harming, or otherwise disposing of the animal.

1 25 Sec. 3. Section 236.5, subsection 2, Code 2009, is amended
1 26 by adding the following new paragraph:

1 27 NEW PARAGRAPH. f. The court may include in an order
1 28 issued pursuant to this section a grant to the petitioner of
1 29 the exclusive care, possession, or control of any animal
1 30 specified and identified in the petition that is owned,
1 31 possessed, leased, kept, or held by the petitioner,
1 32 respondent, or minor child of the petitioner or respondent.
1 33 The court may forbid the respondent from approaching, taking,
1 34 transferring, encumbering, concealing, molesting, attacking,
1 35 striking, threatening, harming, or otherwise disposing of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 119 - Introduced continued

2 1 animal.

2 2

EXPLANATION

2 3 This bill relates to domestic abuse protective orders and
2 4 animals owned or held by a petitioner, respondent, or minor
2 5 child of the petitioner or respondent in a domestic abuse
2 6 case.

2 7 The bill provides that a person who files a petition for
2 8 relief from domestic abuse pursuant to Code section 236.3 may
2 9 specify and identify in the petition any animal owned,
2 10 possessed, leased, kept, or held by the petitioner,
2 11 respondent, or minor child of the petitioner or respondent
2 12 whose welfare may be affected by domestic abuse.

2 13 The bill further provides the court may include in both
2 14 temporary and permanent orders issued a grant to the
2 15 petitioner of the exclusive care, possession, or control of
2 16 any animal owned, possessed, leased, kept, or held by the
2 17 petitioner, respondent, or minor child of the petitioner or
2 18 respondent. The court may forbid the respondent from
2 19 approaching, taking, transferring, encumbering, concealing,
2 20 molesting, attacking, striking, threatening, harming, or
2 21 otherwise disposing of the animal.

2 22 LSB 1461SV 83

2 23 rh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 120 - Introduced

SENATE FILE
BY KIBBIE

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing one member of the racing and gaming commission to
- 2 be an owner of a dog or horse involved in a race meeting
- 3 conducted in this state.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2136XS 83
- 6 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 120 - Introduced continued

PAG LIN

1 1 Section 1. Section 99D.5, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. Not more than three members of the commission shall
1 4 belong to the same political party. A member of the
1 5 commission shall not have a financial interest in a racetrack.
1 6 Notwithstanding any provision of subsection 5 or 6 to the
1 7 contrary, not more than one member of the commission may be an
1 8 owner or owner=trainer of a dog or horse involved in a race
1 9 meeting conducted in this state.

1 10 EXPLANATION

1 11 This bill provides that no more than one member of the
1 12 racing and gaming commission may be an owner or owner=trainer
1 13 of a dog or horse involved in racing in this state. Current
1 14 law prohibits any owner or owner=trainer of a dog or horse
1 15 involved in racing from being a member of the commission.
1 16 LSB 2136XS 83
1 17 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 121 - Introduced

SENATE FILE
BY HANCOCK

(COMPANION TO LSB 1950HH BY
THOMAS)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a credit against the individual income tax for
- 2 volunteer fire fighters, certified reserve peace officers, and
- 3 volunteer emergency medical services personnel and including
- 4 effective and applicability date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1950SS 83
- 7 tw/mg:sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 121 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter,
1 4 certified reserve peace officer, and volunteer emergency
1 5 medical services personnel credit equal to one hundred
1 6 dollars.

1 7 b. If the taxpayer is not a volunteer fire fighter,
1 8 certified reserve peace officer, or volunteer emergency
1 9 medical services personnel for the entire tax year, the amount
1 10 of the credit stated in paragraph "a" shall be prorated and
1 11 the amount of credit shall equal the maximum amount of credit
1 12 for the tax year, divided by twelve, multiplied by the number
1 13 of months in the tax year that the taxpayer was a volunteer
1 14 fire fighter, certified reserve peace officer, or volunteer
1 15 emergency medical services personnel. The credit amount shall
1 16 be rounded to the nearest five dollars.

1 17 c. If the taxpayer is a volunteer fire fighter, certified
1 18 reserve peace officer, or volunteer emergency medical services
1 19 personnel during any part of a month, the taxpayer shall be
1 20 considered a volunteer fire fighter, certified reserve peace
1 21 officer, or volunteer emergency medical services personnel for
1 22 the entire month. If the taxpayer can claim the credit for
1 23 being a volunteer fire fighter, certified reserve peace
1 24 officer, or volunteer emergency medical services personnel in
1 25 the same month, a credit may be claimed for only one position
1 26 for that month.

1 27 d. The taxpayer shall have a written statement from the
1 28 fire chief, the police chief or sheriff, or from another
1 29 appropriate supervisor verifying that the taxpayer was a
1 30 volunteer fire fighter, certified reserve peace officer, or
1 31 volunteer emergency medical services personnel during the
1 32 months for which the credit under this subsection is claimed.

1 33 e. For purposes of this subsection:

1 34 (1) "Certified reserve peace officer" means a reserve
1 35 peace officer certified through the Iowa law enforcement



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 121 - Introduced continued

2 1 academy as provided in section 80D.4.

2 2 (2) "Emergency medical services personnel" means an
2 3 emergency medical care provider who is certified as a first
2 4 responder pursuant to chapter 147A.

2 5 (3) "Volunteer fire fighter" means a volunteer fire
2 6 fighter as defined in section 85.61 who has met the minimum
2 7 training standards established by the fire service training
2 8 bureau pursuant to chapter 100B.

2 9 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
2 10 effect January 1, 2010, for tax years beginning on or after
2 11 that date.

2 12 EXPLANATION

2 13 This bill provides an individual income tax credit of \$100
2 14 to an individual who was a volunteer fire fighter who has met
2 15 the minimum training standards, a certified reserve peace
2 16 officer, or a certified volunteer emergency medical services
2 17 personnel. The credit is to compensate the individual for
2 18 providing these services on a volunteer or reserve basis. If
2 19 the individual was not a volunteer fire fighter, certified
2 20 reserve peace officer, or volunteer emergency medical services
2 21 personnel for the entire tax year, the amount of credit is
2 22 prorated based upon the months of service. A credit may be
2 23 claimed for only one position per month.

2 24 The bill takes effect January 1, 2010, for tax years
2 25 beginning on or after that date.

2 26 LSB 1950SS 83

2 27 tw/mg:sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 122 - Introduced

SENATE FILE
BY SCHOENJAHN

(COMPANION TO HF 182 BY
WINCKLER)

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

A BILL FOR

1 An Act relating to the allocation of funds to the all Iowa
2 opportunity foster care grant program and providing an
3 effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2096SS 83
6 kh/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 122 - Introduced continued

PAG LIN

1 1 Section 1. 2008 Iowa Acts, chapter 1181, section 2,
1 2 subsection 6, unnumbered paragraph 2, is amended to read as
1 3 follows:
1 4 From the funds appropriated pursuant to this subsection, up
1 5 to ~~\$500,000 shall~~ \$750,000 may be used for purposes of the all
1 6 Iowa opportunity foster care grant program established
1 7 pursuant to section 261.6, and at least \$500,000 shall be used
1 8 for purposes of the all Iowa opportunity scholarship program
1 9 as established in section 261.87.
1 10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 11 immediate importance, takes effect upon enactment.
1 12 EXPLANATION
1 13 This bill increases the amount of money allocated for the
1 14 2008=2009 fiscal year for purposes of the all Iowa opportunity
1 15 foster care grant program.
1 16 The general assembly appropriated \$4 million to the college
1 17 student aid commission from the state general fund for the
1 18 2008=2009 fiscal year for purposes of the all Iowa opportunity
1 19 assistance program, which includes a foster care grant program
1 20 and a scholarship program. From the moneys appropriated, the
1 21 commission is required to use up to \$500,000 for the foster
1 22 care grant program. The bill increases the amount the
1 23 commission may use for the foster care grant program for
1 24 fiscal year 2008=2009 to \$750,000.
1 25 The bill takes effect upon enactment.
1 26 LSB 2096SS 83
1 27 kh/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 123 - Introduced

SENATE FILE
BY ZAUN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to interscholastic athletic academic eligibility.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 2077XS 83
- 4 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 123 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.47 INTERSCHOLASTIC ATHLETIC
1 2 ACADEMIC ELIGIBILITY == EXEMPT ADVANCED PLACEMENT COURSES.
1 3 The department of education shall establish a policy by
1 4 rule to exempt the grades a student athlete receives for
1 5 advanced placement courses when the student athlete's
1 6 interscholastic athletic academic eligibility is determined.

1 7 EXPLANATION

1 8 This bill directs the department of education to establish
1 9 a policy by rule that disregards the grades a student receives
1 10 in advanced placement courses when determining a student
1 11 athlete's academic eligibility to play sports.

1 12 LSB 2077XS 83

1 13 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 124 - Introduced

SENATE FILE
BY KREIMAN

(COMPANION TO LSB 2134HH
BY KRESSIG)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reporting requirements for traffic accidents
- 2 involving the operation of motor vehicles by reserve peace
- 3 officers.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2134SS 83
- 6 rh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 124 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.267A, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. For the purposes of this section, "certified law
1 4 enforcement officer" ~~means~~ includes a law enforcement officer
1 5 who is certified through the Iowa law enforcement academy as
1 6 provided in section 80B.13, subsection 3, or ~~section 80B.17 a~~
1 7 reserve peace officer certified through the Iowa law
1 8 enforcement academy as provided in section 80D.4A.

1 9 EXPLANATION
1 10 This bill provides that a traffic accident involving the
1 11 operation of a motor vehicle by a law enforcement officer or a
1 12 reserve peace officer shall be reported to the state
1 13 department of transportation by the law enforcement officer's
1 14 employer or the reserve peace officer's employer. The
1 15 employer shall certify to the department whether or not the
1 16 accident occurred in the line of duty while operating an
1 17 official government vehicle.
1 18 LSB 2134SS 83
1 19 rh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 125 - Introduced

SENATE FILE

BY QUIRMBACH, DANIELSON, GRONSTAL,
FRAISE, APPEL, KIBBIE, BLACK,
McCOY, BOLKCOM, STEWART, RAGAN,
SCHMITZ, BEALL, DOTZLER, WILHELM,
SODDERS, SCHOENJAHN, HECKROTH,
DVORSKY, HORN, and HATCH

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

A BILL FOR

- 1 An Act providing time off from work to attend presidential
- 2 precinct caucuses and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 1878SS 83
- 5 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 125 - Introduced continued

PAG LIN

1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 2009, is amended by adding the following new subparagraph:

1 3 NEW SUBPARAGRAPH. (3) As an employer, denying an employee
1 4 the privilege conferred by section 43.4A to attend a precinct
1 5 caucus, or subjecting an employee to a penalty because of the
1 6 exercise of that privilege.

1 7 Sec. 2. NEW SECTION. 43.4A EMPLOYEES ENTITLED TO TIME TO
1 8 PARTICIPATE IN PRESIDENTIAL PRECINCT CAUCUSES.

1 9 1. Any person entitled to participate in a precinct caucus
1 10 held as part of the presidential nominating process in this
1 11 state who is required to be present at work for an employer
1 12 during the four-hour period starting one hour prior to the
1 13 time the precinct caucus starts is entitled to take unpaid
1 14 leave for as much of that four-hour period as is necessary to
1 15 participate in the precinct caucus except as provided by this
1 16 section. Application by any employee for such absence shall
1 17 be made to the employee's employer individually and in writing
1 18 at least fourteen days prior to the time the precinct caucus
1 19 is scheduled to start. The employee shall not be liable for
1 20 any loss of wages or salary or any other penalty except for
1 21 the loss of wages or salary for the hours of unpaid leave
1 22 actually used.

1 23 2. a. An application for an absence by an employee may be
1 24 denied by an employer if all the following circumstances
1 25 exist:

1 26 (1) The person is employed in an emergency services
1 27 position which shall include peace officer, fire fighter,
1 28 emergency medical personnel, and any other position that
1 29 seriously affects public health or safety, or is employed by
1 30 an entity that would experience severe economic or operational
1 31 disruption due to the person's absence.

1 32 (2) The employer filed a written notice with the
1 33 commissioner at least seven days prior to the date of the
1 34 precinct caucus specifying exigent circumstances justifying
1 35 the denial of such leave for personnel described in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate File 125 - Introduced continued

2 1 subparagraph (1) and declaring the minimum number of such
2 2 personnel, by position, needed to protect public health and
2 3 safety or maintain minimum operational capacity, as
2 4 applicable. A copy of this written notice shall be provided
2 5 to employees of the employer.

2 6 (3) The number of persons employed in a position that did
2 7 not apply for an absence is less than the minimum number of
2 8 persons in that position needed by the employer to protect
2 9 public health and safety or maintain minimum operational
2 10 capacity, as applicable.

2 11 b. If the circumstances in paragraph "a" exist as to a
2 12 particular position of the employer, then the employer may
2 13 deny the minimum number of employees applying for an absence
2 14 in that position needed to yield the minimum staffing level
2 15 for that position as specified in the written notice to the
2 16 commissioner. The selection of which employees applying for
2 17 an absence shall be denied shall be made without regard to
2 18 political party affiliation, political belief, or affiliation
2 19 with or support for any candidate, or for any of the grounds
2 20 for which employment discrimination is prohibited in this
2 21 state.

2 22 3. An employer may, in lieu of providing unpaid leave to
2 23 affected employees to attend a presidential precinct caucus,
2 24 do any of the following:

2 25 a. Authorize paid leave to all affected employees.

2 26 b. Allow all affected employees the option to work
2 27 additional compensatory hours, at a time designated by the
2 28 employer not in conflict with the time needed for caucus
2 29 participation, equal in number to the number of hours taken to
2 30 participate in the presidential precinct caucus. The option
2 31 of working compensatory hours may be exercised individually by
2 32 each employee. Work done during the compensatory hours shall
2 33 be compensated in the same manner as work during regular
2 34 hours.

2 35

EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate File 125 - Introduced continued

3 1 This bill provides that a person shall be entitled to
3 2 unpaid time off from work to attend a presidential precinct
3 3 caucus for up to four hours beginning one hour prior to the
3 4 start of the precinct caucus. The bill provides that the
3 5 employee shall make a written application with their employer
3 6 for such absence at least 14 days prior to the caucus and the
3 7 employee is not liable for any penalty nor shall any deduction
3 8 be made from the person's regular salary or wages except for
3 9 the period of time of the absence. The bill provides that the
3 10 requirement to allow time off does not apply if the person is
3 11 employed in an emergency services position or by an entity
3 12 that would experience severe economic disruption due to the
3 13 person's absence, the employer files a written notice with the
3 14 county commissioner of elections specifying the exigent
3 15 circumstances justifying the denial of such leave and the
3 16 minimum number of persons needed, by position, to protect
3 17 public health and safety or maintain minimum operational
3 18 capacity, the number of persons not applying for leave is less
3 19 than the minimum number specified by the employer, and the
3 20 denial of leave for those number of persons needed to reach
3 21 the minimum staffing number specified is done in a
3 22 nondiscriminatory manner.

3 23 The bill also permits an employer to provide paid leave for
3 24 the absence or to allow affected employees the option to work
3 25 the hours of the absence at such other time so long as either
3 26 option is made available to all affected employees.

3 27 The bill provides that an employer who denies an employee
3 28 the privilege conferred by this bill to attend a presidential
3 29 precinct caucus commits election misconduct in the fourth
3 30 degree, a simple misdemeanor. A simple misdemeanor is
3 31 punishable by confinement for no more than 30 days or a fine
3 32 of at least \$65 but not more than \$625 or by both.

3 33 LSB 1878SS 83

3 34 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1168

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

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

A BILL FOR

1 An Act requiring the state's community colleges and regents
2 universities to include persons serving on active duty who are
3 stationed at Rock Island arsenal, and their families, in the
4 definition of resident for purposes of tuition and fees.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2040SC 83
7 kh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1168 continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 14, Code 2009, is
1 2 amended to read as follows:

1 3 14. a. In its discretion, adopt rules relating to the
1 4 classification of students enrolled in the community college
1 5 who are residents of Iowa's sister states as residents or
1 6 nonresidents for tuition and fee purposes.

1 7 b. Adopt rules to classify qualified military persons and
1 8 their spouses and children as residents for purposes of
1 9 tuition and fees.

1 10 c. For purposes of this subsection:

1 11 (1) "Qualified military person" means a person on active
1 12 duty in the military service of the United States who is
1 13 stationed at Rock Island arsenal. If the qualified military
1 14 person is transferred, deployed, or restationed while the
1 15 person's spouse or child is enrolled in the community college,
1 16 the spouse or child shall continue to be classified as a
1 17 resident until the close of the fiscal year in which the
1 18 spouse or child is enrolled.

1 19 (2) "Child" means an individual who was claimed by a
1 20 qualified military person as a dependent on the qualified
1 21 military person's internal revenue service tax filing for the
1 22 previous tax year.

1 23 Sec. 2. Section 262.9, subsection 16, Code 2009, is
1 24 amended to read as follows:

1 25 16. a. In its discretion, adopt rules relating to the
1 26 classification of students enrolled in institutions of higher
1 27 education under the board who are residents of Iowa's sister
1 28 states as residents or nonresidents for fee purposes.

1 29 b. Adopt rules to classify qualified military persons and
1 30 their spouses and children as residents for purposes of
1 31 tuition and fees.

1 32 c. For purposes of this subsection:

1 33 (1) "Qualified military person" means a person on active
1 34 duty in the military service of the United States who is
1 35 stationed at Rock Island arsenal. If the qualified military



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1168 continued

2 1 person is transferred, deployed, or restationed while the
 2 2 person's spouse or child is enrolled in an institution of
 2 3 higher education under the control of the board, the spouse or
 2 4 child shall continue to be classified as a resident until the
 2 5 close of the fiscal year in which the spouse or child is
 2 6 enrolled.
 2 7 (2) "Child" means an individual who was claimed by a
 2 8 qualified military person as a dependent on the qualified
 2 9 military person's internal revenue service tax filing for the
 2 10 previous tax year.

EXPLANATION

2 11 This bill requires the state board of regents and the
 2 12 boards of directors of the state's community colleges to adopt
 2 13 rules that classify qualified military persons and their
 2 14 spouses and children as residents for purposes of tuition and
 2 15 fees. The military person must be on active duty in the
 2 16 military service of the United States and stationed at Rock
 2 17 Island arsenal in Illinois in order for the military person
 2 18 and family to qualify for resident status under the bill.
 2 19 If the military person is transferred, deployed, or
 2 20 restationed while the person's spouse or child is enrolled in
 2 21 a public postsecondary institution, the spouse or child shall
 2 22 continue to be classified as a resident until the close of the
 2 23 fiscal year in which the spouse or child is enrolled.
 2 24 The bill may create a state mandate as provided in Code
 2 25 chapter 25B.
 2 26 LSB 2040SC 83
 2 27 kh/nh/14
 2 28



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act correcting references in the Code relating to the United
- 2 States department of veterans affairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1936SC 83
- 5 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

PAG LIN

1 1 Section 1. Section 8A.413, subsection 22, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. Veterans who have a service-connected disability or are
1 4 receiving compensation, disability benefits, or pension under
1 5 laws administered by the United States department of veterans
1 6 ~~administration~~ affairs shall have ten points added to the
1 7 grades attained in qualifying examinations.

1 8 Sec. 2. Section 35.6, Code 2009, is amended to read as
1 9 follows:

1 10 35.6 CONTRACT WITH UNITED STATES DEPARTMENT OF VETERANS
1 11 ADMINISTRATION AFFAIRS.

1 12 A state agency or a political subdivision of this state
1 13 operating a hospital or medical facility may contract with the
1 14 United States department of veterans ~~administration~~ affairs to
1 15 receive and to provide medical services to patients who are
1 16 the responsibility of a United States department of veterans
1 17 ~~administration~~ affairs hospital or medical facility in the
1 18 same jurisdiction or medical service area.

1 19 Sec. 3. Section 35.12, subsection 1, Code 2009, is amended
1 20 to read as follows:

1 21 1. The department shall coordinate with United States
1 22 department of veterans ~~administration~~ affairs hospitals,
1 23 health care facilities, and clinics in this state and the
1 24 department of public health to provide assistance to veterans
1 25 and their families to reduce the incidence of alcohol and
1 26 chemical dependency and suicide among veterans and to make
1 27 mental health counseling available to veterans.

1 28 Sec. 4. Section 35A.5, subsection 7, Code 2009, is amended
1 29 to read as follows:

1 30 7. Assist the United States department of veterans
1 31 ~~administration~~ affairs, the Iowa veterans home, funeral
1 32 directors, and federally chartered veterans service
1 33 organizations in providing information concerning veterans
1 34 service records and veterans affairs data.

1 35 Sec. 5. Section 35D.1, subsection 1, Code 2009, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

2 1 to read as follows:

2 2 1. The Iowa veterans home, located in Marshalltown, shall
2 3 be maintained as a long-term health care facility providing
2 4 multiple levels of care, with attendant health care services,
2 5 for honorably discharged veterans and their dependent spouses
2 6 and for surviving spouses of honorably discharged veterans.
2 7 Eligibility requirements for admission to the Iowa veterans
2 8 home shall coincide with the eligibility requirements for
2 9 hospitalization in a United States department of veterans
2 10 ~~administration~~ administration affairs facility pursuant to ~~title 38, United~~
2 11 ~~States Code, section 610 38 U.S.C. } 1710, and regulations~~
2 12 promulgated under that section, as amended ~~to January 1, 1984.~~

2 13 Sec. 6. Section 35D.18, subsection 3, paragraph a, Code
2 14 2009, is amended to read as follows:

2 15 a. ~~Federal~~ United States department of veterans
2 16 ~~administration~~ administration affairs payments.

2 17 Sec. 7. Section 36.3, subsection 2, Code 2009, is amended
2 18 to read as follows:

2 19 2. Annually compile and evaluate the information submitted
2 20 in the reports pursuant to subsection 1, in consultation and
2 21 cooperation with a certified medical toxicologist selected by
2 22 the department. The department shall submit the report to the
2 23 governor, the general assembly, and the United States
2 24 department of veterans administration ~~administration~~ administration affairs. The report
2 25 shall include current research data on the effects of exposure
2 26 to chemicals, statistical information received from individual
2 27 physicians' reports, and statistical information from the
2 28 epidemiological investigations pursuant to subsection 3.

2 29 Sec. 8. Section 125.83A, Code 2009, is amended to read as
2 30 follows:

2 31 125.83A PLACEMENT IN CERTAIN FEDERAL FACILITIES.

2 32 1. If upon completion of the commitment hearing, the court
2 33 finds that the contention that the respondent is a chronic
2 34 substance abuser has been sustained by clear and convincing
2 35 evidence, and the court is furnished evidence that the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

3 1 respondent is eligible for care and treatment in a facility
3 2 operated by the United States department of veterans
3 3 ~~administration~~ affairs or another agency of the United States
3 4 government and that the facility is willing to receive the
3 5 respondent, the court may so order. The respondent, when so
3 6 placed in a facility operated by the United States department
3 7 of veterans ~~administration~~ affairs or another agency of the
3 8 United States government within or outside of this state,
3 9 shall be subject to the rules of the United States department
3 10 of veterans ~~administration~~ affairs or other agency, but shall
3 11 not lose any procedural rights afforded the respondent by this
3 12 chapter. The chief officer of the facility shall have, with
3 13 respect to the respondent so placed, the same powers and
3 14 duties as the chief medical officer of a hospital in this
3 15 state would have in regard to submission of reports to the
3 16 court, retention of custody, transfer, convalescent leave, or
3 17 discharge. Jurisdiction is retained in the court to maintain
3 18 surveillance of the respondent's treatment and care, and at
3 19 any time to inquire into the respondent's condition and the
3 20 need for continued care and custody.

3 21 2. Upon receipt of a certificate stating that a respondent
3 22 placed under this chapter is eligible for care and treatment
3 23 in a facility operated by the United States department of
3 24 veterans ~~administration~~ affairs or another agency of the
3 25 United States government which is willing to receive the
3 26 respondent without charge to the state of Iowa or any county
3 27 in the state, the chief medical officer may transfer the
3 28 respondent to that facility. Upon so doing, the chief medical
3 29 officer shall notify the court which ordered the respondent's
3 30 placement in the same manner as would be required in the case
3 31 of a transfer under section 125.86, subsection 2, and the
3 32 respondent transferred shall be entitled to the same rights as
3 33 the respondent would have under that subsection. No
3 34 respondent shall be transferred under this section who is
3 35 confined pursuant to conviction of a public offense or whose



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

4 1 placement was ordered upon contention of incompetence to stand
4 2 trial by reason of mental illness, without prior approval of
4 3 the court which ordered that respondent's placement.

4 4 3. A judgment or order of commitment by a court of
4 5 competent jurisdiction of another state or the District of
4 6 Columbia, under which any person is hospitalized or placed in
4 7 a facility operated by the United States department of
4 8 veterans ~~administration~~ affairs or another agency of the
4 9 United States government, shall have the same force and effect
4 10 with respect to that person while the person is in this state
4 11 as the judgment or order would have if the person were in the
4 12 jurisdiction of the court which issued it. That court shall
4 13 be deemed to have retained jurisdiction of the person so
4 14 placed for the purpose of inquiring into that person's
4 15 condition and the need for continued care and custody, as do
4 16 courts in this state under this section. Consent is given to
4 17 the application of the law of the state or district in which
4 18 the court is situated which issued the judgment or order as
4 19 regards authority of the chief officer of any facility,
4 20 operated in this state by the United States department of
4 21 veterans ~~administration~~ affairs or another agency of the
4 22 United States government, to retain custody, transfer, place
4 23 on convalescent leave, or discharge the person so committed.

4 24 Sec. 9. Section 152A.3, subsection 3, Code 2009, is
4 25 amended to read as follows:

4 26 3. Dietitians who serve in the armed forces or the public
4 27 health service of the United States or are employed by the
4 28 United States department of veterans ~~administration~~ affairs,
4 29 provided their practice is limited to that service or
4 30 employment.

4 31 Sec. 10. Section 229.28, Code 2009, is amended to read as
4 32 follows:

4 33 229.28 HOSPITALIZATION IN CERTAIN FEDERAL FACILITIES.

4 34 When a court finds that the contention that a respondent is
4 35 seriously mentally impaired has been sustained or proposes to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

5 1 order continued hospitalization of any person, or an
5 2 alternative placement, as described under section 229.14,
5 3 subsection 1, paragraph "b" or "d", and the court is furnished
5 4 evidence that the respondent or patient is eligible for care
5 5 and treatment in a facility operated by the United States
5 6 department of veterans ~~administration~~ affairs or another
5 7 agency of the United States government and that the facility
5 8 is willing to receive the respondent or patient, the court may
5 9 so order. The respondent or patient, when so hospitalized or
5 10 placed in a facility operated by the United States department
5 11 of veterans ~~administration~~ affairs or another agency of the
5 12 United States government within or outside of this state,
5 13 shall be subject to the rules of the United States department
5 14 of veterans ~~administration~~ affairs or other agency, but shall
5 15 not thereby lose any procedural rights afforded the respondent
5 16 or patient by this chapter. The chief officer of the facility
5 17 shall have, with respect to the person so hospitalized or
5 18 placed, the same powers and duties as the chief medical
5 19 officer of a hospital in this state would have in regard to
5 20 submission of reports to the court, retention of custody,
5 21 transfer, convalescent leave or discharge. Jurisdiction is
5 22 retained in the court to maintain surveillance of the person's
5 23 treatment and care, and at any time to inquire into that
5 24 person's mental condition and the need for continued
5 25 hospitalization or care and custody.

5 26 Sec. 11. Section 229.29, Code 2009, is amended to read as
5 27 follows:

5 28 229.29 TRANSFER TO CERTAIN FEDERAL FACILITIES.

5 29 Upon receipt of a certificate stating that any person
5 30 involuntarily hospitalized under this chapter is eligible for
5 31 care and treatment in a facility operated by the United States
5 32 department of veterans ~~administration~~ affairs or another
5 33 agency of the United States government which is willing to
5 34 receive the person without charge to the state of Iowa or any
5 35 county in the state, the chief medical officer may transfer



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

6 1 the person to that facility. Upon so doing, the chief medical
6 2 officer shall notify the court which ordered the person's
6 3 hospitalization in the same manner as would be required in the
6 4 case of a transfer under section 229.15, subsection 5, and the
6 5 person transferred shall be entitled to the same rights as the
6 6 person would have under that subsection. No person shall be
6 7 transferred under this section who is confined pursuant to
6 8 conviction of a public offense or whose hospitalization was
6 9 ordered upon contention of incompetence to stand trial by
6 10 reason of mental illness, without prior approval of the court
6 11 which ordered that person's hospitalization.

6 12 Sec. 12. Section 229.30, Code 2009, is amended to read as
6 13 follows:

6 14 229.30 ORDERS OF COURTS IN OTHER STATES.

6 15 A judgment or order of hospitalization or commitment by a
6 16 court of competent jurisdiction of another state or the
6 17 District of Columbia, under which any person is hospitalized
6 18 or placed in a facility operated by the United States
6 19 department of veterans ~~administration~~ affairs or another
6 20 agency of the United States government, shall have the same
6 21 force and effect with respect to that person while the person
6 22 is in this state as the judgment or order would have if the
6 23 person were in the jurisdiction of the court which issued it.
6 24 That court shall be deemed to have retained jurisdiction of
6 25 the person so hospitalized or placed for the purpose of
6 26 inquiring into that person's mental condition and the need for
6 27 continued hospitalization or care and custody, as do courts in
6 28 this state under section 229.28. Consent is hereby given to
6 29 the application of the law of the state or district in which
6 30 is situated the court which issued the judgment or order as
6 31 regards authority of the chief officer of any facility,
6 32 operated in this state by the United States department of
6 33 veterans ~~administration~~ affairs or another agency of the
6 34 United States government, to retain custody, transfer, place
6 35 on convalescent leave or discharge the person so hospitalized



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

7 1 or committed.

7 2 Sec. 13. Section 230.11, Code 2009, is amended to read as
7 3 follows:

7 4 230.11 RECOVERY OF COSTS FROM STATE.

7 5 Costs and expenses attending the taking into custody, care,
7 6 and investigation of a person who has been admitted or
7 7 committed to a state hospital, United States department of
7 8 ~~veterans administration~~ affairs hospital, or other agency of
7 9 the United States government, for persons with mental illness
7 10 and who has no legal settlement in this state or whose legal
7 11 settlement is unknown, including cost of commitment, if any,
7 12 shall be paid out of any money in the state treasury not
7 13 otherwise appropriated, on itemized vouchers executed by the
7 14 auditor of the county which has paid them, and approved by the
7 15 administrator.

7 16 Sec. 14. Section 331.608, subsection 2, Code 2009, is
7 17 amended to read as follows:

7 18 2. If an official discharge was not issued or if the
7 19 veteran was killed in action or died in service, the recorder
7 20 shall record an official certificate, general or special
7 21 order, letter, or telegram from a competent authority,
7 22 including letters from the United States department of
7 23 defense, the United States department of veterans
7 24 ~~administration~~ affairs, or other governmental office, which
7 25 shows the termination of the veteran's service.

7 26 Sec. 15. Section 400.10, Code 2009, is amended to read as
7 27 follows:

7 28 400.10 PREFERENCES.

7 29 In all examinations and appointments under this chapter,
7 30 other than promotions and appointments of chief of the police
7 31 department and chief of the fire department, veterans as
7 32 defined in section 35.1, who are citizens and residents of
7 33 this state, shall have five points added to the veteran's
7 34 grade or score attained in qualifying examinations for
7 35 appointment to positions and five additional points added to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

8 1 the grade or score if the veteran has a service-connected
8 2 disability or is receiving compensation, disability benefits
8 3 or pension under laws administered by the United States
8 4 department of veterans administration affairs. An honorably
8 5 discharged veteran who has been awarded the Purple Heart for
8 6 disabilities incurred in action shall be considered to have a
8 7 service-connected disability. However, the points shall be
8 8 given only upon passing the exam and shall not be the
8 9 determining factor in passing.

8 10 Sec. 16. Section 535B.10, subsection 3, paragraph f, Code
8 11 2009, is amended to read as follows:

8 12 f. ~~Veterans administration~~ United States department of
8 13 veterans affairs.

8 14 Sec. 17. Section 599.5, Code 2009, is amended to read as
8 15 follows:

8 16 599.5 VETERANS MINORITY DISABILITIES.

8 17 The disability of minority of any person otherwise eligible
8 18 for guaranty or insurance of a loan pursuant to the
8 19 Servicemen's Readjustment Act of 1944*, as amended and of the
8 20 minor spouse of any eligible veteran, irrespective of age, in
8 21 connection with any transaction entered into pursuant to said
8 22 Act, as amended, is hereby removed for all purposes in
8 23 connection with such transaction, including, but not limited
8 24 to, incurring of indebtedness or obligations, and acquiring,
8 25 encumbering, selling, releasing or conveying property or any
8 26 interest therein, and litigating or settling controversies
8 27 arising therefrom, if all or part of any obligations incident
8 28 to such transaction be guaranteed or insured by the
8 29 ~~administrator~~ secretary of the United States department of
8 30 veterans affairs pursuant to such Act; provided, nevertheless,
8 31 that this section shall not be construed to impose any other
8 32 or greater rights or liabilities than would exist if such
8 33 person and such spouse were under no such disability.

8 34 Sec. 18. Section 633.566, subsection 4, Code 2009, is
8 35 amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

9 1 4. The estimated present value of the real estate, the
9 2 estimated value of the personal property, and the estimated
9 3 gross annual income of the estate. If any money is payable,
9 4 or to become payable, to the proposed ward by the United
9 5 States through the United States department of veterans
9 6 ~~administration~~ affairs, the petition shall so state.

9 7 Sec. 19. Section 633.580, subsection 4, Code 2009, is
9 8 amended to read as follows:

9 9 4. A general description of the property of the proposed
9 10 ward within this state and of the proposed ward's right to
9 11 receive property; also, the estimated present value of the
9 12 real estate, the estimated value of the personal property, and
9 13 the estimated gross annual income of the estate. If any money
9 14 is payable, or to become payable, to the proposed ward by the
9 15 United States through the United States department of veterans
9 16 ~~administration~~ affairs, the petition shall so state.

9 17 Sec. 20. Section 633.614, Code 2009, is amended to read as
9 18 follows:

9 19 633.614 APPLICATION OF OTHER PROVISIONS TO VETERANS'
9 20 CONSERVATORSHIPS.

9 21 Whenever moneys are paid or are payable pursuant to any law
9 22 of the United States through the United States department of
9 23 ~~veterans administration~~ affairs to a conservator or a
9 24 guardian, the provisions of sections 633.615, 633.617 and
9 25 633.622 shall apply to the administration of said moneys.
9 26 However, such provisions shall be construed to be
9 27 supplementary to the other provisions for conservators, and
9 28 shall not be exclusive of such provisions.

9 29 Sec. 21. Section 633.615, Code 2009, is amended to read as
9 30 follows:

9 31 633.615 ~~ADMINISTRATOR~~ SECRETARY OF VETERANS AFFAIRS ==
9 32 PARTY IN INTEREST.

9 33 The ~~administrator~~ secretary of veterans affairs of the
9 34 United States, the ~~administrator's~~ secretary's successor, or
9 35 the designee of either, shall be a party in interest in any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

10 1 proceeding for the appointment or removal of a conservator, or
10 2 for the termination of the conservatorship, and in any suit or
10 3 other proceeding, including reports and accountings, affecting
10 4 in any manner the administration of those assets that were
10 5 derived in whole or in part from benefits paid by the United
10 6 States department of veterans ~~administration~~ affairs. Not
10 7 less than fifteen days prior to the time set for a hearing in
10 8 any such matters, notice, in writing, of the time and place
10 9 thereof shall be given by mail to the office of the United
10 10 States department of veterans ~~administration~~ affairs having
10 11 jurisdiction over the area in which such matter is pending.
10 12 Sec. 22. Section 633.617, Code 2009, is amended to read as
10 13 follows:

10 14 633.617 WARD RATED INCOMPETENT BY UNITED STATES DEPARTMENT
10 15 OF VETERANS ~~ADMINISTRATION~~ AFFAIRS.

10 16 Upon the trial of an issue arising upon a prayer for the
10 17 appointment of either a temporary or a permanent conservator,
10 18 a certificate of the ~~administrator~~ secretary of the United
10 19 States department of veterans ~~administration~~ affairs, or the
10 20 ~~administrator's~~ secretary's representative, setting forth the
10 21 fact that the defendant veteran has been rated incompetent by
10 22 the United States department of veterans ~~administration~~
10 23 affairs upon examination in accordance with the laws and
10 24 regulations governing the United States department of veterans
10 25 ~~administration~~ affairs, shall be prima facie evidence of the
10 26 necessity for such appointment, and the court may appoint a
10 27 conservator for the property of such person.

10 28 Sec. 23. Section 633.622, Code 2009, is amended to read as
10 29 follows:

10 30 633.622 BOND REQUIREMENTS.

10 31 In administering moneys paid by the United States
10 32 department of veterans ~~administration~~ affairs the conservator,
10 33 unless it is a bank or trust company qualified to act as a
10 34 fiduciary in this state, shall execute and file with the clerk
10 35 a bond by a recognized surety company equal to such moneys and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

11 1 the annual income therefrom, plus the expected annual United
11 2 States department of veterans administration affairs benefit
11 3 payments.
11 4 Sec. 24. Section 636.45, Code 2009, is amended to read as
11 5 follows:
11 6 636.45 FEDERALLY INSURED LOANS.
11 7 Insurance companies, building and loan associations,
11 8 trustees, guardians, executors, administrators, and other
11 9 fiduciaries, the state and its political subdivisions, and
11 10 institutions and agencies thereof, and all other persons,
11 11 associations, and corporations (1) may make such loans and
11 12 advances of credit and purchases of obligations representing
11 13 loans and advances of credit as are eligible for insurance
11 14 pursuant to Title I, section 2, of the National Housing Act
11 15 [12 U.S.C., ch 13], and may obtain such insurance, (2) may
11 16 make such loans, secured by real property or leasehold, as the
11 17 federal housing administrator insures or makes a commitment to
11 18 insure pursuant to Title II of the National Housing Act, and
11 19 may obtain such insurance, and (3) may make real property
11 20 loans which are guaranteed or insured by the ~~administrator of~~
11 21 ~~veterans'~~ secretary of the United States department of
11 22 veterans affairs under the provisions of Title 38, sections
11 23 1801 through 1824, inclusive, United States Code.
11 24 It shall be lawful for insurance companies, building and
11 25 loan associations, trustees, guardians, executors,
11 26 administrators, and other fiduciaries, the state and its
11 27 political subdivisions, and institutions and agencies thereof,
11 28 and all other persons, associations, and corporations, subject
11 29 to the laws of this state, to originate real estate loans
11 30 which are guaranteed or insured by the ~~administrator of~~
11 31 ~~veterans'~~ secretary of the United States department of
11 32 veterans affairs under the provisions of Title 38, sections
11 33 1801 through 1824, inclusive, United States Code, and
11 34 originate loans secured by real property or leasehold, as the
11 35 federal housing administrator insures or makes a commitment to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1169 continued

12 1 insure pursuant to Title II of the National Housing Act, and
12 2 may obtain such insurance and may invest their funds, and the
12 3 moneys in their custody or possession, eligible for
12 4 investment, in bonds and notes secured by mortgage or trust
12 5 deed insured by the federal housing administrator, and in the
12 6 debentures issued by the federal housing administrator
12 7 pursuant to Title II of the National Housing Act, and in
12 8 securities issued by national mortgage associations or similar
12 9 credit institutions now or hereafter organized under Title III
12 10 of the National Housing Act, and in real estate loans which
12 11 are guaranteed or insured by the ~~administrator of veterans'~~
12 12 secretary of the United States department of veterans affairs
12 13 under the provisions of Title 38, sections 1801 through 1824,
12 14 inclusive, United States Code.

12 15 EXPLANATION

12 16 This bill changes references in the Code to the federal
12 17 veterans administration and the administrator of veterans
12 18 affairs to the United States department of veterans affairs
12 19 and the secretary of the United States department of veterans
12 20 affairs. In 1989, the federal veterans administration was
12 21 changed to a cabinet-level department, the United States
12 22 department of veterans affairs.

12 23 LSB 1936SC 83

12 24 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the uniform athlete agents Act and providing
- 2 remedies and penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1925SC 83
- 5 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

PAG LIN

1 1 Section 1. NEW SECTION. 9A.101 TITLE.
1 2 This chapter shall be known as the "Uniform Athlete Agents
1 3 Act".
1 4 Sec. 2. NEW SECTION. 9A.102 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Agency contract" means an agreement pursuant to which
1 8 a student athlete authorizes a person to negotiate or solicit
1 9 on behalf of the student athlete a professional sports
1 10 services contract or an endorsement contract.
1 11 2. "Athlete agent" means an individual who enters into an
1 12 agency contract with a student athlete or, directly or
1 13 indirectly, recruits or solicits a student athlete to enter
1 14 into an agency contract. "Athlete agent" includes an
1 15 individual who represents to the public that the individual is
1 16 an athlete agent. "Athlete agent" does not include a spouse,
1 17 parent, sibling, grandparent, or guardian of the student
1 18 athlete or an individual acting solely on behalf of a
1 19 professional sports team or professional sports organization.
1 20 3. "Athletic director" means an individual responsible for
1 21 administering the overall athletic program of an educational
1 22 institution or, if an educational institution has separately
1 23 administered athletic programs for male students and female
1 24 students, the athletic program for males or the athletic
1 25 program for females, as appropriate.
1 26 4. "Contact" means a direct or indirect communication
1 27 between an athlete agent and a student athlete, to recruit or
1 28 solicit the student athlete to enter into an agency contract.
1 29 5. "Endorsement contract" means an agreement under which a
1 30 student athlete is employed or receives consideration to use
1 31 on behalf of the other party any value that the student
1 32 athlete may have because of publicity, reputation, following,
1 33 or fame obtained because of athletic ability or performance.
1 34 6. "Intercollegiate sport" means a sport played at the
1 35 collegiate level for which eligibility requirements for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

2 1 participation by a student athlete are established by a
2 2 national association for the promotion or regulation of
2 3 collegiate athletics.

2 4 7. "Person" means an individual, corporation, business
2 5 trust, estate, trust, partnership, limited liability company,
2 6 association, joint venture, government, governmental
2 7 subdivision, agency, or instrumentality, public corporation,
2 8 or any other legal or commercial entity.

2 9 8. "Professional sports services contract" means an
2 10 agreement under which an individual is employed, or agrees to
2 11 render services, as a player on a professional sports team,
2 12 with a professional sports organization, or as a professional
2 13 athlete.

2 14 9. "Record" means information that is inscribed on a
2 15 tangible medium or that is stored in an electronic or other
2 16 medium and is retrievable in perceivable form.

2 17 10. "Registration" means registration as an athlete agent
2 18 pursuant to this chapter.

2 19 11. "State" means a state of the United States, the
2 20 District of Columbia, Puerto Rico, the United States Virgin
2 21 Islands, or any territory or insular possession subject to the
2 22 jurisdiction of the United States.

2 23 12. "Student athlete" means an individual who engages in,
2 24 is eligible to engage in, or may be eligible in the future to
2 25 engage in, any intercollegiate sport. If an individual is
2 26 permanently ineligible to participate in a particular
2 27 intercollegiate sport, the individual is not a student athlete
2 28 for purposes of that sport.

2 29 Sec. 3. NEW SECTION. 9A.103 SERVICE OF PROCESS ==
2 30 SUBPOENAS.

2 31 1. By acting as an athlete agent in this state, a
2 32 nonresident individual appoints the secretary of state as the
2 33 individual's agent for service of process in any civil action
2 34 in this state related to the individual's acting as an athlete
2 35 agent in this state.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

3 1 2. The secretary of state may issue subpoenas for any
3 2 material that is relevant to the administration of this
3 3 chapter.
3 4 Sec. 4. NEW SECTION. 9A.104 ATHLETE AGENTS ==
3 5 REGISTRATION REQUIRED == VOID CONTRACTS.
3 6 1. Except as otherwise provided in subsection 2, an
3 7 individual shall not act as an athlete agent in this state
3 8 without holding a certificate of registration under section
3 9 9A.106 or 9A.108.
3 10 2. Before being issued a certificate of registration, an
3 11 individual may act as an athlete agent in this state for all
3 12 purposes except signing an agency contract, if all of the
3 13 following occur:
3 14 a. A student athlete or another person acting on behalf of
3 15 the student athlete initiates communication with the
3 16 individual.
3 17 b. Within seven days after an initial act as an athlete
3 18 agent, the individual submits an application for registration
3 19 as an athlete agent in this state.
3 20 3. An agency contract resulting from conduct in violation
3 21 of this section is void and the athlete agent shall return any
3 22 consideration received under the contract.
3 23 Sec. 5. NEW SECTION. 9A.105 REGISTRATION AS ATHLETE
3 24 AGENT == FORM == REQUIREMENTS.
3 25 1. An applicant for registration shall submit an
3 26 application for registration to the secretary of state in a
3 27 form prescribed by the secretary of state. An application
3 28 filed under this section is a public record. The application
3 29 shall be in the name of an individual and, except as otherwise
3 30 provided in subsection 2, signed or otherwise authenticated by
3 31 the applicant under penalty of perjury, and contain the
3 32 following information:
3 33 a. The name of the applicant and the address of the
3 34 applicant's principal place of business.
3 35 b. The name of the applicant's business or employer, if



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

4 1 applicable.

4 2 c. Any business or occupation engaged in by the applicant
4 3 for the five years immediately preceding the date of
4 4 submission of the application.

4 5 d. A description of the applicant's qualifications,
4 6 including:

4 7 (1) Formal training as an athlete agent.

4 8 (2) Practical experience as an athlete agent.

4 9 (3) Educational background relating to the applicant's
4 10 activities as an athlete agent.

4 11 e. The names and addresses of three individuals not
4 12 related to the applicant who are willing to serve as
4 13 references.

4 14 f. The name, sport, and last known team of each individual
4 15 for whom the applicant acted as an athlete agent during the
4 16 five years immediately preceding the date of submission of the
4 17 application.

4 18 g. The names and addresses of all persons who have or
4 19 claim an ownership interest in the applicant's business,
4 20 including:

4 21 (1) The partners, members, officers, managers, associates,
4 22 or profit=sharers of the business if it is not a corporation.

4 23 (2) The officers, directors, and any shareholder of the
4 24 corporation having an interest of five percent or greater in a
4 25 corporation employing the athlete agent.

4 26 h. Whether the applicant or any person named pursuant to
4 27 paragraph "g" has been convicted of a crime that, if committed
4 28 in this state, would be a crime involving moral turpitude or
4 29 which is a felony, and identify the crime.

4 30 i. Whether there has been any administrative or judicial
4 31 determination that the applicant or any person named pursuant
4 32 to paragraph "g" has made a materially false, misleading,
4 33 deceptive, or fraudulent representation.

4 34 j. Any instance in which the conduct of the applicant or
4 35 any person named pursuant to paragraph "g" resulted in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

5 1 imposition of a sanction, suspension, or declaration of
5 2 ineligibility to participate in an interscholastic or
5 3 intercollegiate athletic event on, of, or by a student athlete
5 4 or educational institution.

5 5 k. Any sanction, suspension, or disciplinary action taken
5 6 against the applicant or any person named pursuant to
5 7 paragraph "g" arising out of occupational or professional
5 8 conduct.

5 9 l. Whether there has been any denial of an application
5 10 for, suspension or revocation of, or refusal to renew, the
5 11 registration or licensure of the applicant or of any person
5 12 named pursuant to paragraph "g" as an athlete agent in any
5 13 state.

5 14 2. An individual who has submitted an application for, and
5 15 holds a certificate of, registration or licensure as an
5 16 athlete agent in another state may submit a copy of the
5 17 application and certificate in lieu of submitting an
5 18 application in the form prescribed pursuant to subsection 1.
5 19 The secretary of state shall accept the application and the
5 20 certificate from the other state as an application for
5 21 registration in this state if the application to the other
5 22 state complies with all of the following:

5 23 a. Was submitted in the other state within the six-month
5 24 period immediately preceding the submission of the application
5 25 in this state and the applicant certifies that the information
5 26 contained in the application in the other state is current.

5 27 b. Contains information substantially similar to or more
5 28 comprehensive than that required in an application submitted
5 29 in this state.

5 30 c. Was signed by the applicant under penalty of perjury.

5 31 Sec. 6. NEW SECTION. 9A.106 CERTIFICATE OF REGISTRATION
5 32 == ISSUANCE OR DENIAL == RENEWAL.

5 33 1. Except as otherwise provided in subsection 2, the
5 34 secretary of state shall issue a certificate of registration
5 35 to an individual who complies with section 9A.105, subsection



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

6 1 1, or whose application has been accepted under section
6 2 9A.105, subsection 2.
6 3 2. The secretary of state may refuse to issue a
6 4 certificate of registration if the secretary of state
6 5 determines that the applicant has engaged in conduct that has
6 6 a significant adverse effect on the applicant's fitness to act
6 7 as an athlete agent. In making the determination, the
6 8 secretary of state may consider whether the applicant has done
6 9 the following:
6 10 a. Been convicted of a crime that, if committed in this
6 11 state, would be a crime involving moral turpitude or a felony.
6 12 b. Made a materially false, misleading, deceptive, or
6 13 fraudulent representation in the application or as an athlete
6 14 agent.
6 15 c. Engaged in conduct that would disqualify the applicant
6 16 from serving in a fiduciary capacity.
6 17 d. Engaged in conduct prohibited by section 9A.114.
6 18 e. Had a certificate of registration or licensure as an
6 19 athlete agent suspended, revoked, or denied or been refused
6 20 renewal of a certificate of registration or licensure as an
6 21 athlete agent in any state.
6 22 f. Engaged in conduct which resulted in the imposition of
6 23 a sanction, suspension, or declaration of ineligibility to
6 24 participate in an interscholastic or intercollegiate athletic
6 25 event on, of, or by a student athlete or educational
6 26 institution.
6 27 g. Engaged in conduct that significantly adversely
6 28 reflects on the applicant's credibility, honesty, or
6 29 integrity.
6 30 3. In making a determination under subsection 2, the
6 31 secretary of state shall consider the following:
6 32 a. How recently the conduct occurred.
6 33 b. The nature of the conduct and the context in which it
6 34 occurred.
6 35 c. Any other relevant conduct of the applicant.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

7 1 4. An athlete agent may apply to renew a certificate of
7 2 registration by submitting an application for renewal in a
7 3 form prescribed by the secretary of state. An application
7 4 filed under this section is a public record. The application
7 5 for renewal must be signed by the applicant under penalty of
7 6 perjury and must contain current information on all matters
7 7 required in an original application for registration.

7 8 5. An individual who has submitted an application for
7 9 renewal of a certificate of registration or licensure in
7 10 another state, in lieu of submitting an application for
7 11 renewal in the form prescribed pursuant to subsection 4, may
7 12 file a copy of the application for renewal and a valid
7 13 certificate of registration or licensure from the other state.
7 14 The secretary of state shall accept the application for
7 15 renewal from the other state as an application for renewal in
7 16 this state if the application to the other state complies with
7 17 all of the following:

7 18 a. Was submitted in the other state within the six-month
7 19 period immediately preceding the filing in this state and the
7 20 applicant certifies the information contained in the
7 21 application for renewal in the other state is current.

7 22 b. Contains information substantially similar to or more
7 23 comprehensive than that required in an application for renewal
7 24 submitted in this state.

7 25 c. Was signed by the applicant under penalty of perjury.

7 26 6. An original certificate of registration or a renewal of
7 27 a certificate of registration is valid for two years.

7 28 Sec. 7. NEW SECTION. 9A.107 SUSPENSION, REVOCATION, OR
7 29 REFUSAL TO RENEW REGISTRATION.

7 30 1. The secretary of state may suspend, revoke, or refuse
7 31 to renew a certificate of registration for conduct that would
7 32 have justified denial of a certificate of registration under
7 33 section 9A.106, subsection 2.

7 34 2. The secretary of state may deny, suspend, revoke, or
7 35 refuse to renew a certificate of registration or licensure



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

8 1 only after proper notice and an opportunity for a hearing held
8 2 in accordance with chapter 17A.

8 3 Sec. 8. NEW SECTION. 9A.108 TEMPORARY REGISTRATION.

8 4 The secretary of state may issue a temporary certificate of
8 5 registration while an application for registration or renewal
8 6 of registration is pending.

8 7 Sec. 9. NEW SECTION. 9A.109 REGISTRATION AND RENEWAL
8 8 FEES.

8 9 An application for registration or renewal of registration
8 10 shall be accompanied by a reasonable registration or renewal
8 11 of registration fee sufficient to offset expenses incurred in
8 12 the administration of this chapter as established by the
8 13 secretary of state.

8 14 Sec. 10. NEW SECTION. 9A.110 REQUIRED FORM OF CONTRACT.

8 15 1. An agency contract shall be in a record, signed, or
8 16 otherwise authenticated by the parties.

8 17 2. An agency contract shall contain the following
8 18 information:

8 19 a. The amount and method of calculating the consideration
8 20 to be paid by the student athlete for services to be provided
8 21 by the athlete agent under the contract and any other
8 22 consideration the athlete agent has received or will receive
8 23 from any other source for entering into the contract or for
8 24 providing the services.

8 25 b. The name of any person not listed in the application
8 26 for registration or renewal of registration who will be
8 27 compensated because the student athlete signed the agency
8 28 contract.

8 29 c. The description of any expenses that the student
8 30 athlete agrees to reimburse.

8 31 d. The description of the services to be provided to the
8 32 student athlete.

8 33 e. The duration of the contract.

8 34 f. The date of execution of the contract.

8 35 3. An agency contract must contain, in close proximity to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

9 1 the signature of the student athlete, a conspicuous notice in
9 2 boldface type in capital letters stating:

9 3 WARNING TO STUDENT ATHLETE

9 4 IF YOU SIGN THIS CONTRACT:

9 5 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT
9 6 ATHLETE IN YOUR SPORT;

9 7 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
9 8 AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE
9 9 AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

9 10 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
9 11 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
9 12 YOUR ELIGIBILITY.

9 13 4. An agency contract that does not conform to this
9 14 section is voidable by the student athlete. If a student
9 15 athlete voids an agency contract, the student athlete is not
9 16 required to pay any consideration under the contract or to
9 17 return any consideration received from the athlete agent to
9 18 induce the student athlete to enter into the contract.

9 19 5. The athlete agent shall give a record of the signed or
9 20 otherwise authenticated agency contract to the student athlete
9 21 at the time of execution of the contract.

9 22 Sec. 11. NEW SECTION. 9A.111 NOTICE TO EDUCATIONAL
9 23 INSTITUTION.

9 24 1. Within seventy-two hours after entering into an agency
9 25 contract or before the next scheduled athletic event in which
9 26 the student athlete may participate, whichever occurs first,
9 27 the athlete agent shall give notice in a record of the
9 28 existence of the contract to the athletic director of the
9 29 educational institution at which the student athlete is
9 30 enrolled or at which the athlete agent has reasonable grounds
9 31 to believe the student athlete intends to enroll.

9 32 2. Within seventy-two hours after entering into an agency
9 33 contract or before the next athletic event in which the
9 34 student athlete may participate, whichever occurs first, the
9 35 student athlete shall inform the athletic director of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

10 1 educational institution at which the student athlete is
10 2 enrolled or intends to enroll that the student athlete has
10 3 entered into an agency contract.
10 4 Sec. 12. NEW SECTION. 9A.112 STUDENT ATHLETE'S RIGHT TO
10 5 CANCEL.
10 6 1. A student athlete may cancel an agency contract by
10 7 giving notice of the cancellation to the athlete agent in a
10 8 record within fourteen days after the contract is signed.
10 9 2. A student athlete shall not waive the right to cancel
10 10 an agency contract.
10 11 3. If a student athlete cancels an agency contract, the
10 12 student athlete is not required to pay any consideration under
10 13 the contract or to return any consideration received from the
10 14 athlete agent to induce the student athlete to enter into the
10 15 contract.
10 16 Sec. 13. NEW SECTION. 9A.113 REQUIRED RECORDS.
10 17 1. An athlete agent shall retain the following records for
10 18 a period of five years:
10 19 a. The name and address of each individual represented by
10 20 the athlete agent.
10 21 b. Any agency contract entered into by the athlete agent.
10 22 c. Any direct costs incurred by the athlete agent in the
10 23 recruitment or solicitation of a student athlete to enter into
10 24 an agency contract.
10 25 2. Records required to be retained pursuant to subsection
10 26 1 are open to inspection by the secretary of state during
10 27 normal business hours.
10 28 Sec. 14. NEW SECTION. 9A.114 PROHIBITED CONDUCT.
10 29 1. An athlete agent, with the intent to induce a student
10 30 athlete to enter into an agency contract, shall not do any of
10 31 the following:
10 32 a. Give any materially false, misleading, deceptive, or
10 33 fraudulent information or make a materially false promise or a
10 34 materially false, misleading, deceptive, or fraudulent
10 35 representation.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

11 1 b. Furnish anything of value to a student athlete before
11 2 the student athlete enters into the agency contract.
11 3 c. Furnish anything of value to any individual other than
11 4 the student athlete or another registered athlete agent.
11 5 2. An athlete agent shall not intentionally:
11 6 a. Initiate contact with a student athlete unless
11 7 registered under this chapter.
11 8 b. Refuse or fail to retain or permit inspection of the
11 9 records required to be retained by section 9A.113.
11 10 c. Fail to register when required by section 9A.104.
11 11 d. Provide materially false or misleading information in
11 12 an application for registration or renewal of registration.
11 13 e. Predate or postdate an agency contract.
11 14 f. Fail to notify a student athlete before the student
11 15 athlete signs or otherwise authenticates an agency contract
11 16 for a particular sport that the signing or authentication may
11 17 make the student athlete ineligible to participate as a
11 18 student athlete in that sport.
11 19 Sec. 15. NEW SECTION. 9A.115 CRIMINAL PENALTIES.
11 20 An athlete agent who violates section 9A.114 is guilty of a
11 21 serious misdemeanor.
11 22 Sec. 16. NEW SECTION. 9A.116 CIVIL REMEDIES.
11 23 1. An educational institution has a right of action
11 24 against an athlete agent or a former student athlete for
11 25 damages caused by a violation of this chapter. In an action
11 26 under this section, the court may award costs and reasonable
11 27 attorney fees to the prevailing party.
11 28 2. Damages to an educational institution under subsection
11 29 1 include losses and expenses incurred because, as a result of
11 30 the conduct of an athlete agent or former student athlete, the
11 31 educational institution was injured by a violation of this
11 32 chapter or was sanctioned, declared ineligible, or suspended
11 33 from participation in athletics by a national association for
11 34 the promotion and regulation of athletics, by an athletic
11 35 conference, or by reasonable self-imposed disciplinary action



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1170 continued

12 1 taken to mitigate sanctions likely to be imposed by such an
12 2 association.
12 3 3. A right of action under this section does not accrue
12 4 until the educational institution discovers or by the exercise
12 5 of reasonable diligence should have discovered the violation
12 6 by the athlete agent or former student athlete.
12 7 4. Any liability of the athlete agent or the former
12 8 student athlete under this section is several and not joint.
12 9 5. This chapter does not restrict rights, remedies, or
12 10 defenses of any person under law or equity.
12 11 Sec. 17. NEW SECTION. 9A.117 ADMINISTRATIVE PENALTY.
12 12 The secretary of state may assess a civil penalty against
12 13 an athlete agent not to exceed twenty=five thousand dollars
12 14 for a violation of this chapter.
12 15 Sec. 18. NEW SECTION. 9A.118 UNIFORMITY OF APPLICATION
12 16 AND CONSTRUCTION.
12 17 In applying and construing this chapter, consideration must
12 18 be given to the need to promote uniformity of the law with
12 19 respect to the subject matter of this chapter among states
12 20 that enact the uniform athlete agents Act.
12 21 Sec. 19. NEW SECTION. 9A.119 ELECTRONIC SIGNATURES IN
12 22 GLOBAL AND NATIONAL COMMERCE ACT.
12 23 The provisions of this chapter governing the legal effect,
12 24 validity, or enforceability of electronic records or
12 25 signatures, and of contracts formed or performed with the use
12 26 of such records or signatures, shall be construed as
12 27 conforming to the requirements of section 102 of the federal
12 28 Electronic Signatures in Global and National Commerce Act,
12 29 Pub. L. No. 106=229, 114 Stat. 464 (2000), codified at 15
12 30 U.S.C. } 7001 et seq., as amended.
12 31 Sec. 20. Code sections 9A.1 through 9A.12, Code 2009, are
12 32 repealed.
12 33 EXPLANATION
12 34 This bill repeals the existing provisions of Code chapter
12 35 9A, which relate to the registration of athlete agents and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1170 continued

13 1 replaces them with the uniform athlete agents Act. The
13 2 uniform athlete agents Act provides for uniform registration,
13 3 certification, and background checks of sports agents seeking
13 4 to represent student athletes who are or may be eligible to
13 5 participate in intercollegiate sports, imposes specified
13 6 contract terms on agreements between student athletes and
13 7 athlete agents, and provides educational institutions with a
13 8 right to notice of the existence of a contract between an
13 9 athlete agent and a student athlete.

13 10 The bill also provides an educational institution with
13 11 civil remedies against an athlete agent or a student athlete
13 12 who violates the provisions of the chapter.

13 13 The bill also provides that an athlete agent that violates
13 14 the prohibited activities section of the Code chapter is
13 15 guilty of a serious misdemeanor. Prohibited activities
13 16 include providing materially false, misleading, deceptive, or
13 17 fraudulent information, making a materially false or
13 18 misleading promise or a materially false, misleading,
13 19 deceptive, or fraudulent representation, furnishing things of
13 20 value before a contract is made with an athlete, violating the
13 21 Code chapter's registration requirements, predating or
13 22 postdating an agency contract, or failing to notify a student
13 23 athlete prior to signing that signing an agency contract may
13 24 make the student athlete ineligible to participate as a
13 25 student athlete in that sport.

13 26 A serious misdemeanor is punishable by confinement for no
13 27 more than one year and a fine of at least \$315 but not more
13 28 than \$1,875.

13 29 LSB 1925SC 83

13 30 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

A BILL FOR

1 An Act relating to magistrate jurisdiction, specifying certain
2 traffic-related offenses as simple misdemeanors, making other
3 related changes to simple misdemeanor offenses, and providing
4 a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1855SC 83
7 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

PAG LIN

1 1 Section 1. Section 321.24, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 12. A person who violates this section
1 4 commits a simple misdemeanor.

1 5 Sec. 2. Section 321.95, Code 2009, is amended to read as
1 6 follows:

1 7 321.95 RIGHT OF INSPECTION.

1 8 1. Peace officers shall have the authority to inspect any
1 9 vehicle or component part in possession of a vehicle
1 10 rebuilder, vehicle salvager, used vehicle parts dealer or any
1 11 person licensed under chapter 322, or found upon the public
1 12 highway or in any public garage, enclosure or property in
1 13 which vehicles or component parts are kept for sale, storage,
1 14 hire or repair and for that purpose may enter any such public
1 15 garage, enclosure or property. Every vehicle rebuilder,
1 16 vehicle salvager, used vehicle parts dealer, or any person
1 17 licensed under chapter 322, or a person having used engines or
1 18 transmissions which are component parts for sale shall keep an
1 19 accurate and complete record of all vehicles demolished and of
1 20 such component parts purchased or received for resale as
1 21 component parts in the course of business. These records shall
1 22 contain the name and address of the person from whom each such
1 23 vehicle or component part was purchased or received and the
1 24 date when the purchase or receipt occurred or the junking
1 25 certificate if required for the vehicle. These records shall
1 26 be open for inspection by any peace officer at any time during
1 27 normal business hours. Records required by this section shall
1 28 be kept for at least three years after the transaction which
1 29 they record.

1 30 2. A person who violates this section commits a simple
1 31 misdemeanor.

1 32 Sec. 3. Section 321.96, Code 2009, is amended to read as
1 33 follows:

1 34 321.96 PROHIBITED PLATES == CERTIFICATES.

1 35 1. A person shall not display or cause or permit to be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

2 1 displayed, or have in the person's possession, a vehicle
2 2 identification number or component part number except as
2 3 provided in this chapter, or a canceled, revoked, altered, or
2 4 fictitious registration number plates, registration receipt,
2 5 or certificate of title, as the same are respectively provided
2 6 for in this chapter.

2 7 2. A person who violates this section commits a simple
2 8 misdemeanor.

2 9 Sec. 4. Section 321.121, subsection 2, Code 2009, is
2 10 amended to read as follows:

2 11 ~~2. A person convicted of or found by audit to be using~~
2 12 ~~shall not use a motor vehicle registered as a special truck~~
2 13 ~~for any purpose other than permitted by section 321.1,~~
2 14 ~~subsection 76, shall, in addition to any other penalty imposed~~
2 15 ~~by law, be required to. A person who violates this section~~
2 16 ~~commits a simple misdemeanor. If the person is found by audit~~
2 17 ~~to be using a motor vehicle for any purpose other than~~
2 18 ~~permitted by section 321.1, subsection 76, the person may be~~
2 19 ~~referred to the county attorney's office for prosecution. In~~
2 20 ~~any event, in addition to any other penalty imposed by law, a~~
2 21 ~~person convicted of or found by audit to be in violation of~~
2 22 ~~this section shall pay regular annual motor vehicle~~
2 23 ~~registration fees for such motor vehicle.~~

2 24 Sec. 5. Section 321.122, Code 2009, is amended by adding
2 25 the following new subsection:

2 26 NEW SUBSECTION. 4. A person who violates this section
2 27 commits a simple misdemeanor.

2 28 Sec. 6. Section 321.189, subsection 7, Code 2009, is
2 29 amended by adding the following new paragraph:

2 30 NEW PARAGRAPH. e. A person who violates this subsection
2 31 commits a simple misdemeanor.

2 32 Sec. 7. Section 321.208A, Code 2009, is amended to read as
2 33 follows:

2 34 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER ==
2 35 PENALTIES.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

3 1 1. A person required to hold a commercial driver's license
3 2 to operate a commercial motor vehicle shall not operate a
3 3 commercial motor vehicle on the highways of this state in
3 4 violation of an out-of-service order issued by a peace officer
3 5 for a violation of the out-of-service rules adopted by the
3 6 department. A driver who violates an out-of-service order
3 7 commits a simple misdemeanor and shall be subject to a fine of
3 8 not less than two thousand five hundred dollars upon
3 9 conviction for the first violation of an out-of-service order
3 10 and not less than five thousand dollars for a second or
3 11 subsequent violation of an out-of-service order in separate
3 12 incidents within a ten-year period.

3 13 2. An employer shall not knowingly allow, require, permit,
3 14 or authorize an employee to drive a commercial motor vehicle
3 15 in violation of an out-of-service order. An employer who
3 16 violates this subsection commits a simple misdemeanor and
3 17 shall be subject to a fine of not less than two thousand seven
3 18 hundred fifty dollars and not more than twenty-five thousand
3 19 dollars.

3 20 Sec. 8. Section 321.236, Code 2009, is amended by adding
3 21 the following new subsection:

3 22 NEW SUBSECTION. 15. A violation of a local ordinance,
3 23 rule, or regulation promulgated under the authority of this
3 24 section shall be prosecuted under the local ordinance, without
3 25 reference to this section.

3 26 Sec. 9. Section 321.285, Code 2009, is amended by adding
3 27 the following new unnumbered paragraph after subsection 7:

3 28 NEW UNNUMBERED PARAGRAPH. A person who violates this
3 29 section for excessive speed commits a simple misdemeanor
3 30 punishable as a scheduled violation under section 805.8A,
3 31 subsection 5, paragraph "a". A person who violates this
3 32 section for excessive speed as an operator of a school bus
3 33 commits a simple misdemeanor punishable as a scheduled
3 34 violation under section 805.8A, subsection 10, paragraph "a".
3 35 A person who violates any other provision of this section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

4 1 commits a simple misdemeanor.

4 2 Sec. 10. NEW SECTION. 321.296 IMPLEMENT OF HUSBANDRY ==
4 3 SPEED.

4 4 1. A self-propelled implement of husbandry shall not
4 5 operate on a highway in excess of thirty-five miles per hour.

4 6 2. An operator who violates this section commits a simple
4 7 misdemeanor.

4 8 Sec. 11. Section 321.371, Code 2009, is amended to read as
4 9 follows:

4 10 321.371 CLEARING UP WRECKS.

4 11 1. Any person removing a wrecked or damaged vehicle from a
4 12 highway shall remove any glass or other injurious substance
4 13 dropped upon the highway from such vehicle.

4 14 2. A person who violates this section commits a simple
4 15 misdemeanor.

4 16 Sec. 12. Section 321.373, Code 2009, is amended by adding
4 17 the following new subsection:

4 18 NEW SUBSECTION. 8. A person who violates this section
4 19 commits a simple misdemeanor.

4 20 Sec. 13. Section 321.379, Code 2009, is amended to read as
4 21 follows:

4 22 321.379 VIOLATIONS.

4 23 ~~No~~ A school board, individual, or organization shall not
4 24 purchase, construct, or contract for use, to transport pupils
4 25 to or from school, any school bus which does not comply with
4 26 the minimum requirements of section 321.373 and any
4 27 individual, or any member or officer of such board or
4 28 organization who authorizes, the purchase, construction, or
4 29 contract for any such bus not complying with these minimum
4 30 requirements ~~shall be guilty of a misdemeanor punishable as~~
4 31 ~~provided in section 321.482~~ commits a simple misdemeanor.

4 32 Sec. 14. Section 321.406, Code 2009, is amended to read as
4 33 follows:

4 34 321.406 COWL LAMPS.

4 35 1. ~~Any~~ A motor vehicle ~~may be~~ shall not be equipped with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

5 1 ~~not~~ more than two side cowl or fender lamps ~~which shall~~. Such
5 2 lamps shall emit only an amber or white light without glare.

5 3 2. A person who violates this section commits a simple
5 4 misdemeanor.

5 5 Sec. 15. Section 321.408, Code 2009, is amended to read as
5 6 follows:

5 7 321.408 BACK=UP LAMPS.

5 8 1. ~~Any~~ A motor vehicle may be equipped with a back-up lamp
5 9 either separately or in combination with another lamp; ~~except~~
5 10 ~~that no such.~~

5 11 2. A back-up lamp shall not be continuously lighted when
5 12 the motor vehicle is in forward motion.

5 13 3. A person who violates this section commits a simple
5 14 misdemeanor.

5 15 Sec. 16. Section 321.431, Code 2009, is amended by adding
5 16 the following new subsection:

5 17 NEW SUBSECTION. 6. A person who violates this section
5 18 commits a simple misdemeanor.

5 19 Sec. 17. Section 321.452, Code 2009, is amended to read as
5 20 follows:

5 21 321.452 SCOPE AND EFFECT.

5 22 1. ~~Except for offenses punishable under the provisions of~~
5 23 ~~section 321.463 it is a misdemeanor, punishable as provided in~~

5 24 ~~section 321.482, for any~~ A person ~~to~~ shall not drive or move

5 25 ~~or for,~~ and the owner ~~to~~ of such vehicle shall not cause or
5 26 knowingly permit to be driven or moved, on any highway any

5 27 vehicle or vehicles of a size or weight exceeding the
5 28 limitations stated in this chapter, and the maximum size and

5 29 weight of vehicles herein specified shall be lawful throughout
5 30 this state, and local authorities shall have no power or

5 31 authority to alter said limitations except as express
5 32 authority ~~may be~~ is granted in this chapter.

5 33 2. A person who violates this section commits a simple
5 34 misdemeanor.

5 35 Sec. 18. Section 321.463, subsection 12, Code 2009, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

6 1 amended to read as follows:

6 2 12. A person ~~who issues or executes, or causes~~ shall not
6 3 issue or execute, or cause to be issued or executed, a bill of
6 4 lading, manifest, or shipping document of any kind which
6 5 states a false weight of the cargo set forth on such bill,
6 6 manifest, or document, which is less than the actual weight of
6 7 the cargo, ~~shall, upon conviction, be guilty of a simple~~
~~6 8 misdemeanor.~~

6 9 Sec. 19. Section 321.463, Code 2009, is amended by adding
6 10 the following new subsection:

6 11 NEW SUBSECTION. 13. A person who violates this section
6 12 commits a simple misdemeanor.

6 13 Sec. 20. Section 321.467, Code 2009, is amended to read as
6 14 follows:

6 15 321.467 RETRACTABLE AXLES.

6 16 1. A vehicle which is a model year 1999 or later vehicle
6 17 shall not operate on a highway of this state with a
6 18 retractable axle unless the weight on the retractable axle can
6 19 only be adjusted by means of a manual device located on the
6 20 vehicle that is not accessible to the operator of the vehicle
6 21 during operation of the vehicle. However, the controls for
6 22 raising and lowering the retractable axle may be accessible to
6 23 the operator of the vehicle while the vehicle is in operation.

6 24 2. A person who violates this section commits a simple
6 25 misdemeanor.

6 26 Sec. 21. Section 321.484, Code 2009, is amended to read as
6 27 follows:

6 28 321.484 OFFENSES BY OWNERS.

6 29 1. It is unlawful for the owner, or any other person,
6 30 employing or otherwise directing the driver of any vehicle to
6 31 require or knowingly to permit the operation of such vehicle
6 32 upon a highway in any manner contrary to law.

6 33 ~~1.~~ 2. The owner of a vehicle shall not be held
6 34 responsible for a violation of a provision regulating the
6 35 stopping, standing, or parking of a vehicle, whether the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

7 1 provision is contained in this chapter, or chapter 321L, or an
7 2 ordinance or other regulation or rule, if the owner
7 3 establishes that at the time of the violation the vehicle was
7 4 in the custody of an identified person other than the owner
7 5 pursuant to a lease as defined in chapter 321F or pursuant to
7 6 a rental agreement as defined in section 516D.3. The
7 7 furnishing to the county attorney where the charge is pending
7 8 of a copy of the lease prescribed by section 321F.6 or rental
7 9 agreement that was in effect for the vehicle at the time of
7 10 the alleged violation shall be prima facie evidence that the
7 11 vehicle was in the custody of an identified person other than
7 12 the owner within the meaning of this subsection. Upon receipt
7 13 of such evidence, the appropriate authority shall dismiss as
7 14 against the owner of the vehicle any citation issued for a
7 15 violation within the meaning of this subsection that occurred
7 16 while the vehicle was in the custody of the identified person.
7 17 ~~2.~~ 3. If a peace officer as defined in section 801.4 has
7 18 reasonable cause to believe the driver of a motor vehicle has
7 19 violated section 321.261, 321.262, 321.264, 321.341, 321.342,
7 20 321.343, 321.344, or 321.372, the officer may request any
7 21 owner of the motor vehicle to supply information identifying
7 22 the driver. When requested, the owner of the vehicle shall
7 23 identify the driver to the best of the owner's ability.
7 24 However, the owner of the vehicle is not required to supply
7 25 identification information to the officer if the owner
7 26 believes the information is self-incriminating.
7 27 4. A person who violates this section commits a simple
7 28 misdemeanor.

7 29 Sec. 22. Section 321.487, Code 2009, is amended to read as
7 30 follows:

7 31 321.487 VIOLATION OF PROMISE TO APPEAR.

7 32 1. Any person willfully violating a citation to appear in
7 33 court given as provided in this chapter, is guilty of a simple
7 34 misdemeanor, punishable as provided in section 321.482
7 35 regardless of the disposition of the charge upon which the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

8 1 person was cited. Venue shall be in the county where the
8 2 defendant was to appear or in the county where the person
8 3 resides.

8 4 2. An appearance in response to such citation may be made
8 5 either in person or by counsel.

8 6 Sec. 23. Section 321E.11, Code 2009, is amended to read as
8 7 follows:

8 8 321E.11 DAYLIGHT MOVEMENT ONLY == EXCEPTIONS == HOLIDAYS.

8 9 1. Movements by permit in accordance with this chapter
8 10 shall be permitted only during the hours from thirty minutes
8 11 prior to sunrise to thirty minutes following sunset unless the
8 12 issuing authority determines that the movement can be better
8 13 accomplished at another period of time because of traffic
8 14 volume conditions or the vehicle subject to the permit has an
8 15 overall length not to exceed one hundred feet, an overall
8 16 width not to exceed eleven feet, and an overall height not to
8 17 exceed fourteen feet, four inches, and the permit requires the
8 18 vehicle to operate only on those highways designated by the
8 19 department. Additional safety lighting and escorts may be
8 20 required for movement at night.

8 21 2. Except as provided in section 321.457, no movement by
8 22 permit shall be permitted on holidays, after twelve o'clock
8 23 noon on days preceding holidays and holiday weekends, or
8 24 special events when abnormally high traffic volumes can be
8 25 expected. Such restrictions shall not be applicable to urban
8 26 transit systems as defined in section 321.19, subsection 2.
8 27 For the purposes of this chapter, holidays shall include
8 28 Memorial Day, Independence Day, and Labor Day.

8 29 3. A person who violates this section commits a simple
8 30 misdemeanor.

8 31 Sec. 24. Section 481A.135, Code 2009, is amended by adding
8 32 the following new subsection:

8 33 NEW SUBSECTION. 5. An indictment or trial information for
8 34 a violation requiring an enhanced penalty under this section
8 35 shall specify the underlying violation committed by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

9 1 person.

9 2 Sec. 25. Section 602.6405, subsection 1, Code 2009, is
9 3 amended to read as follows:

9 4 1. Magistrates have jurisdiction of simple misdemeanors
9 5 regardless of the amount of the fine, including traffic and
9 6 ordinance violations, and preliminary hearings, search warrant
9 7 proceedings, county and municipal infractions, and small
9 8 claims. Magistrates have jurisdiction to determine the
9 9 disposition of livestock or another animal, as provided in
9 10 sections 717.5 and 717B.4, if the magistrate determines the
9 11 value of the livestock or animal is less than ten thousand
9 12 dollars. Magistrates have jurisdiction to exercise the powers
9 13 specified in sections 556F.2 and 556F.12, and to hear
9 14 complaints or preliminary informations, issue warrants, order
9 15 arrests, make commitments, and take bail. Magistrates have
9 16 jurisdiction over violations of section 123.49, subsection 2,
9 17 paragraph "h". Magistrates who are admitted to the practice
9 18 of law in this state have jurisdiction over all proceedings
9 19 for the involuntary commitment, treatment, or hospitalization
9 20 of individuals under chapters 125 and 229, except as otherwise
9 21 provided under section 229.6A; nonlawyer magistrates have
9 22 jurisdiction over emergency detention and hospitalization
9 23 proceedings under sections 125.91 and 229.22. Magistrates
9 24 have jurisdiction to conduct hearings authorized under section
9 25 809.4.

9 26

EXPLANATION

9 27 This bill relates to magistrate jurisdiction, specifies
9 28 certain traffic-related offenses as simple misdemeanors, and
9 29 makes other related changes to simple misdemeanor offenses.

9 30 Under the bill, the following traffic-related offenses
9 31 which are commonly referred to as nonscheduled violations are
9 32 specified as simple misdemeanors; Code sections 321.24
9 33 (issuance of registration or title); 321.95 (right of
9 34 inspection); 321.96 (prohibited plates); 321.121 (special
9 35 truck registration); 321.122 (truck and other vehicle fees);



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1171 continued

10 1 321.189 (motorized bike violations); 321.208A (out-of-service
10 2 orders); 321.285 (speed restrictions); 321.371 (clearing up
10 3 wrecks); 321.373 (required school bus construction); 321.406
10 4 (cowl lamps); 321.408 (back-up lamps); 321.431 (adequacy of
10 5 brakes); 321.452 (scope and effect of size and weight
10 6 limitations); 321.463 (overweight trucks); 321.467
10 7 (retractable axels); 321.484 (offenses by owners of vehicles);
10 8 321.487 (promises to appear); and 321E.11 (daylight movement
10 9 only == exceptions).

10 10 The bill amends Code section 321.236 to specify that a
10 11 violation of a local ordinance, rule, or regulation
10 12 promulgated under the authority of Code section 321.236 shall
10 13 be prosecuted under the local ordinance, rule, or regulation
10 14 without reference to Code section 321.236.

10 15 The bill creates new Code section 321.296 which prohibits a
10 16 self-propelled implement of husbandry as defined in Code
10 17 section 321.1 from operating on a highway in excess of 35
10 18 miles per hour. A person who violates this provision commits
10 19 a simple misdemeanor.

10 20 The bill amends Code section 481A.135 and specifies that an
10 21 indictment or trial information for a violation requiring an
10 22 enhanced penalty related to wildlife conservation in Code
10 23 section 481A.135 shall specify the underlying violation
10 24 committed by the person.

10 25 The bill also amends Code section 602.6405 specifying a
10 26 magistrate has jurisdiction over any simple misdemeanor
10 27 regardless of the fine amount.

10 28 A simple misdemeanor is punishable by confinement for no
10 29 more than 30 days or a fine of at least \$65 but not more than
10 30 \$625 or by both.

10 31 LSB 1855SC 83

10 32 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

A BILL FOR

- 1 An Act creating the uniform child abduction prevention Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1909SC 83
- 4 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

PAG LIN

1 1 Section 1. NEW SECTION. 598C.1 SHORT TITLE.
1 2 This chapter may be cited as the "Uniform Child Abduction
1 3 Prevention Act".
1 4 Sec. 2. NEW SECTION. 598C.2 DEFINITIONS.
1 5 As used in this chapter:
1 6 1. "Abduction" means the wrongful removal or wrongful
1 7 retention of a child.
1 8 2. "Child" means an unemancipated person under eighteen
1 9 years of age.
1 10 3. "Child custody determination" means a judgment, decree,
1 11 or other order of a court providing for the legal custody,
1 12 physical custody, or visitation with respect to a child. The
1 13 term includes a permanent, temporary, or modification order.
1 14 4. "Child custody proceeding" means a proceeding in which
1 15 legal custody, physical custody, or visitation with respect to
1 16 a child is at issue. "Child custody proceeding" includes a
1 17 proceeding for dissolution of marriage, neglect, abuse,
1 18 dependency, guardianship, paternity, termination of parental
1 19 rights, or protection from domestic abuse.
1 20 5. "Court" means an entity authorized under the law of a
1 21 state to establish, enforce, or modify a child custody
1 22 determination.
1 23 6. "Petition" includes a motion or its equivalent.
1 24 7. "Record" means information that is inscribed on a
1 25 tangible medium or that is stored in an electronic or other
1 26 medium and is retrievable in perceivable form.
1 27 8. "State" means a state of the United States, the
1 28 District of Columbia, Puerto Rico, the United States Virgin
1 29 Islands, or any territory or insular possession subject to the
1 30 jurisdiction of the United States. The term includes a
1 31 federally recognized Indian tribe or nation.
1 32 9. "Travel document" means records relating to a travel
1 33 itinerary, including travel tickets, passes, reservations for
1 34 transportation, or accommodations. "Travel document" does not
1 35 include a passport or visa.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

2 1 10. "Wrongful removal" means the taking of a child that
2 2 breaches rights of custody or visitation given or recognized
2 3 under the law of this state.
2 4 11. "Wrongful retention" means the keeping or concealing
2 5 of a child that breaches rights of custody or visitation given
2 6 or recognized under the law of this state.
2 7 Sec. 3. NEW SECTION. 598C.3 COOPERATION AND
2 8 COMMUNICATION AMONG COURTS.
2 9 Sections 598B.110, 598B.111, and 598B.112 apply to
2 10 cooperation and communications among courts in proceedings
2 11 under this chapter.
2 12 Sec. 4. NEW SECTION. 598C.4 ACTIONS FOR ABDUCTION
2 13 PREVENTION MEASURES.
2 14 1. A court on its own motion may order abduction
2 15 prevention measures in a child custody proceeding if the court
2 16 finds that the evidence establishes a credible risk of
2 17 abduction of the child.
2 18 2. A party to a child custody determination or another
2 19 individual or entity having a right under the law of this
2 20 state or any other state to seek a child custody determination
2 21 for the child may file a petition seeking abduction prevention
2 22 measures to protect the child under this chapter.
2 23 3. A prosecutor or public authority designated under
2 24 section 598B.315 may seek a warrant to take physical custody
2 25 of a child under section 598C.9 or may take other appropriate
2 26 prevention measures.
2 27 Sec. 5. NEW SECTION. 598C.5 JURISDICTION.
2 28 1. A petition under this chapter may be filed only in a
2 29 court that has jurisdiction to make a child custody
2 30 determination with respect to the child at issue pursuant to
2 31 section 598B.201.
2 32 2. A court of this state has temporary emergency
2 33 jurisdiction pursuant to section 598B.204 if the court finds a
2 34 credible risk of abduction.
2 35 Sec. 6. NEW SECTION. 598C.6 CONTENTS OF PETITION.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

3 1 A petition under this chapter shall be verified and include
3 2 a copy of any existing child custody determination, if
3 3 available. The petition shall specify the risk factors for
3 4 abduction, including the relevant factors described in section
3 5 598C.7. If reasonably ascertainable, the petition must
3 6 contain all of the following:

- 3 7 1. The name, date of birth, and gender of the child.
- 3 8 2. The address and current physical location of the child.
- 3 9 3. The identity, address, and current physical location of
3 10 the respondent.
- 3 11 4. A statement of whether a prior action to prevent
3 12 abduction or domestic abuse has been filed by a party or other
3 13 individual or entity having custody of the child, and the
3 14 date, location, and disposition of the action.
- 3 15 5. A statement of whether a party to the proceeding has
3 16 been arrested for a crime related to domestic abuse, stalking,
3 17 or child abuse or neglect, and the date, location, and
3 18 disposition of the case.
- 3 19 6. Information required to be submitted to the court for a
3 20 child custody determination under section 598B.308.

3 21 Sec. 7. NEW SECTION. 598C.7 FACTORS TO DETERMINE RISK OF
3 22 ABDUCTION.

3 23 1. In determining whether there is a credible risk of
3 24 abduction of a child, the court shall consider evidence that
3 25 the petitioner or respondent has done or may do any of the
3 26 following:

- 3 27 a. Abducted or attempted to abduct the child.
- 3 28 b. Threatened to abduct the child.
- 3 29 c. Engaged recently in activities that may indicate
3 30 evidence of a planned abduction, including the following:
 - 3 31 (1) Abandoning employment.
 - 3 32 (2) Selling a primary residence.
 - 3 33 (3) Terminating a lease.
 - 3 34 (4) Closing bank or other financial management accounts,
3 35 liquidating assets, hiding or destroying financial documents,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

- 4 1 or conducting any unusual financial activities.
- 4 2 (5) Applying for a passport or visa or obtaining travel
- 4 3 documents for the respondent, a family member, or the child.
- 4 4 (6) Seeking to obtain the child's birth certificate or
- 4 5 school or medical records.
- 4 6 d. Engaged in domestic abuse, stalking, or child abuse or
- 4 7 neglect.
- 4 8 e. Refused to follow a child-custody determination.
- 4 9 f. Lacks strong familial, financial, emotional, or
- 4 10 cultural ties to this state or the United States.
- 4 11 g. Established strong familial, financial, emotional, or
- 4 12 cultural ties to another state or country.
- 4 13 h. Taken the child to a country that is determined to be
- 4 14 any of the following:
- 4 15 (1) A party that has not signed the Hague convention on
- 4 16 the civil aspects of international child abduction and does
- 4 17 not provide for the extradition of an abducting parent or for
- 4 18 the return of an abducted child.
- 4 19 (2) A party to the Hague convention on the civil aspects
- 4 20 of international child abduction but any of the following
- 4 21 apply:
- 4 22 (a) The Hague convention on the civil aspects of
- 4 23 international child abduction is not in force between the
- 4 24 United States and that country.
- 4 25 (b) The party is noncompliant with terms of the convention
- 4 26 according to the most recent compliance report issued by the
- 4 27 United States department of state.
- 4 28 (c) Legal mechanisms are lacking for immediately and
- 4 29 effectively enforcing a return order under the Hague
- 4 30 convention on the civil aspects of international child
- 4 31 abduction.
- 4 32 (3) A country in which there would be a risk that the
- 4 33 child's physical or emotional health or safety would be
- 4 34 endangered because of specific circumstances relating to the
- 4 35 child or because of human rights violations committed against



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

5 1 children.

5 2 (4) The laws or practices of the country do any of the
5 3 following:

5 4 (a) Enable the respondent, without due cause, to prevent
5 5 the petitioner from contacting the child.

5 6 (b) Restrict the petitioner from freely traveling to or
5 7 exiting from the country because of the petitioner's gender,
5 8 nationality, marital status, or religion.

5 9 (c) Restrict the child's ability legally to leave the
5 10 country after the child reaches the age of majority because of
5 11 a child's gender, nationality, or religion.

5 12 (5) A country that is included by the United States
5 13 department of state on a current list of state sponsors of
5 14 terrorism.

5 15 (6) A country that does not have an official United States
5 16 diplomatic presence in the country.

5 17 (7) A country that is engaged in active military action or
5 18 war, including a civil war, to which the child may be exposed.

5 19 i. Undergone a change in immigration or citizenship status
5 20 that would adversely affect the respondent's ability to remain
5 21 in the United States legally.

5 22 j. Had an application for United States citizenship
5 23 denied.

5 24 k. Forged or presented misleading or false evidence on
5 25 government forms or supporting documents to obtain or attempt
5 26 to obtain a passport, a visa, travel documents, a social
5 27 security card, a driver's license, or other government-issued
5 28 identification card or has made a misrepresentation to the
5 29 United States government.

5 30 l. Used multiple names to attempt to mislead or defraud.

5 31 m. Engaged in any other conduct the court considers
5 32 relevant to the risk of abduction.

5 33 2. In the hearing on a petition under this chapter, the
5 34 court shall consider any evidence that the respondent believed
5 35 in good faith that the respondent's conduct was necessary to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

6 1 avoid imminent harm to the child or respondent and any other
6 2 evidence that may be relevant to whether the respondent may be
6 3 permitted to remove or retain the child.

6 4 Sec. 8. NEW SECTION. 598C.8 PROVISIONS AND MEASURES TO
6 5 PREVENT ABDUCTION.

6 6 1. If a petition is filed pursuant to section 598C.5, the
6 7 court may enter an order that shall include the following:

6 8 a. The basis for the court's exercise of jurisdiction.

6 9 b. The manner in which notice and opportunity to be heard
6 10 were given to the persons entitled to notice of the
6 11 proceeding.

6 12 c. A detailed description of each party's custody and
6 13 visitation rights and residential arrangements for the child.

6 14 d. A provision stating that a violation of the order may
6 15 subject the party in violation to civil and criminal
6 16 penalties.

6 17 e. Identification of the child's country of habitual
6 18 residence at the time of the issuance of the order.

6 19 2. If, at a hearing on a petition under this chapter or on
6 20 the court's own motion, the court after reviewing the evidence
6 21 finds a credible risk of abduction of the child, the court
6 22 shall enter an abduction prevention order. The order shall
6 23 include the provisions required by subsection 1 and measures
6 24 and conditions, including those described in subsections 3, 4,
6 25 and 5, that are reasonably calculated to prevent abduction of
6 26 the child, giving due consideration to the custody and
6 27 visitation rights of the parties. The court shall consider
6 28 the age of the child, the potential harm to the child from an
6 29 abduction, the legal and practical difficulties of returning
6 30 the child to the jurisdiction if abducted, and the reasons for
6 31 the potential abduction, including evidence of domestic abuse,
6 32 stalking, or child abuse or neglect.

6 33 3. An abduction prevention order may include one or more
6 34 of the following measures and conditions:

6 35 a. An imposition of travel restrictions that require that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

7 1 a party traveling with the child outside a designated
7 2 geographical area provide the other party with the following:
7 3 (1) The travel itinerary of the child.
7 4 (2) A list of physical addresses and telephone numbers at
7 5 which the child can be reached at specified times.
7 6 (3) Copies of all travel documents.
7 7 b. A prohibition of the respondent directly or indirectly
7 8 doing the following:
7 9 (1) Removing the child from this state, the United States,
7 10 or another geographic area without permission of the court or
7 11 the petitioner's written consent.
7 12 (2) Removing or retaining the child in violation of a
7 13 child custody determination.
7 14 (3) Removing the child from school or a child care or
7 15 similar facility.
7 16 (4) Approaching the child at any location other than a
7 17 site designated for supervised visitation.
7 18 c. A requirement that a party register the order in
7 19 another state as a prerequisite to allowing the child to
7 20 travel to that state.
7 21 d. A direction that the petitioner place the child's name
7 22 in the United States department of state's child passport
7 23 issuance alert program.
7 24 e. A requirement that the respondent surrender to the
7 25 court or the petitioner's attorney any United States or
7 26 foreign passport issued in the child's name, including a
7 27 passport issued in the name of both the parent and the child.
7 28 f. A prohibition upon the respondent from applying on
7 29 behalf of the child for a new or replacement passport or visa.
7 30 g. A requirement that the respondent, as a prerequisite to
7 31 exercising custody or visitation, provide the following:
7 32 (1) An authenticated copy of the order detailing passport
7 33 and travel restrictions for the child to the United States
7 34 department of state office of children's issues and the
7 35 relevant foreign consulate or embassy.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

8 1 (2) To the court, proof that the respondent has provided
8 2 the information in subparagraph (1) and an acknowledgment in a
8 3 record from the relevant foreign consulate or embassy that no
8 4 passport application has been made, or passport issued, on
8 5 behalf of the child.

8 6 (3) To the petitioner, proof of registration with the
8 7 United States embassy to the petitioner or proof of other
8 8 United States diplomatic presence in the destination country
8 9 and with the central authority for the Hague convention on the
8 10 civil aspects of international child abduction, if that
8 11 convention is in effect between the United States and the
8 12 destination country, unless one of the parties objects.

8 13 (4) A written waiver under the federal Privacy Act, 5
8 14 U.S.C. } 552a, with respect to any document, application, or
8 15 other information pertaining to the child authorizing its
8 16 disclosure to the court and the petitioner.

8 17 h. A requirement, upon the petitioner's request, that the
8 18 respondent obtain an order from the relevant foreign country
8 19 containing terms identical to the child custody determination
8 20 issued in the United States.

8 21 4. In an abduction prevention order, the court may impose
8 22 the following conditions on the exercise of custody or
8 23 visitation:

8 24 a. A limitation on visitation or require that visitation
8 25 with the child by the respondent be supervised until the court
8 26 finds that supervision is no longer necessary and order the
8 27 respondent to pay the costs of supervision.

8 28 b. A requirement that the respondent post a bond or
8 29 provide other security in an amount sufficient to serve as a
8 30 financial deterrent to abduction, the proceeds of which may be
8 31 used to pay for the reasonable expenses of recovery of the
8 32 child, including reasonable attorney fees and costs, if there
8 33 is an abduction.

8 34 c. A requirement that the respondent obtain education on
8 35 the potentially harmful effects to the child from abduction.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

- 9 1 5. In order to prevent imminent abduction of a child, a
9 2 court do any of the following:
- 9 3 a. Issue a warrant to take physical custody of the child
9 4 under section 598C.9 or under the authority of any other
9 5 provision of the Code.
- 9 6 b. Direct the use of law enforcement to take any action
9 7 reasonably necessary to locate the child, obtain return of the
9 8 child, or enforce a child custody determination under this
9 9 chapter or under any other provision of the Code.
- 9 10 c. Grant any other relief allowed under the law of this
9 11 state not enumerated in this chapter.
- 9 12 6. The remedies provided in this chapter are cumulative
9 13 and do not affect the availability of other remedies to
9 14 prevent abduction.
- 9 15 Sec. 9. NEW SECTION. 598C.9 WARRANT TO TAKE PHYSICAL
9 16 CUSTODY OF CHILD.
- 9 17 1. If a petition under this chapter contains allegations,
9 18 and the court finds that there is a credible risk, that the
9 19 child is imminently likely to be wrongfully removed, the court
9 20 may issue an ex parte warrant to take physical custody of the
9 21 child.
- 9 22 2. The respondent on a petition under subsection 1 shall
9 23 be afforded an opportunity to be heard at the earliest
9 24 possible time after the ex parte warrant is executed, but not
9 25 later than the next judicial day unless a hearing on that date
9 26 is impossible. In that event, the court shall hold the
9 27 hearing on the first judicial day possible.
- 9 28 3. An ex parte warrant under subsection 1 to take physical
9 29 custody of a child shall do all of the following:
- 9 30 a. Recite the facts upon which a determination of a
9 31 credible risk of imminent wrongful removal of the child is
9 32 based.
- 9 33 b. Direct law enforcement officers to take physical
9 34 custody of the child immediately.
- 9 35 c. State the date and time for the hearing on the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

10 1 petition.

10 2 d. Provide for the safe interim placement of the child
10 3 pending further order of the court.

10 4 4. If feasible, before issuing a warrant and before
10 5 determining the placement of the child after the warrant is
10 6 executed, the court may order a search of the relevant federal
10 7 and state databases to determine if either the petitioner or
10 8 respondent has a history of domestic violence, stalking, or
10 9 child abuse or neglect.

10 10 5. The petition and warrant must be served on the
10 11 respondent during or immediately after the child is taken into
10 12 physical custody.

10 13 6. A warrant to take physical custody of a child that
10 14 complies with this section, issued by this state or another
10 15 state, is enforceable throughout this state. If the court
10 16 finds that a less intrusive remedy will not be effective, it
10 17 may authorize law enforcement officers to enter private
10 18 property to take physical custody of the child. If required
10 19 by exigent circumstances, the court may authorize law
10 20 enforcement officers to make a forcible entry at any time of
10 21 day.

10 22 7. If the court finds, after a hearing, that a petitioner
10 23 sought an ex parte warrant under subsection 1 for the purpose
10 24 of harassment or in bad faith, the court may award the
10 25 respondent reasonable attorney fees, costs, and expenses.

10 26 8. This chapter does not affect the availability of relief
10 27 allowed under the law of this state other than this chapter.

10 28 Sec. 10. NEW SECTION. 598C.10 DURATION OF ABDUCTION
10 29 PREVENTION ORDER.

10 30 An abduction prevention order remains in effect until the
10 31 earliest of the following:

10 32 1. The time stated in the order.

10 33 2. The emancipation of the child.

10 34 3. The child's attaining eighteen years of age.

10 35 4. The time the order is modified, revoked, vacated, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

11 1 superseded by a court with jurisdiction under sections
11 2 598B.201 through 598B.203.
11 3 Sec. 11. NEW SECTION. 598C.11 UNIFORMITY OF APPLICATION
11 4 AND CONSTRUCTION.

11 5 In applying and construing this chapter, consideration must
11 6 be given to the need to promote uniformity of the law with
11 7 respect to its subject matter among states that enact the
11 8 uniform child abduction and prevention Act.

11 9 Sec. 12. NEW SECTION. 598C.12 RELATION TO ELECTRONIC
11 10 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

11 11 This chapter modifies, limits, and supersedes the federal
11 12 Electronic Signatures in Global and National Commerce Act, 15
11 13 U.S.C. } 7001, et seq., but does not modify, limit, or
11 14 supersede section 101(c) of the Act, 15 U.S.C. } 7001(c), or
11 15 authorize electronic delivery of any of the notices described
11 16 in section 103(b) of that Act, 15 U.S.C. } 7003(b).

11 17 EXPLANATION

11 18 This bill enacts the uniform child abduction prevention
11 19 Act.

11 20 The bill provides that a person may file a petition seeking
11 21 abduction prevention measures to prevent the abduction of a
11 22 child. A "child" means an unemancipated child under 18 years
11 23 of age. The bill also provides that the court on its own
11 24 motion may order abduction prevention measures in a child
11 25 custody proceeding if the court finds evidence establishing a
11 26 credible risk a child will be abducted.

11 27 Under the bill, a petition shall include a copy of any
11 28 existing child custody determination, if available, and must
11 29 specify the risk factors for abduction. The petition shall
11 30 also contain a statement whether prior action to prevent an
11 31 abduction or domestic abuse has been filed by a party to the
11 32 action, and whether any party to the action has been arrested
11 33 for a crime related to domestic abuse, stalking, or child
11 34 abuse or neglect.

11 35 Under the bill, in determining if there is a credible risk



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1172 continued

12 1 of abduction of a child, the court shall consider whether a
12 2 party has previously abducted or attempted to abduct the child
12 3 or threatened to abduct the child, or has engaged in
12 4 activities that may indicate evidence of a planned abduction.
12 5 In addition, the court shall also consider whether either
12 6 party to the action has strong ties to the state of Iowa or
12 7 the United States, or whether a party to the action is likely
12 8 to take the child to a country that is not a party to the
12 9 Hague convention on the civil aspects of international child
12 10 abduction.

12 11 If the court finds a credible risk of abduction of the
12 12 child exists, the court shall enter an abduction prevention
12 13 order. The bill provides that the abduction prevention order
12 14 may impose travel restrictions on the parties, provide for a
12 15 visitation schedule, require a party to post a bond in an
12 16 amount sufficient to serve as a financial deterrent to
12 17 abduction, or require education classes.

12 18 If the court determines an abduction is imminent, the court
12 19 may issue a warrant including an ex parte warrant to take
12 20 physical custody of the child, direct law enforcement to
12 21 locate the child, or grant any other relief as provided by
12 22 law. If an ex parte warrant is issued pursuant to the bill,
12 23 the aggrieved party shall be afforded an opportunity to be
12 24 heard at the earliest possible time. If a child is taken into
12 25 custody pursuant to an ex parte warrant, the child taken into
12 26 custody shall be placed in a safe interim placement pending
12 27 further action by the court.

12 28 The bill provides that an abduction prevention order shall
12 29 be enforceable until the time stated in the order, the child
12 30 becomes emancipated, the child reaches 18 years of age, or the
12 31 abduction prevention order is modified.

12 32 LSB 1909SC 83

12 33 jm/nh/5



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 09, 2009

Senate Study Bill 1173

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 JUDICIARY BILL BY
 CHAIRPERSON KREIMAN)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bidders at a property tax sale and owners of
- 2 tax sale certificates and including effective and
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1163SC 83
- 6 sc/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1173 continued

PAG LIN

1 1 Section 1. Section 446.16, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. Only those persons as defined in
1 4 section 4.1 are authorized to register to bid or to bid at the
1 5 tax sale or to own a tax sale certificate by purchase,
1 6 assignment, or otherwise. To be authorized to register to bid
1 7 or to bid at a tax sale or to own a tax sale certificate, a
1 8 person, other than an individual, must have a federal tax
1 9 identification number and either a designation of agent for
1 10 service of process on file with the secretary of state or a
1 11 verified statement meeting the requirements of chapter 547 on
1 12 file with the county recorder of the county in which the
1 13 person wishes to register to bid or to bid at tax sale or of
1 14 the county where the property that is the subject of the tax
1 15 sale certificate is located.

1 16 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
1 17 being deemed of immediate importance, takes effect upon
1 18 enactment and applies to tax sales held on or after June 1,
1 19 2009.

1 20 EXPLANATION

1 21 This bill provides that a bidder at a tax sale for
1 22 delinquent property taxes must meet the statutory definition
1 23 of "person". Code section 4.1, subsection 20, defines
1 24 "person" and includes the following: an individual,
1 25 corporation, limited liability company, business trust,
1 26 estate, trust, partnership or association, or any other legal
1 27 entity. The bill provides that, in order to register to bid
1 28 or to bid at a tax sale or to own a tax sale certificate, a
1 29 person, other than an individual, must have a federal tax
1 30 identification number and either have filed with the secretary
1 31 of state a designation of agent for service of process or have
1 32 filed with the appropriate county recorder a verified
1 33 statement of trade name of a business.

1 34 LSB 1163SC 83

1 35 sc/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1174

SENATE FILE
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON DEARDEN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the issuance of special deer hunting
- 2 licenses to residents who are nonambulatory.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2022SC 83
- 5 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1174 continued

PAG LIN

1 1 Section 1. NEW SECTION. 483A.8C NONAMBULATORY DEER
1 2 HUNTING LICENSES.
1 3 1. A nonambulatory person who is a resident may be issued
1 4 one any sex deer hunting license which is valid and may be
1 5 used to hunt deer with a shotgun or a muzzleloading shotgun
1 6 during any established deer hunting season. A person who
1 7 applies for a license pursuant to this section shall complete
1 8 a form, as required by rule, that is signed by a physician who
1 9 verifies that the person is nonambulatory.
1 10 2. A person who obtains a deer hunting license under this
1 11 section is not required to pay the wildlife habitat fee but
1 12 shall purchase a deer hunting license and hunting license, be
1 13 otherwise qualified to hunt, and pay a one dollar fee that
1 14 shall be used and is appropriated for the purpose of deer herd
1 15 population management, including assisting with the cost of
1 16 processing deer donated to the help us stop hunger program
1 17 administered by the commission.
1 18 3. A person may obtain a license under this section in
1 19 addition to any other deer hunting licenses for which the
1 20 person is eligible.
1 21 4. For the purposes of this section, "nonambulatory
1 22 person" means an individual with paralysis of the lower half
1 23 of the body with the involvement of both legs, usually caused
1 24 by disease of or injury to the spinal cord, or caused by the
1 25 loss of both legs or the loss of a part of both legs.
1 26 EXPLANATION
1 27 This bill allows a nonambulatory resident to be issued one
1 28 any sex deer hunting license which is valid and may be used to
1 29 hunt deer with a shotgun or a muzzleloading shotgun during any
1 30 established deer hunting season. A person who applies for the
1 31 license must complete a form which is signed by a physician
1 32 who verifies that the person is nonambulatory.
1 33 A person who obtains the license is not required to pay the
1 34 wildlife habitat fee but must purchase a deer hunting license
1 35 and hunting license, be otherwise qualified to hunt, and pay a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1174 continued

2 1 \$1 fee that shall be used and is appropriated for the purpose
2 2 of deer herd population management, including assisting with
2 3 the cost of processing deer donated to the help us stop hunger
2 4 program administered by the commission. A person may obtain a
2 5 license under this section in addition to any other deer
2 6 hunting licenses for which the person is eligible.

2 7 For the purposes of the bill, "nonambulatory person" means
2 8 an individual with paralysis of the lower half of the body
2 9 with the involvement of both legs, usually caused by disease
2 10 of or injury to the spinal cord, or caused by the loss of both
2 11 legs or the loss of a part of both legs.

2 12 LSB 2022SC 83

2 13 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1175

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON SCHMITZ)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the transportation school districts may
- 2 provide to students participating in open enrollment when
- 3 construction requires temporary alteration of a regular school
- 4 bus route.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1679XC 83
- 7 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1175 continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 10, Code 2009, is
1 2 amended to read as follows:
1 3 10. a. Notwithstanding section 285.1 relating to
1 4 transportation of nonresident pupils, the parent or guardian
1 5 is responsible for transporting the pupil without
1 6 reimbursement to and from a point on a regular school bus
1 7 route of the receiving district. However, a receiving
1 8 district may send school vehicles into the district of
1 9 residence of the pupil using the open enrollment option under
1 10 this section, for the purpose of transporting the pupil to and
1 11 from school in the receiving district, if either of the
1 12 following conditions exist:
1 13 (1) The boards of both the sending and receiving districts
1 14 agree to this arrangement.
1 15 (2) Road construction on the receiving school district's
1 16 regular school bus route necessitates a temporary alteration
1 17 of the receiving school district's regular school bus route
1 18 for reasons of safety, economy, or efficiency.
1 19 b. If the pupil meets the economic eligibility
1 20 requirements established by the department and state board of
1 21 education, the sending district is responsible for providing
1 22 transportation or paying the pro rata cost of the
1 23 transportation to a parent or guardian for transporting the
1 24 pupil to and from a point on a regular school bus route of a
1 25 contiguous receiving district unless the cost of providing
1 26 transportation or the pro rata cost of the transportation to a
1 27 parent or guardian exceeds the average transportation cost per
1 28 pupil transported for the previous school year in the
1 29 district. If the cost exceeds the average transportation cost
1 30 per pupil transported for the previous school year, the
1 31 sending district shall only be responsible for that average
1 32 per pupil amount. A sending district which provides
1 33 transportation for a pupil to a contiguous receiving district
1 34 under this subsection may withhold from the district cost per
1 35 pupil amount, that is to be paid to the receiving district, an



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1175 continued

2 1 amount which represents the average or pro rata cost per pupil
2 2 for transportation, whichever is less.

2 3 EXPLANATION

2 4 This bill permits a receiving school district to send
2 5 school vehicles into the school district of residence in order
2 6 to transport a student participating in open enrollment to and
2 7 from school when road construction necessitates a temporary
2 8 alteration of the receiving school district's regular bus
2 9 route for reasons of safety, economy, or efficiency.

2 10 Currently, the receiving school district can only send
2 11 vehicles into the district of residence for purposes of
2 12 transporting students participating in open enrollment if both
2 13 school districts agree to the arrangement.

2 14 LSB 1679XC 83

2 15 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1176

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
ECONOMIC DEVELOPMENT BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the eligibility for tax credits and income
2 reductions for qualified expenditures under the film,
3 television, and video project promotion program and providing
4 effective and retroactive applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1235DP 83
7 tw/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1176 continued

PAG LIN

1 1 Section 1. Section 15.393, subsection 2, paragraph a,
1 2 subparagraph (2), Code 2009, is amended to read as follows:
1 3 (2) A qualified expenditure by a taxpayer is a payment to
1 4 an Iowa resident or an Iowa-based business for the sale,
1 5 rental, or furnishing of tangible personal property or for
1 6 services directly related to the registered project including
1 7 but not limited to aircraft, vehicles, equipment, materials,
1 8 supplies, accounting, animals and animal care, artistic and
1 9 design services, graphics, construction, data and information
1 10 services, delivery and pickup services, labor and personnel,
1 11 lighting, makeup and hairdressing, film, music, photography,
1 12 sound, video and related services, printing, research, site
1 13 fees and rental, travel related to Iowa distant locations,
1 14 trash removal and cleanup, and wardrobe. ~~For the purposes of~~
~~1 15 this subparagraph, "labor and personnel" does not include the~~
~~1 16 director, producers, or cast members other than extras and~~
~~1 17 stand-ins.~~
1 18 (i) For purposes of this subparagraph, "labor and
1 19 personnel" includes compensation paid, in an amount not to
1 20 exceed one million dollars each, to the principal producer,
1 21 the principal director, and the principal cast members,
1 22 provided that the principal producer, director, or cast member
1 23 is an Iowa resident or an Iowa-based business.
1 24 (ii) The department of revenue, in consultation with the
1 25 department of economic development, shall by rule establish a
1 26 list of eligible expenditures.
1 27 Sec. 2. Section 15.393, subsection 2, paragraph c, Code
1 28 2009, is amended to read as follows:
1 29 c. For tax years beginning on or after January 1, 2007,
1 30 the tax year in which a qualified expenditure occurred, and
1 31 for the ensuing three tax years, a taxpayer may claim a
1 32 reduction in adjusted gross income not to exceed in a tax year
1 33 twenty-five percent of the amount of the qualified expenditure
1 34 for purposes of taxes imposed in chapter 422, divisions II and
1 35 III, for payments received from the sale, rental, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1176 continued

2 1 furnishing of tangible personal property or services directly
2 2 related to the production of a project registered under this
2 3 section which meets the criteria of a qualified expenditure
2 4 under paragraph "a", subparagraph (2).

2 5 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

2 6 1. The section of this Act amending section 15.393,
2 7 subsection 2, paragraph "a", applies retroactively to January
2 8 1, 2008, for tax years beginning on or after that date.

2 9 2. The section of this Act amending section 15.393,
2 10 subsection 2, paragraph "c", applies retroactively to
2 11 qualified expenditures made in tax years beginning on or after
2 12 January 1, 2008.

2 13 3. This Act, being deemed of immediate importance, takes
2 14 effect upon enactment.

2 15 EXPLANATION

2 16 This bill relates to the eligibility for tax credits for
2 17 qualified expenditures and deduction from income received from
2 18 certain qualified expenditures under the film, television, and
2 19 video project promotion program.

2 20 The program currently does not allow salary expenditures
2 21 for directors, producers, and principal cast members to be
2 22 counted as qualified expenditures under the program. The bill
2 23 allows up to \$1 million in compensation for each of these
2 24 persons to be counted toward a taxpayer's qualified
2 25 expenditures if the person is an Iowa resident or Iowa-based
2 26 business.

2 27 The program also currently allows vendors to take a
2 28 reduction in adjusted gross income for qualified expenditures
2 29 in the same year as the expenses are incurred. The bill makes
2 30 the credit available for the tax year in which the
2 31 expenditures were incurred and for three ensuing tax years.

2 32 The bill provides effective and retroactive applicability
2 33 date provisions.

2 34 LSB 1235DP 83

2 35 tw/mg:sc/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making changes to the sex offender registry and to duties
- 2 and requirements related to persons who commit sex offenses,
- 3 making fees applicable, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1358DP 83
- 6 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

PAG LIN

1 1 DIVISION I
1 2 SEX OFFENDER REGISTRY
1 3 Section 1. NEW SECTION. 692A.101 DEFINITIONS.
1 4 As used in this chapter and unless the context otherwise
1 5 requires:
1 6 1. "Aggravated offense" means a conviction for any of the
1 7 following offenses:
1 8 a. Sexual abuse in the first degree in violation of
1 9 section 709.2.
1 10 b. Sexual abuse in the second degree in violation of
1 11 section 709.3.
1 12 c. Sexual abuse in the third degree in violation of
1 13 section 709.4, subsection 1.
1 14 d. Lascivious acts with a child in violation of section
1 15 709.8, subsection 1.
1 16 e. Assault with intent to commit sexual abuse in violation
1 17 of section 709.11.
1 18 f. Burglary in the first degree in violation of section
1 19 713.3, subsection 1, paragraph "d".
1 20 g. Kidnapping in violation of section 710.2, 710.3, or
1 21 710.4, if sexual abuse as defined in section 709.1 is
1 22 committed during the commission of the offense.
1 23 h. Murder in violation of section 707.2 or 707.3, if
1 24 sexual abuse as defined in section 709.1 is committed during
1 25 the offense.
1 26 i. Criminal transmission of human immunodeficiency virus
1 27 in violation of section 709C.1, subsection 1, paragraph "a".
1 28 2. "Appearance" means to appear in person at a sheriff's
1 29 office.
1 30 3. "Business day" means every day except Saturday, Sunday,
1 31 or any paid holiday as defined in section 1C.2, subsection 1.
1 32 4. "Change" means to add, begin, or terminate.
1 33 5. "Child care facility" means as defined in section
1 34 237A.1.
1 35 6. "Convicted" means found guilty of, pleads guilty to, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

2 1 is sentenced or adjudicated delinquent for an act which is an
2 2 indictable offense in this state or in another jurisdiction,
2 3 including but not limited to a juvenile who has been
2 4 adjudicated delinquent, but whose juvenile court records have
2 5 been sealed under section 232.150, and a person who has
2 6 received a deferred sentence or a deferred judgment or has
2 7 been acquitted by reason of insanity. "Convicted" also
2 8 includes a conviction for an attempt or conspiracy to commit
2 9 an offense. "Convicted" does not mean a plea, sentence,
2 10 adjudication, deferred sentence, or deferred judgment which
2 11 has been reversed or otherwise set aside.

2 12 7. "Criminal or juvenile justice agency" means an agency
2 13 or department of any level of government or an entity wholly
2 14 owned, financed, or controlled by one or more such agencies or
2 15 departments which performs as its principal function the
2 16 apprehension, prosecution, adjudication, incarceration, or
2 17 rehabilitation of criminal or juvenile offenders.

2 18 8. "Department" means the department of public safety.

2 19 9. "Employment" means acting as an employee.

2 20 10. "Foreign court" means a court of a foreign nation that
2 21 is recognized by the United States department of state as a
2 22 court that enforces the right to a fair trial during the
2 23 period in which a conviction occurred.

2 24 11. "Incarcerated" means to be placed in a jail, prison,
2 25 penitentiary, juvenile facility, or other correctional
2 26 institution or facility or a place or condition of confinement
2 27 or forcible restraint.

2 28 12. "Internet identifier" means an electronic mail
2 29 address, instant message address or identifier, or any other
2 30 designation or moniker used for self=identification during
2 31 internet communication or posting, including all designations
2 32 used for the purpose of routing or self=identification in
2 33 internet communications or postings.

2 34 13. "Jurisdiction" means any state of the United States,
2 35 the District of Columbia, the Commonwealth of Puerto Rico,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

3 1 Guam, American Samoa, the Northern Mariana Islands, the United
3 2 States Virgin Islands, or a federally recognized Indian tribe.

3 3 14. "Loiter" means remaining in a place or circulating
3 4 around a place under circumstances that would warrant a
3 5 reasonable person to believe that the purpose or effect of the
3 6 behavior is to enable a sex offender to become familiar with a
3 7 location where a potential victim may be found, or to satisfy
3 8 an unlawful sexual desire, or to locate, lure, or harass a
3 9 potential victim.

3 10 15. "Military offense" means a sex offense specified by
3 11 the secretary of defense under 10 U.S.C. } 951.

3 12 16. "Minor" means a person under eighteen years of age.

3 13 17. "Principal residence" for a sex offender means:

3 14 a. The residence of the offender, if the offender has only
3 15 one residence in this state.

3 16 b. The residence at which the offender resides, sleeps, or
3 17 habitually lives for more days per year than another residence
3 18 in this state, if the offender has more than one residence in
3 19 this state.

3 20 c. The place of employment or attendance as a student, or
3 21 both, if the sex offender does not have a residence in this
3 22 state.

3 23 18. "Professional licensing information" means the name or
3 24 other description, number, if applicable, and issuing
3 25 authority or agency of any license, certification, or
3 26 registration required by law to engage in a profession or
3 27 occupation held by a sex offender who is required at the time
3 28 of the initial requirement to register under this chapter, or
3 29 any such license, certification, or registration that was
3 30 issued to an offender within the five-year period prior to
3 31 conviction for a sex offense that requires registration under
3 32 this chapter, or any such license, certification, or
3 33 registration that is issued to an offender at any time during
3 34 the duration of the registration requirement.

3 35 19. "Relevant information" means with respect to an



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1177 continued

- 4 1 individual the following:
- 4 2 a. Criminal history, including warrants and articles.
- 4 3 b. Date of birth.
- 4 4 c. Passport and immigration documents.
- 4 5 d. Government issued driver's license or identification
- 4 6 card.
- 4 7 e. DNA sample.
- 4 8 f. Educational institutions attended as a student,
- 4 9 including the name and address of such institutions.
- 4 10 g. Employment information including name and address of
- 4 11 employer.
- 4 12 h. Fingerprints.
- 4 13 i. Internet identifiers.
- 4 14 j. Names, nicknames, aliases, or ethnic or tribal names,
- 4 15 and if applicable, the real names of an offender protected
- 4 16 under 18 U.S.C. } 3521.
- 4 17 k. Palm prints.
- 4 18 l. Photographs.
- 4 19 m. Physical description, including scars, marks, or
- 4 20 tattoos.
- 4 21 n. Professional licensing information.
- 4 22 o. Residence.
- 4 23 p. Social security number.
- 4 24 q. Telephone numbers, including any landline or wireless
- 4 25 numbers.
- 4 26 r. Temporary lodging information, including dates when
- 4 27 residing in temporary lodging.
- 4 28 s. Statutory citation and text of offense committed that
- 4 29 requires registration under this chapter.
- 4 30 t. Vehicle information including license plate number,
- 4 31 registration number, or other identifying number, vehicle
- 4 32 description, and the place where the vehicle is parked,
- 4 33 docked, or otherwise kept.
- 4 34 u. Other information defined as relevant by the department
- 4 35 by rule.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

5 1 20. "Residence" means each dwelling or other place where a
5 2 sex offender resides, sleeps, or habitually lives, or will
5 3 reside, sleep, or habitually live, including a shelter or
5 4 group home. If a sex offender does not reside, sleep, or
5 5 habitually live in a fixed place, "residence" means a
5 6 description of the locations where the offender is stationed
5 7 regularly, including any mobile or transitory living quarters.
5 8 "Residence" shall be construed to refer to the places where a
5 9 sex offender resides, sleeps, habitually lives, or is
5 10 stationed with regularity, regardless of whether the offender
5 11 declares or characterizes such place as the residence of the
5 12 offender.

5 13 21. "Sex offender" means a person convicted of a sex
5 14 offense that requires registration under this chapter.

5 15 22. "Sex offense" means an indictable offense that has an
5 16 element involving a sexual act, sexual contact, or sexual
5 17 conduct, and which is enumerated in section 692A.102, and
5 18 means any comparable offense under prior law, any comparable
5 19 offense committed in another jurisdiction, or any comparable
5 20 offense that may be prosecuted in a federal, military, tribal,
5 21 or foreign court.

5 22 23. "Sex offense against a minor" means a conviction of
5 23 any sex offense classified as a tier I, tier II, or tier III
5 24 offense under this chapter if such offense was committed
5 25 against a minor, or otherwise involves a minor.

5 26 24. "Sexual exploitation" means sexual exploitation by a
5 27 counselor, therapist, or school employee in violation of
5 28 section 709.15.

5 29 25. "Sexually violent offense" means any of the following
5 30 indictable offenses:

5 31 a. Sexual abuse as defined under section 709.1.

5 32 b. Assault with intent to commit sexual abuse in violation
5 33 of section 709.11.

5 34 c. Sexual misconduct with offenders and juveniles in
5 35 violation of section 709.16.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

6 1 d. Any of the following offenses, if the offense involves
6 2 sexual abuse or assault with intent to commit sexual abuse:
6 3 murder, attempted murder, kidnapping, burglary, or
6 4 manslaughter.

6 5 e. A criminal offense committed in another jurisdiction
6 6 which would constitute an indictable offense under paragraphs
6 7 "a" through "d" if committed in this state.

6 8 26. "Sexually violent predator" means a sex offender who
6 9 has been convicted of an offense under the laws of this state
6 10 or of another state which would qualify the offender as a
6 11 sexually violent predator under the federal Violent Crime
6 12 Control and Law Enforcement Act of 1994, 42 U.S.C. }
6 13 14071(a)(3)(B), (C), (D), and (E).

6 14 27. "Student" means a sex offender who enrolls in or
6 15 otherwise receives instruction at an educational institution,
6 16 including a public or private elementary school, secondary
6 17 school, trade or professional school, or institution of higher
6 18 education. "Student" does not mean a sex offender who enrolls
6 19 in or attends an educational institution as a correspondence
6 20 student, distance learning student, or any other form of
6 21 learning that occurs without physical presence on the real
6 22 property of an educational institution.

6 23 28. "Superintendent" means the superintendent or
6 24 superintendent's designee of a public school or the
6 25 authorities in charge of a nonpublic school.

6 26 29. "Vehicle" means a vehicle owned by an offender,
6 27 including a watercraft or aircraft, that is subject to
6 28 registration requirements under chapter 321, 328, or 462A.

6 29 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE
6 30 CLASSIFICATIONS.

6 31 1. For purposes of this chapter, sex offenses are
6 32 classified into the following tiers:

6 33 a. Tier I offenses include a conviction for the following
6 34 sex offenses:

6 35 (1) Sexual abuse in the second degree in violation of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

- 7 1 section 709.3, subsection 2, if committed by a person under
7 2 the age of fourteen.
- 7 3 (2) Sexual abuse in the third degree in violation of
7 4 section 709.4, subsection 1, 3, or 4, if committed by a person
7 5 under the age of fourteen.
- 7 6 (3) Sexual abuse in the third degree in violation of
7 7 section 709.4, subsection 2, paragraph "a" or "b", if
7 8 committed by a person under the age of fourteen.
- 7 9 (4) Sexual abuse in the third degree in violation of
7 10 section 709.4, subsection 2, paragraph "c".
- 7 11 (5) Indecent exposure in violation of section 709.9.
- 7 12 (6) Harassment in violation of section 708.7, subsection
7 13 1, 2, or 3, if the violation involves sexual conduct or sexual
7 14 contact.
- 7 15 (7) (a) Dissemination or exhibition of obscene material
7 16 to minors in violation of section 728.2 or telephone
7 17 dissemination of obscene material to minors in violation of
7 18 728.15.
- 7 19 (b) Rental or sale of hard-core pornography, if delivery
7 20 is to a minor, in violation of section 728.4.
- 7 21 (8) Admitting minors to premises where obscene material is
7 22 exhibited in violation of section 728.3.
- 7 23 (9) Receipt or possession of child pornography in
7 24 violation of 18 U.S.C. } 2252.
- 7 25 (10) Material containing child pornography in violation of
7 26 18 U.S.C. } 2252A.
- 7 27 (11) Misleading domain names on the internet in violation
7 28 of 18 U.S.C. } 2252B.
- 7 29 (12) Misleading words or digital images on the internet in
7 30 violation of section 18 U.S.C. } 2252C.
- 7 31 (13) Failure to file a factual statement about an alien
7 32 individual in violation of 18 U.S.C. } 2424.
- 7 33 (14) Transmitting information about a minor to further
7 34 criminal sexual conduct in violation of 18 U.S.C. } 2425.
- 7 35 (15) Any sex offense specified in the laws of another



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

8 1 jurisdiction or any sex offense that may be prosecuted in
8 2 federal, military, or foreign court, that is comparable to an
8 3 offense listed in subparagraphs (1) through (14).
8 4 (16) Any sex offense under the prior laws of this state or
8 5 another jurisdiction, or any sex offense under prior law that
8 6 was prosecuted in a federal, military, or foreign court, that
8 7 is comparable to an offense listed in subparagraphs (1)
8 8 through (14).
8 9 b. Tier II offenses include a conviction for the following
8 10 sex offenses:
8 11 (1) Detention in brothel in violation of section 709.7.
8 12 (2) Lascivious acts with a child in violation of section
8 13 709.8, subsection 3 or 4.
8 14 (3) Solicitation of a minor to engage in an illegal sex
8 15 act in violation of section 705.1.
8 16 (4) Solicitation of a minor to engage an illegal act under
8 17 section 709.8, subsection 3, in violation of section 705.1.
8 18 (5) Solicitation of a minor to engage in an illegal act
8 19 under section 709.12, in violation of section 705.1.
8 20 (6) False imprisonment of a minor in violation of section
8 21 710.7, except if committed by a parent.
8 22 (7) Assault with intent to commit sexual abuse if no
8 23 injury results in violation of section 709.11.
8 24 (8) Invasion of privacy=nudity in violation of section
8 25 709.21.
8 26 (9) Stalking in violation of section 708.11, subsection 3,
8 27 paragraph "b", subparagraph (3), if the fact finder determines
8 28 by clear and convincing evidence that the offense was sexually
8 29 motivated.
8 30 (10) Child stealing in violation of section 710.5.
8 31 (11) Enticing away a minor in violation of section 710.10,
8 32 if the violation includes the intent to commit sexual abuse,
8 33 sexual exploitation, sexual contact, or sexual conduct
8 34 directed towards a minor.
8 35 (12) Indecent contact with a child in violation of section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

- 9 1 709.12.
- 9 2 (13) Lascivious conduct with a minor in violation of
- 9 3 section 709.14.
- 9 4 (14) Sexual exploitation by a counselor, therapist, or
- 9 5 school employee in violation of section 709.15.
- 9 6 (15) Sexual misconduct with offenders and juveniles in
- 9 7 violation of section 709.16.
- 9 8 (16) Solicitation of a minor to engage in an illegal act
- 9 9 under section 725.3, subsection 2, in violation of section
- 9 10 705.1.
- 9 11 (17) Incest committed against a dependant adult as defined
- 9 12 in section 235B.2 in violation of section 726.2.
- 9 13 (18) Incest committed against a minor in violation of
- 9 14 section 726.2.
- 9 15 (19) Sexual exploitation of a minor in violation of
- 9 16 section 728.12.
- 9 17 (20) Material involving the sexual exploitation of a minor
- 9 18 in violation of 18 U.S.C. } 2252, except receipt or possession
- 9 19 of child pornography.
- 9 20 (21) Production of sexually explicit depictions of a minor
- 9 21 for import into the United States in violation of 18 U.S.C. }
- 9 22 2260.
- 9 23 (22) Transportation of a minor for illegal sexual activity
- 9 24 in violation of 18 U.S.C. } 2421.
- 9 25 (23) Coercion and enticement of a minor for illegal sexual
- 9 26 activity in violation of 18 U.S.C. } 2422(a) or (b).
- 9 27 (24) Transportation of minors for illegal sexual activity
- 9 28 in violation of 18 U.S.C. } 2423.
- 9 29 (25) Travel with the intent to engage in illegal sexual
- 9 30 conduct with a minor in violation of 18 U.S.C. } 2423.
- 9 31 (26) Engaging in illicit sexual conduct in foreign places
- 9 32 in violation of 18 U.S.C. } 2423.
- 9 33 (27) Video voyeurism of a minor in violation of 18 U.S.C.
- 9 34 } 1801.
- 9 35 (28) Any sex offense specified in the laws of another



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

10 1 jurisdiction or any offense that may be prosecuted in a
10 2 federal, military, or foreign court, that is comparable to an
10 3 offense listed in subparagraphs (1) through (27).
10 4 (29) Any sex offense under the prior laws of this state or
10 5 another jurisdiction, or any sex offense under prior law that
10 6 was prosecuted in a federal, military, or foreign court, that
10 7 is comparable to a sex offense listed in subparagraphs (1)
10 8 through (27).
10 9 c. Tier III offenses include a conviction for the
10 10 following sex offenses:
10 11 (1) Sexual abuse in the first degree in violation of
10 12 section 709.2.
10 13 (2) Sexual abuse in the second degree in violation of
10 14 section 709.3, subsection 2, if committed by a person fourteen
10 15 years of age or older.
10 16 (3) Sexual abuse in the third degree in violation of
10 17 section 709.4, subsection 1, 3, or 4, if committed by a person
10 18 fourteen years of age or older.
10 19 (4) Sexual abuse in the third degree in violation of
10 20 section 709.4, subsection 2, paragraph "a" or "b", if
10 21 committed by a person fourteen years of age or older.
10 22 (5) Lascivious acts with a child in violation of section
10 23 709.8, subsection 1 or 2.
10 24 (6) Kidnapping in violation of section 710.2 if sexual
10 25 abuse as defined in section 709.1 is committed during the
10 26 commission of the offense.
10 27 (7) Kidnapping of a minor in violation of section 710.2,
10 28 710.3, or 710.4, except kidnapping in the third degree
10 29 committed by a parent.
10 30 (8) Assault with intent to commit sexual abuse resulting
10 31 in serious or bodily injury in violation of section 709.11.
10 32 (9) Burglary in the first degree in violation of section
10 33 713.3, subsection 1, paragraph "d".
10 34 (10) Murder in violation of section 707.2 or 707.3 if
10 35 sexual abuse as defined in section 709.1 is committed during



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

11 1 the commission of the offense.
11 2 (11) Criminal transmission of human immunodeficiency virus
11 3 in violation of section 709C.1, subsection 1, paragraph "a".
11 4 (12) Human trafficking in violation of section 710A.2 if
11 5 sexual abuse or assault with intent to commit sexual abuse is
11 6 committed or sexual conduct or sexual contact is an element of
11 7 the offense.
11 8 (13) Purchase or sale of an individual in violation of
11 9 section 710.11.
11 10 (14) Sex trafficking of children in violation of 18 U.S.C.
11 11 } 1591.
11 12 (15) Aggravated sexual abuse in violation of 18 U.S.C. }
11 13 2241.
11 14 (16) Sexual abuse in violation of 18 U.S.C. } 2242.
11 15 (17) Sexual abuse of a minor or ward in violation of 18
11 16 U.S.C. } 2243.
11 17 (18) Abusive sexual contact in violation of 18 U.S.C. }
11 18 2244.
11 19 (19) Offenses resulting in death in violation of 18 U.S.C.
11 20 } 2245.
11 21 (20) Sexual exploitation of children in violation of 18
11 22 U.S.C. } 2251.
11 23 (21) Selling or buying of children in violation of 18
11 24 U.S.C. } 2251A.
11 25 (22) Any sex offense specified in the laws of another
11 26 jurisdiction or any sex offense that may be prosecuted in
11 27 federal, military, or foreign court, that is comparable to an
11 28 offense listed in subparagraphs (1) through (21).
11 29 (23) Any sex offense under the prior laws of this state or
11 30 another jurisdiction, or any sex offense under prior law that
11 31 was prosecuted in federal, military, or foreign court, that is
11 32 comparable to a sex offense listed in subparagraphs (1)
11 33 through (21).
11 34 2. A sex offense classified as a tier I offense shall be
11 35 reclassified as a tier II offense, if the sex offender



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

12 1 convicted of the tier I offense was required at the time of
12 2 the commission of the tier I offense to register due to a
12 3 conviction for a prior tier I offense.

12 4 3. A sex offense classified as a tier I or tier II offense
12 5 shall be reclassified as a tier III offense, if the sex
12 6 offender convicted of the tier I or II offense was required to
12 7 register at the time of the commission of the tier I offense
12 8 due to a conviction for a prior tier II or tier III offense.

12 9 4. Notwithstanding the classifications of sex offenses in
12 10 subsection 1, any sex offense which would qualify a sex
12 11 offender as a sexually violent predator, shall be classified
12 12 as a tier III offense.

12 13 5. An offense classified as a tier II offense if committed
12 14 against a person under thirteen years of age, shall be
12 15 reclassified as a tier III offense.

12 16 6. Convictions of more than one sex offense which require
12 17 registration under this chapter but which are prosecuted
12 18 within a single indictment shall be considered as a single
12 19 offense for purposes of registration.

12 20 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED TO
12 21 REGISTER.

12 22 1. A person who has been convicted of any sex offense
12 23 classified as a tier I, tier II, or tier III offense, or a sex
12 24 offense in a federal, military, tribal, or foreign court, or
12 25 an offender required to register in another jurisdiction under
12 26 the other jurisdiction's sex offender registry, shall register
12 27 as a sex offender as provided in this chapter. A sex offender
12 28 shall, upon a first conviction, register in compliance with
12 29 the procedures specified in this chapter, for the duration of
12 30 time specified in this chapter, commencing upon the first day
12 31 of any of the following:

- 12 32 a. From the date of placement on probation.
- 12 33 b. From the date of release on parole or work release.
- 12 34 c. From the date of release from incarceration.
- 12 35 d. Except as otherwise provided in this section, from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

13 1 date an adjudicated delinquent is released from placement in a
13 2 juvenile facility ordered by a court pursuant to section
13 3 232.52.

13 4 e. Except as otherwise provided in this section, from the
13 5 date an adjudicated delinquent commences attendance as a
13 6 student at a public or private educational institution, other
13 7 than an educational institution located on the real property
13 8 of a juvenile facility if the juvenile has been ordered placed
13 9 at such facility pursuant to section 232.52.

13 10 f. From the date of conviction for a sex offense requiring
13 11 registration if probation, incarceration, or placement ordered
13 12 pursuant to section 232.52 in a juvenile facility is not
13 13 included in the sentencing, order, or decree of the court,
13 14 except as otherwise provided in this section for juvenile
13 15 cases.

13 16 2. A sex offender is not required to register while
13 17 incarcerated. However, the running of the period of
13 18 registration is tolled pursuant to section 692A.107 if a sex
13 19 offender is incarcerated.

13 20 3. a. A delinquent adjudicated for an offense that
13 21 requires registration shall be required to register as
13 22 required in this chapter unless the juvenile court waives the
13 23 requirement and finds that the person should not be required
13 24 to register under this chapter.

13 25 b. Notwithstanding paragraph "a", a juvenile fourteen
13 26 years of age or older at the time the offense was committed
13 27 shall be required to register if the adjudication was for an
13 28 offense committed by force or the threat of serious violence,
13 29 by rendering the victim unconscious, or by involuntary
13 30 drugging of the victim.

13 31 4. If a juvenile is required to register pursuant to
13 32 subsection 3, the juvenile court may, upon motion of the
13 33 juvenile, and after reasonable notice to the parties and
13 34 hearing, modify or suspend the registration requirements if
13 35 good cause is shown.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

14 1 a. The motion to modify or suspend shall be made and the
14 2 hearing shall occur prior to the discharge of the juvenile
14 3 from the jurisdiction of the juvenile court for the sex
14 4 offense that requires registration.

14 5 b. If at the time of the hearing the juvenile is
14 6 participating in an appropriate outpatient treatment program
14 7 for juvenile sex offenders, the juvenile court may enter
14 8 orders temporarily suspending the requirement that the
14 9 juvenile register and may defer entry of a final order on the
14 10 matter until such time that the juvenile has completed or been
14 11 discharged from the outpatient treatment program.

14 12 c. Final orders shall then be entered within thirty days
14 13 from the date of the juvenile's completion or discharge from
14 14 outpatient treatment.

14 15 d. Any order entered pursuant to this subsection that
14 16 modifies or suspends the requirement to register shall include
14 17 written findings stating the reason for the modification or
14 18 suspension, and shall include appropriate restrictions upon
14 19 the juvenile to protect the public during any period of time
14 20 the registry requirements are modified or suspended. Upon
14 21 entry of an order modifying or suspending the requirement to
14 22 register, the juvenile court shall notify the superintendent
14 23 or the superintendent's designee where the juvenile is
14 24 enrolled of the decision.

14 25 e. This subsection does not apply to a juvenile fourteen
14 26 years of age or older at the time the offense was committed if
14 27 the adjudication was for a sex offense committed by force or
14 28 the threat of serious violence, by rendering the victim
14 29 unconscious, or by involuntary drugging of the victim.

14 30 5. If a juvenile is required to register and the court
14 31 later modifies or suspends the order regarding the requirement
14 32 to register, the court shall notify the department within
14 33 three days of the decision.

14 34 Sec. 4. NEW SECTION. 692A.104 REGISTRATION PROCESS.

14 35 1. A person required to register under this chapter shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

15 1 appear in person to register with the sheriff of each county
15 2 of residence, employment, and attendance as a student, within
15 3 three business days of being required to register under
15 4 section 692A.103. A sheriff shall accept the registration of
15 5 any person who is required to register in the county pursuant
15 6 to the provisions of this chapter.

15 7 2. A sex offender shall, within three business days of
15 8 changing a residence, employment, or attendance as a student,
15 9 appear in person to notify the sheriff of each county where a
15 10 change has occurred.

15 11 3. A sex offender shall, within three business days of a
15 12 change in relevant information other than relevant evidence
15 13 enumerated in subsection 2, appear in person to notify the
15 14 sheriff of the county where the principal residence of the
15 15 offender is maintained about the change to the relevant
15 16 information.

15 17 4. A sex offender shall, within three business days of the
15 18 establishment of a residence, employment, or attendance as a
15 19 student in another jurisdiction, appear in person to notify
15 20 the sheriff of the county where the principal residence of the
15 21 offender is maintained, about the establishment of a
15 22 residence, employment, or attendance in another jurisdiction.

15 23 A sex offender shall, upon establishing a new residence,
15 24 employment, or attendance as a student in another
15 25 jurisdiction, register with the registering agency of the
15 26 other jurisdiction, if the offender is required to register
15 27 under the laws of the other jurisdiction. The department
15 28 shall notify the registering agency in the other jurisdiction
15 29 of the sex offender's new residence, employment, or attendance
15 30 as a student in the other jurisdiction.

15 31 5. A sex offender, who has multiple residences in this
15 32 state, shall notify the sheriff of each county where a
15 33 residence is maintained, of the dates the offender will reside
15 34 at each residence including the date when the offender will
15 35 move from one residence to another residence.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

16 1 6. Except as provided in subsection 7, the initial
16 2 registration and any notifications required in subsections 1
16 3 through 5 shall be by appearance at the sheriff's office and
16 4 completion of the initial registration or notification shall
16 5 be on a printed form, which shall be signed and dated by the
16 6 sex offender. If the sheriff uses an electronic form to
16 7 complete the initial registration or notification, the
16 8 electronic form shall be printed upon completion and signed
16 9 and dated by the sex offender. The sheriff shall transmit the
16 10 registration or notification form completed by the sex
16 11 offender within three business days by paper copy, or
16 12 electronically, using procedures established by the department
16 13 by rule.

16 14 7. The collection of relevant information by a court or
16 15 releasing agency under section 692A.109 shall serve as the sex
16 16 offender's initial registration for purposes of this section.
16 17 The court or releasing agency shall forward a copy of the
16 18 registration to the department within three business days of
16 19 completion of registration using procedures established by the
16 20 department by rule.

16 21 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL REGISTRATION
16 22 REQUIREMENTS == TEMPORARY LODGING AND EMPLOYMENT NOT AT A
16 23 FIXED LOCATION.

16 24 1. In addition to the registration provisions specified in
16 25 section 692A.104, a sex offender shall also notify the sheriff
16 26 of the county of principal residence, of any location in which
16 27 the offender is staying when away from the principal residence
16 28 of the offender for more than three days, by identifying the
16 29 location and the period of time the offender is staying in
16 30 such location.

16 31 2. In addition to the registration provisions specified in
16 32 section 692A.104, a sex offender shall also notify the sheriff
16 33 of the county of principal residence, of the location where
16 34 the offender acts as an employee in any form of employment
16 35 that does not occur predominantly at a fixed location. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

17 1 description of the location of such employment shall include
17 2 but is not be limited to normal travel routes for such
17 3 employment, a description of sites or places where work is
17 4 regularly performed, a description of physical locations in
17 5 which the sex offender has contact with clients, customers, or
17 6 coworkers, or any other description that a reasonable person
17 7 would consider to be the location in which a person acts as an
17 8 employee.

17 9 Sec. 6. NEW SECTION. 692A.106 DURATION OF REGISTRATION.

17 10 1. Except as otherwise provided in this section, the
17 11 duration of registration required under this chapter shall be
17 12 as follows:

17 13 a. For a sex offense classified as a tier I offense,
17 14 fifteen years.

17 15 b. For a sex offense classified as a tier II offense,
17 16 twenty=five years.

17 17 c. For a sex offense classified as a tier III offense, the
17 18 lifetime of the registrant.

17 19 2. A sex offender who has been sentenced to a special
17 20 sentence under section 903B.1 or 903B.2, shall be required to
17 21 register for a period equal to the term of the special
17 22 sentence, but in no case not less than the period specified in
17 23 subsection 1.

17 24 3. A sex offender who is convicted of violating any of the
17 25 requirements of this chapter shall register for an additional
17 26 ten years, commencing from the date the offender's
17 27 registration would have expired under subsection 1 or, in the
17 28 case of an offender who has been sentenced to a special
17 29 sentence under section 903B.1 or 903B.2, commencing from the
17 30 date the offender's registration would have expired under
17 31 subsection 2.

17 32 4. A juvenile who has been adjudicated delinquent for an
17 33 offense that requires registration under this chapter, unless
17 34 the registration requirement is waived or the registration
17 35 requirement is modified or suspended pursuant to section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

18 1 692A.103, shall:

18 2 a. Register for a period of ten years, if the juvenile was
18 3 fourteen years of age or older at the time of the offense, and
18 4 the offense was not committed by use of force or threat of
18 5 serious violence, by rendering the victim unconscious, or by
18 6 involuntarily drugging the victim.

18 7 b. Register for the period of time specified in subsection
18 8 1, if the juvenile was fourteen years of age or older at the
18 9 time of the offense, and the offense was committed by use of
18 10 force or threat of serious violence, by rendering the victim
18 11 unconscious, or by involuntarily drugging the victim.

18 12 5. Notwithstanding subsection 4, a juvenile who has been
18 13 adjudicated for a sex offense classified as a tier III offense
18 14 shall no longer be required to register as a sex offender
18 15 twenty-five years after the registration requirement commenced
18 16 if:

18 17 a. After adjudication for the offense requiring
18 18 registration, the juvenile has not been convicted of any
18 19 indictable offense under the laws of this state, another
18 20 jurisdiction, or a federal, military, or foreign court.

18 21 b. The juvenile completes any required period of
18 22 supervised release, probation, or parole without revocation.

18 23 c. The juvenile successfully completes an appropriate sex
18 24 offender treatment program certified by a jurisdiction or by
18 25 the United States attorney general.

18 26 6. A sex offender who has been convicted of an offense
18 27 under the laws of this state or of another jurisdiction, or in
18 28 federal, military, or foreign court, which would qualify the
18 29 offender as a sexually violent predator shall register as
18 30 provided in this chapter for life.

18 31 7. If a sex offender ceases to maintain a residence,
18 32 employment, or attendance as a student in this state, the
18 33 offender shall no longer be required to register, and shall be
18 34 removed from the registry, after the department verifies that
18 35 the offender has complied with the registration requirements



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

19 1 in another jurisdiction. If the sex offender subsequently
19 2 reestablishes residence, employment, or attendance as a
19 3 student in this state, the registration requirement under this
19 4 chapter shall apply.

19 5 Sec. 7. NEW SECTION. 692A.107 TOLLING OF REGISTRATION
19 6 PERIOD.

19 7 1. If a sex offender is incarcerated during a period of
19 8 registration, the running of the period of registration is
19 9 tolled until the offender is released from incarceration for
19 10 that crime.

19 11 2. If a sex offender violates any provision of this
19 12 chapter, in addition to any criminal penalty prescribed for
19 13 such violation, the period of registration is tolled until the
19 14 offender complies with the registration provisions of this
19 15 chapter.

19 16 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF RELEVANT
19 17 INFORMATION.

19 18 1. A sex offender shall appear in person in the county of
19 19 principal residence, to verify residence, employment, and
19 20 attendance as a student, to allow the sheriff to photograph
19 21 the offender, and to verify other relevant information during
19 22 the following time periods:

19 23 a. For a sex offender who is required to register for a
19 24 sex offense classified as a tier I offense, every year.

19 25 b. For a sex offender who is required to register for a
19 26 sex offense classified as a tier II offense, every six months.

19 27 c. For a sex offender who is required to register for a
19 28 sex offense classified as a tier III offense, every three
19 29 months.

19 30 2. A sheriff may require a sex offender to appear in
19 31 person more frequently than provided in subsection 1 to verify
19 32 relevant information if good cause is shown. The
19 33 circumstances under which more frequent appearances are
19 34 required include but are not limited to the sex offender's
19 35 lack of a principal residence, provided that any such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

20 1 requirement is reasonable, documented by the sheriff, and
20 2 provided to the offender and the department in writing. Any
20 3 modification to such requirement shall also be provided to the
20 4 sex offender and the department in writing.

20 5 3. a. At least thirty days prior to an appearance for the
20 6 verification of relevant information as required by this
20 7 section, the department shall mail notification of the
20 8 required appearance to each reported residence of the sex
20 9 offender. The department shall not be required to mail
20 10 notification to any sex offender if the residence described or
20 11 listed in the sex offender's relevant information is
20 12 insufficient for the delivery of mail.

20 13 b. The notice shall state that the sex offender shall
20 14 appear in person in the county of principal residence on or
20 15 before a date specified in the notice to verify and update
20 16 relevant information. The notice shall not be forwarded to
20 17 another address and shall be returned to the department if the
20 18 sex offender no longer resides at the address.

20 19 4. A photograph of the sex offender shall be updated, at a
20 20 minimum, annually. The sheriff shall send the updated
20 21 photograph to the department using procedures established by
20 22 the department by rule within three business days of the
20 23 photograph being taken and the department shall post the
20 24 updated photograph on the sex offender registry's internet
20 25 site. The sheriff may require the sex offender to submit to
20 26 being photographed, fingerprinted, or palm printed, more than
20 27 once per year during any required appearance to verify
20 28 relevant information.

20 29 5. The sheriff may make a reasonable modification to the
20 30 date requiring a sex offender to make an appearance based on
20 31 exigent circumstances. The sheriff shall notify the
20 32 department of any modification using procedures established by
20 33 department by rule.

20 34 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE
20 35 REGISTRATION.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

21 1 1. When a sex offender is released from incarceration from
21 2 a jail, prison, juvenile facility, or other correctional
21 3 institution or facility, or when the offender is convicted but
21 4 not incarcerated, the sheriff, warden, or superintendent of a
21 5 facility or, in the case of release from foster care or
21 6 residential treatment or conviction without incarceration, the
21 7 court shall do the following prior to release or sentencing of
21 8 the convicted offender:

21 9 a. Obtain all relevant information from the sex offender.
21 10 Additional information for a sex offender required to register
21 11 as a sexually violent predator shall include but not be
21 12 limited to other identifying factors, anticipated future
21 13 places of residence, offense history, and documentation of any
21 14 treatment received by the person for a mental abnormality or
21 15 personality disorder.

21 16 b. Inform the sex offender of the duty to register and
21 17 ensure registration forms are completed and signed.

21 18 c. Inform the sex offender that, within three business
21 19 days of changing a residence, employment, or attendance as a
21 20 student, an appearance is required before the sheriff in the
21 21 county of principal residence and in the county where change
21 22 occurred.

21 23 d. Inform the sex offender that if the offender
21 24 establishes residence in another jurisdiction, or becomes
21 25 employed, or becomes a student in another jurisdiction, the
21 26 offender must report the offender's new residence, employment,
21 27 or attendance as a student, to the sheriff's office in the
21 28 county of the offender's principal residence within three
21 29 business days, and that, if the other jurisdiction has a
21 30 registration requirement, the offender may also be required to
21 31 register in such jurisdiction.

21 32 e. Require the sex offender to read and sign a form
21 33 stating that the duty of the offender to register under this
21 34 chapter has been explained. If the sex offender cannot read,
21 35 is unable to write, or refuses to cooperate, the duty and the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

22 1 form shall be explained orally and a written record maintained
22 2 by the offender explaining the duty and the form.

22 3 f. Inform the sex offender who was convicted of a sex
22 4 offense against a minor of the prohibitions established under
22 5 section 692A.114 by providing the offender with a written copy
22 6 of section 692A.114 and relevant definitions of section
22 7 692A.101.

22 8 g. Inform the sex offender that the offender must submit
22 9 to being photographed by the sheriff of any county in which
22 10 the offender is required to register upon initial registration
22 11 and during any appearance to verify relevant information
22 12 required under this chapter.

22 13 h. Inform the sex offender that any violation of this
22 14 chapter may result in state or federal prosecution.

22 15 2. a. When a sex offender is released from incarceration
22 16 from a jail, prison, juvenile facility, or other correctional
22 17 institution or facility, or when the offender is convicted but
22 18 not incarcerated, the sheriff, warden, superintendent, or
22 19 court shall verify that the person has completed initial
22 20 registration forms, and accept the forms on behalf of the
22 21 sheriff of the county of registration. The sheriff, warden,
22 22 superintendent, or the court shall send the initial
22 23 registration information to the department within three
22 24 business days of completion of the registration. Probation,
22 25 parole, work release, or any other form of release after
22 26 conviction shall not be granted unless the offender has
22 27 registered as required under this chapter.

22 28 b. If the sex offender refuses to register, the sheriff,
22 29 warden, or superintendent shall notify within three business
22 30 days the county attorney in the county in which the offender
22 31 was convicted or, if the offender no longer resides in that
22 32 county, in the county in which the offender resides of the
22 33 refusal to register. The county attorney shall bring a
22 34 contempt of court action against the sex offender in the
22 35 county in which the offender was convicted or, if the offender



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

23 1 no longer resides in that county, in the county in which the
23 2 offender resides. A sex offender who refuses to register
23 3 shall be held in contempt and may be incarcerated pursuant to
23 4 the provisions of chapter 665 following the entry of judgment
23 5 by the court on the contempt action until the offender
23 6 complies with the registration requirements.

23 7 3. The sheriff, warden, or superintendent, or if the sex
23 8 offender is placed on probation, the court shall forward one
23 9 copy of the registration information to the department and to
23 10 the sheriff of the county in which the principal residence is
23 11 established within three business days after completion of the
23 12 registration.

23 13 4. The court may order an appropriate law enforcement
23 14 agency or the county attorney to assist the court in
23 15 performing the requirements of subsection 1 or 2.

23 16 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES AND
23 17 CIVIL PENALTY FOR OFFENDERS.

23 18 1. At the time of filing a registration statement, or a
23 19 change of registration, with the sheriff of the county of
23 20 residence, a sex offender shall pay a fee of ten dollars to
23 21 the sheriff. If, at the time of registration, the sex
23 22 offender is unable to pay the fee, the sheriff may allow the
23 23 offender time to pay the fee, permit the payment of the fee in
23 24 installments, or may waive payment of the fee. Fees paid to
23 25 the sheriff shall be used to defray the costs of duties
23 26 related to the registration of sex offenders under this
23 27 chapter.

23 28 2. In addition to any other penalty, at the time of
23 29 conviction for a public offense committed on or after July 1,
23 30 1995, which requires a sex offender to register under this
23 31 chapter, the offender shall be assessed a civil penalty of two
23 32 hundred dollars, to be payable to the clerk of the district
23 33 court as provided in section 602.8105 and distributed as
23 34 provided in section 602.8108.

23 35 3. The fee and penalty required by this section shall not



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

24 1 be assessed against a person who has been acquitted by reason
24 2 of insanity of the offense which requires registration under
24 3 this chapter.

24 4 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY ==
24 5 PENALTY.

24 6 1. A sex offender who violates any requirements of section
24 7 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, or 692A.114
24 8 commits an aggravated misdemeanor for a first offense and a
24 9 class "D" felony for a second or subsequent offense. However,
24 10 a sex offender convicted of a sex offense against a minor,
24 11 sexual exploitation, or a sexually violent offense committed
24 12 while in violation of any of the requirements specified in
24 13 this chapter is guilty of a class "C" felony, in addition to
24 14 any other penalty provided by law. Any fine imposed for a
24 15 second or subsequent violation shall not be suspended.
24 16 Notwithstanding section 907.3, the court shall not defer
24 17 judgment or sentence for any violation of any requirements
24 18 specified in this chapter. A violation by a sex offender, who
24 19 is on probation, parole, work release, or any other form of
24 20 release, of any of the requirements specified in this chapter
24 21 shall result in the automatic revocation of the offender's
24 22 probation, parole, or work or other release. For purposes of
24 23 this subsection, a violation occurs when a sex offender knows
24 24 or reasonably should know of the duty to fulfill a requirement
24 25 specified in this chapter as referenced in the offense
24 26 charged.

24 27 2. Violations in any other jurisdiction under sex offender
24 28 registry provisions that are substantially similar to those
24 29 contained in this section shall be counted as previous
24 30 offenses. The court shall judicially notice the statutes of
24 31 other states which are substantially similar to this section.

24 32 3. A sex offender who violates any provision of this
24 33 chapter may be prosecuted in any county where registration is
24 34 required by the provisions of this chapter.

24 35 4. When the department has a reasonable basis to believe



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

25 1 that a sex offender has changed residence to an unknown
25 2 location, has become a fugitive from justice, or who has
25 3 otherwise taken flight, the department shall make a reasonable
25 4 effort to ascertain the whereabouts of the offender, and if
25 5 such effort fails to identify the location of the offender, an
25 6 appropriate notice shall be made on the sex offender registry
25 7 internet site of this state and shall be transmitted to the
25 8 national sex offender registry. The department shall notify
25 9 other law enforcement agencies as deemed appropriate,
25 10 including the United States marshals service.

25 11 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY PROVIDING FALSE
25 12 INFORMATION == PENALTY.

25 13 A sex offender shall not knowingly provide false
25 14 information upon registration or during an appearance to
25 15 verify relevant information.

25 16 Sec. 13. NEW SECTION. 692A.113 MINOR AT RESIDENCE ==
25 17 REPORTING.

25 18 1. As used in this section, "person having custody or
25 19 control over a child or minor" means the same as in section
25 20 726.6.

25 21 2. A sex offender shall report the name, gender, date of
25 22 birth, and social security number of any person under the age
25 23 of eighteen that is residing in the same residence as the
25 24 offender. The report shall be made in person to the sheriff
25 25 of the county where the residence is located.

25 26 3. This section does not apply to the following:

25 27 a. If the sex offender is a parent, guardian, or person
25 28 having custody or control over a child or minor.

25 29 b. If the sex offender is married to and living with a
25 30 person that is a parent, guardian, or person having custody or
25 31 control over a child or minor.

25 32 Sec. 14. NEW SECTION. 692A.114 EXCLUSION ZONES AND
25 33 PROHIBITION OF CERTAIN EMPLOYMENT-RELATED ACTIVITIES.

25 34 1. A sex offender who has been convicted of a sex offense
25 35 against a minor shall not do any of the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

26 1 a. Be present upon the real property of a public or
26 2 nonpublic elementary or secondary school without the written
26 3 permission of the school administrator, unless enrolled as a
26 4 student at the school.

26 5 b. Loiter within three hundred feet of the real property
26 6 boundary of a public or nonpublic elementary or secondary
26 7 school, unless enrolled as a student at the school.

26 8 c. Be present on or in any vehicle or other conveyance
26 9 owned, leased, or contracted by a public or nonpublic
26 10 elementary or secondary school without the written permission
26 11 of the school administrator when the vehicle is in use to
26 12 transport students to or from a school or school-related
26 13 activities, unless enrolled as a student at the school or
26 14 unless the vehicle is simultaneously made available to the
26 15 public as a form of public transportation.

26 16 d. Be present upon the real property of a child care
26 17 facility without the written permission of the child care
26 18 facility administrator.

26 19 e. Loiter within three hundred feet of the real property
26 20 boundary of a child care facility.

26 21 f. Loiter on or within three hundred feet of the premises
26 22 of any place intended primarily for the use of minors
26 23 including but not limited to a playground available to the
26 24 public, a children's play area available to the public,
26 25 recreational or sport-related activity area when in use by a
26 26 minor, a swimming or wading pool available to the public when
26 27 in use by a minor, or a beach available to the public when in
26 28 use by a minor.

26 29 2. A sex offender who has been convicted of a sex offense
26 30 against a minor:

26 31 a. Who resides in a dwelling located within three hundred
26 32 feet of the real property boundary of public or nonpublic
26 33 elementary or secondary school, child care facility, or place
26 34 intended primarily for the use of minors as specified in
26 35 subsection 1, paragraph "f", shall not be in violation of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

27 1 subsection 1 for having an established residence within the
27 2 exclusion zone.
27 3 b. Who is the parent or legal guardian of a minor shall
27 4 not be in violation of subsection 1 solely during the period
27 5 of time reasonably necessary to transport the offender's own
27 6 minor child or ward to or from a place specified in subsection
27 7 1.
27 8 c. Who is legally entitled to vote shall not be in
27 9 violation of subsection 1 solely for the period of time
27 10 reasonably necessary to exercise the right to vote in a public
27 11 election if the polling location of the offender is located in
27 12 a place specified in subsection 1.
27 13 3. A sex offender who has been convicted of a sex offense
27 14 against a minor, shall not do any of the following:
27 15 a. Operate, manage, be employed by, or act as a contractor
27 16 or volunteer at any municipal, county, or state fair or
27 17 carnival when a minor is present.
27 18 b. Operate, manage, be employed by, or act as a contractor
27 19 or volunteer on the premises of any children's arcade, an
27 20 amusement center having coin or token operated devices for
27 21 entertainment, or facilities providing programs or services
27 22 intended primarily for minors, when a minor is present.
27 23 c. Operate, manage, be employed by, or act as a contractor
27 24 or volunteer at a public or nonpublic elementary or secondary
27 25 school, child care facility, or recreational or sporting
27 26 league that involves minors as participants.
27 27 Sec. 15. NEW SECTION. 692A.115 DETERMINATION OF
27 28 REQUIREMENT TO REGISTER.
27 29 1. An offender may request that the department determine
27 30 whether the offense for which the offender has been convicted
27 31 requires the offender to register under this chapter or
27 32 whether the period of time during which the offender is
27 33 required to register under this chapter has expired.
27 34 2. Application for determination shall be made on forms
27 35 provided by the department and accompanied by copies of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

28 1 sentencing or adjudicatory orders with respect to each offense
28 2 for which the offender asks that a determination be made.

28 3 3. The department shall, after receipt of all
28 4 documentation or information requested by the department,
28 5 within ninety days of the filing of the request, determine
28 6 whether the offender is required to register under this
28 7 chapter.

28 8 Sec. 16. NEW SECTION. 692A.116 REGISTRATION FORMS AND
28 9 ELECTRONIC REGISTRATION SYSTEM.

28 10 1. Registration forms and an electronic registration
28 11 system shall be made available by the department. Such forms
28 12 and system shall include fields necessary to record all
28 13 relevant information.

28 14 2. Copies of blank forms shall be available upon request
28 15 to any person.

28 16 Sec. 17. NEW SECTION. 692A.117 DEPARTMENT DUTIES ==
28 17 REGISTRY.

28 18 The department shall perform all of the following duties:

28 19 1. Develop an electronic system and standard forms for use
28 20 in the registration of, verifying addresses of, and verifying
28 21 understanding of registration requirements by sex offenders.
28 22 Forms used to verify addresses of sex offenders shall contain
28 23 a warning against forwarding a form to another address and of
28 24 the requirement to return the form if the offender to whom the
28 25 form is directed no longer resides at the address listed on
28 26 the form or the mailing.

28 27 2. Maintain a central registry of information collected
28 28 from sex offenders, which shall be known as the sex offender
28 29 registry.

28 30 3. In consultation with the attorney general, adopt rules
28 31 under chapter 17A which list specific offenses under present
28 32 and former law which constitute sex offenses or sex offenses
28 33 against a minor under this chapter.

28 34 4. Adopt rules under chapter 17A, as necessary, to ensure
28 35 compliance with registration and verification requirements of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

29 1 this chapter, to provide guidelines for persons required to
29 2 assist in obtaining registry information, and to provide a
29 3 procedure for the dissemination of information contained in
29 4 the registry. The procedure for the dissemination of
29 5 information shall include but not be limited to practical
29 6 guidelines for use by criminal or juvenile justice agencies in
29 7 determining when public release of information contained in
29 8 the registry is appropriate and a requirement that if a member
29 9 of the general public requests information regarding a
29 10 specific individual in the manner provided in section
29 11 692A.120, the information shall be released. The department,
29 12 in developing the procedure, shall consult with associations
29 13 which represent the interests of law enforcement officers.
29 14 Rules adopted shall also include a procedure for removal of
29 15 information from the registry upon the reversal or setting
29 16 aside of a conviction of an offender.

29 17 5. Submit sex offender registry data to the federal bureau
29 18 of investigation for entry of the data into the national sex
29 19 offender registry.

29 20 6. Perform the requirements under this chapter and under
29 21 federal law in cooperation with the office of sex offender
29 22 sentencing, monitoring, apprehending, registering, and
29 23 tracking of the office of justice programs of the United
29 24 States department of justice.

29 25 7. Enter and maintain fingerprints and palm prints of sex
29 26 offenders in an automated fingerprint identification system
29 27 maintained by the department and made accessible to law
29 28 enforcement agencies in this state, of the federal government,
29 29 or in another jurisdiction. The department or any law
29 30 enforcement agency may use such prints for criminal
29 31 investigative purposes, to include comparison against finger
29 32 and palm prints identified or recovered as evidence in a
29 33 criminal investigation.

29 34 8. Notify all jurisdictions where a sex offender maintains
29 35 or will maintain a residence, employment, or attendance as a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

30 1 student, when updated information concerning the registrant is
30 2 received and verified, and notify the United States marshals
30 3 service and update national sex offender registry information,
30 4 when the department is notified that the offender intends to
30 5 maintain a residence, employment, or attendance as a student,
30 6 outside of the United States. If the department receives
30 7 notification that a sex offender has or intends to maintain a
30 8 residence, employment, or attendance as a student, in this
30 9 state, but the offender fails to register as required under
30 10 this chapter, the department shall notify the jurisdiction
30 11 that provided such information.

30 12 Sec. 18. NEW SECTION. 692A.118 SEX OFFENDER REGISTRY
30 13 FUND.

30 14 A sex offender registry fund is established as a separate
30 15 fund within the state treasury under the control of the
30 16 department. The fund shall consist of moneys received as a
30 17 result of the imposition of the penalty imposed under section
30 18 692A.110 and other funds allocated for purposes of
30 19 establishing and maintaining the sex offender registry,
30 20 conducting research and analysis related to sex crimes and
30 21 offenders, and to perform other duties required under this
30 22 chapter. Notwithstanding section 8.33, unencumbered or
30 23 unobligated moneys and any interest remaining in the fund on
30 24 June 30 of any fiscal year shall not revert to the general
30 25 fund of the state, but shall remain available for expenditure
30 26 in subsequent fiscal years.

30 27 Sec. 19. NEW SECTION. 692A.119 DUTIES OF THE SHERIFF.

30 28 The sheriff of each county shall comply with the
30 29 requirements of this chapter and rules adopted by the
30 30 department pursuant to this chapter. The sheriff of each
30 31 county shall provide information and notices as provided in
30 32 section 282.9.

30 33 Sec. 20. NEW SECTION. 692A.120 AVAILABILITY OF RECORDS.

30 34 1. The department shall provide relevant information from
30 35 the sex offender registry to the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

31 1 a. A criminal or juvenile justice agency, an agency of the
31 2 state, a sex offender registry of another jurisdiction, or the
31 3 federal government.

31 4 b. The general public through the sex offender registry
31 5 internet site or, at the discretion of the department, through
31 6 other electronic, oral, or written means, except that relevant
31 7 information about a sex offender who was under twenty years of
31 8 age at the time the offender committed a violation of section
31 9 709.4, subsection 2, paragraph "c", subparagraph (4), shall
31 10 not be disclosed on the internet site.

31 11 c. The single contact repository established pursuant to
31 12 section 135C.33, in accordance with the rules adopted by the
31 13 department.

31 14 d. A political subdivision in which an offender
31 15 establishes or terminates a residence, employment, or
31 16 attendance as student.

31 17 e. A probation or parole agency.

31 18 f. A school or public housing agency.

31 19 g. An agency responsible for conducting employment-related
31 20 background checks under section 3 of the National Child
31 21 Protection Act of 1993, 42 U.S.C. } 5119a.

31 22 h. A known volunteer organization in which contact with
31 23 minors or other vulnerable individuals might occur.

31 24 i. An organization, company, or individual requesting
31 25 notification pursuant to established procedures.

31 26 2. A criminal or juvenile justice agency may provide
31 27 relevant information from the sex offender registry to the
31 28 following:

31 29 a. A criminal or juvenile justice agency, an agency of the
31 30 state, or a sex offender registry of another jurisdiction, or
31 31 the federal government.

31 32 b. The general public, including public and private
31 33 agencies, organizations, public places, child care facilities,
31 34 religious and youth organizations, neighbors, neighborhood
31 35 associations, community meetings, and employers. Registry



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

32 1 information may be distributed to the public through printed
32 2 materials, visual or audio press releases, radio
32 3 communications, or through a criminal or juvenile justice
32 4 agency's internet site.

32 5 3. When a sex offender moves into a school district or
32 6 moves within a school district, the county sheriff of the
32 7 county of the offender's new residence shall provide relevant
32 8 information from the sex offender registry to the
32 9 administrative office of the school district in which the
32 10 person required to register resides, and shall also provide
32 11 relevant information to any nonpublic school near the
32 12 offender's residence.

32 13 4. A member of the public may contact a county sheriff's
32 14 office or police department to request relevant information
32 15 from the registry regarding a specific sex offender. A person
32 16 making a request for relevant information may make the request
32 17 by telephone, in writing, or in person, and the request shall
32 18 include the name of the person and at least one of the
32 19 following identifiers pertaining to the sex offender about
32 20 whom the information is sought:

- 32 21 a. The date of birth of the person.
- 32 22 b. The social security number of the person.
- 32 23 c. The address of the person.

32 24 A county sheriff or police department shall not charge a
32 25 fee relating to a request for relevant information.

32 26 5. A county sheriff shall also provide to a person upon
32 27 request access to a list of all registrants in that county.
32 28 However, records of a person protected under 18 U.S.C. } 3521
32 29 shall not be disclosed.

32 30 6. Relevant information provided to the general public may
32 31 include the sex offender's name, address, a photograph,
32 32 locations frequented by the offender, relevant criminal
32 33 history information from the registry, and any other relevant
32 34 information. Relevant information provided to the public
32 35 shall not include the identity of any victim, the registrant's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

33 1 social security number, arrests not resulting in convictions,
33 2 travel and immigration document numbers, the name of an
33 3 employer where a person required to register is employed, the
33 4 name of an educational institution where a person required to
33 5 register is a student, telephone numbers, or internet
33 6 identifier. For purposes of inclusion in the sex offender
33 7 registry's internet site or dissemination to the general
33 8 public, a conviction for incest shall be disclosed as either a
33 9 violation of section 709.4 or 709.8.

33 10 7. Notwithstanding sections 232.147 through 232.151,
33 11 records concerning convictions which are committed by a minor
33 12 may be released in the same manner as records of convictions
33 13 of adults.

33 14 8. A person may contact the department to verify if a
33 15 particular internet identifier is one that has been included
33 16 in a registration by a sex offender.

33 17 9. The department shall include links to sex offender
33 18 safety information, educational resources pertaining to the
33 19 prevention of sexual assaults, and the national sex offender
33 20 registry.

33 21 10. The department shall include on the sex offender
33 22 registry internet site instructions and any applicable forms
33 23 necessary for a person seeking correction of information that
33 24 the person contends is erroneous.

33 25 11. When the department receives and approves registration
33 26 data, such data shall be made available on the sex offender
33 27 registry internet site within three business days.

33 28 12. The department shall maintain an automated electronic
33 29 mail notification system, which shall be available by free
33 30 subscription to any person, to provide notice of addition,
33 31 deletion, or changes to any sex offender registration within a
33 32 postal zip code or, if selected by a subscriber, a geographic
33 33 radius.

33 34 13. Sex offender registry records are confidential records
33 35 not subject to examination and copying by a member of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

34 1 public and shall only be released as provided in this section.

34 2 Sec. 21. NEW SECTION. 692A.121 COOPERATION WITH

34 3 REGISTRATION.

34 4 An agency of state and local government that possesses
34 5 information relevant to requirements that an offender register
34 6 under this chapter shall provide that information to the court
34 7 or the department upon request. All confidential records
34 8 provided under this section shall remain confidential, unless
34 9 otherwise ordered by a court, by the lawful custodian of the
34 10 records, or by another person duly authorized to release such
34 11 information.

34 12 Sec. 22. NEW SECTION. 692A.122 IMMUNITY FOR GOOD FAITH
34 13 CONDUCT.

34 14 Criminal or juvenile justice agencies and employees of
34 15 criminal or juvenile justice agencies and state agencies and
34 16 their employees shall be immune from liability for acts or
34 17 omissions arising from a good faith effort to comply with this
34 18 chapter.

34 19 Sec. 23. NEW SECTION. 692A.123 ELECTRONIC MONITORING.

34 20 A sex offender who is placed on probation, parole, work
34 21 release, special sentence, or any other type of conditional
34 22 release, may be supervised by an electronic tracking and
34 23 monitoring system in addition to any other conditions of
34 24 supervision. However, if the sex offender committed a sex
34 25 offense against a minor, an aggravated offense, or a sexually
34 26 violent offense, the offender shall be supervised for a period
34 27 of at least five years by an electronic tracking and
34 28 monitoring system in addition to any other conditions of
34 29 release.

34 30 Sec. 24. NEW SECTION. 692A.124 APPLICABILITY OF CHAPTER
34 31 AND RETROACTIVITY.

34 32 1. The registration requirements of this chapter shall
34 33 apply to sex offenders convicted on or after the effective
34 34 date of this Act of a sex offense classified under section
34 35 692A.102.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

35 1 2. The registration requirements of this chapter shall
35 2 apply to a sex offender convicted, except as specified in
35 3 subsection 3, of a sex offense or a comparable offense under
35 4 prior law prior to the effective date of this Act under the
35 5 following circumstances:

35 6 a. The sex offender is required to be on the sex offender
35 7 registry as of June 30, 2009.

35 8 b. The sex offender is incarcerated, or on probation or
35 9 parole, on or after the effective date of this Act, for
35 10 conviction of an indictable offense, if the offender has a
35 11 previous sex offense conviction at any time in the offender's
35 12 lifetime.

35 13 c. The sex offender is convicted of an indictable offense
35 14 on or after the effective date of this Act, if the offender
35 15 has a previous sex offense conviction at any time in the
35 16 offender's lifetime.

35 17 3. The registration requirement of this chapter shall
35 18 apply to a sex offender who was adjudicated for a sex offense
35 19 requiring registration prior to the effective date of this Act
35 20 if all of the following apply:

35 21 a. The sex offender was at least fourteen years of age at
35 22 the time the offense was committed.

35 23 b. The adjudication was the result of the commission of,
35 24 an attempt to commit, or having conspired to commit, a sex
35 25 offense involving use of force, threat of serious violence, or
35 26 engaging in a sexual act with another by rendering the victim
35 27 unconscious or involuntarily drugging the victim.

35 28 c. The sex offender is convicted of an indictable offense
35 29 on or after the effective date of this Act.

35 30 4. For a sex offender required to register pursuant to
35 31 subsections 1, 2, or 3, each conviction or adjudication for a
35 32 sex offense requiring registration, regardless of whether such
35 33 conviction or adjudication occurred prior to, on, or after the
35 34 effective date of this Act, shall be included in determining
35 35 the duration of registration required pursuant to section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

36 1 692A.106.

36 2 5. For a person who is not on the registry as of June 30,
36 3 2009, but who subsequently is required to be on the registry
36 4 on or after July 1, 2009, as the result of a conviction for an
36 5 indictable offense that is not a sex offense, the department
36 6 shall determine the duration of registration under section
36 7 692A.106 based upon the conviction date of the previous sex
36 8 offense of the person.

36 9 6. An offender required to be on the sex offender registry
36 10 as of June 30, 2009, and who is required to be on the registry
36 11 on or after July 1, 2009, shall be credited for any time on
36 12 the registry prior to July 1, 2009.

36 13 Sec. 25. Sections 692A.1 through 692A.16, Code 2009, are
36 14 repealed.

36 15

DIVISION II

36 16

SEX OFFENDER REGISTRY RELATED CHANGES

36 17 Sec. 26. Section 13.2, subsection 1, paragraph d, Code
36 18 2009, is amended by striking the paragraph.

36 19 Sec. 27. Section 22.7, subsection 48, Code 2009, is
36 20 amended to read as follows:

36 21 48. Sex offender registry records under chapter 692A,
36 22 except as provided in section ~~692A.13~~ 692A.120.

36 23 Sec. 28. Section 232.116, subsection 1, paragraph o, Code
36 24 2009, is amended to read as follows:

36 25 o. The parent has been convicted of a felony offense that
36 26 is a ~~criminal sex~~ offense against a minor as defined in
36 27 section ~~692A.1~~ 692A.101, the parent is divorced from or was
36 28 never married to the minor's other parent, and the parent is
36 29 serving a minimum sentence of confinement of at least five
36 30 years for that offense.

36 31 Sec. 29. Section 272.2, subsection 17, Code 2009, is
36 32 amended to read as follows:

36 33 17. Adopt rules to require that a background investigation
36 34 be conducted by the division of criminal investigation of the
36 35 department of public safety on all initial applicants for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

37 1 licensure. The board shall also require all initial
37 2 applicants to submit a completed fingerprint packet and shall
37 3 use the packet to facilitate a national criminal history
37 4 background check. The board shall have access to, and shall
37 5 review the sex offender registry information under section
37 6 ~~692A.13~~ 692A.120, the central registry for child abuse
37 7 information established under chapter 235A, and the dependent
37 8 adult abuse records maintained under chapter 235B for
37 9 information regarding applicants for license renewal.

37 10 Sec. 30. Section 279.13, subsection 1, paragraph b,
37 11 subparagraph (1), Code 2009, is amended to read as follows:

37 12 (1) Prior to entering into an initial contract with a
37 13 teacher who holds a license other than an initial license
37 14 issued by the board of educational examiners under chapter
37 15 272, the school district shall initiate a state criminal
37 16 history record check of the applicant through the division of
37 17 criminal investigation of the department of public safety,
37 18 submit the applicant's fingerprints to the division for
37 19 submission to the federal bureau of investigation for a
37 20 national criminal history record check, and review the sex
37 21 offender registry information under section ~~692A.13~~ 692A.120,
37 22 the central registry for child abuse information established
37 23 under section 235A.14, and the central registry for dependent
37 24 adult abuse information established under section 235B.5 for
37 25 information regarding applicants for employment as a teacher.

37 26 Sec. 31. Section 282.9, subsection 2, Code 2009, is
37 27 amended to read as follows:

37 28 2. Notwithstanding section ~~692A.13~~ 692A.129, or any other
37 29 provision of law to the contrary, the county sheriff shall
37 30 provide to the boards of directors of the school districts
37 31 located within the county the name of any individual under the
37 32 age of twenty-one who is required to register as a sex
37 33 offender under chapter 692A.

37 34 Sec. 32. Section 598.41A, Code 2009, is amended to read as
37 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

38 1 598.41A VISITATION == HISTORY OF CRIMES AGAINST A MINOR.
38 2 Notwithstanding section 598.41, the court shall consider in
38 3 the award of visitation rights to a parent of a child, the
38 4 criminal history of the parent if the parent has been
38 5 convicted of a ~~criminal~~ sex offense against a minor, a
38 6 sexually violent offense against a minor, or sexual
38 7 exploitation of a minor. As used in this section, "~~criminal~~
38 8 sex offense against a minor", "sexually violent offense", and
38 9 "sexual exploitation" mean as defined in section 692A.1.
38 10 Sec. 33. Section 600A.8, subsection 10, Code 2009, is
38 11 amended to read as follows:
38 12 10. The parent has been convicted of a felony offense that
38 13 is a ~~criminal~~ sex offense against a minor as defined in
38 14 section 692A.1, the parent is divorced from or was never
38 15 married to the minor's other parent, and the parent is serving
38 16 a minimum sentence of confinement of at least five years for
38 17 that offense.
38 18 Sec. 34. Section 602.8105, subsection 2, Code 2009, is
38 19 amended by adding the following new paragraph:
38 20 NEW PARAGRAPH. gg. The sex offender civil penalty, two
38 21 hundred dollars.
38 22 Sec. 35. Section 602.8107, subsection 4, paragraph a, Code
38 23 2009, is amended to read as follows:
38 24 a. This subsection does not apply to amounts collected for
38 25 victim restitution, the victim compensation fund, the criminal
38 26 penalty surcharge, sex offender civil penalty, drug abuse
38 27 resistance education surcharge, the law enforcement initiative
38 28 surcharge, county enforcement surcharge, amounts collected as
38 29 a result of procedures initiated under subsection 5 or under
38 30 section 8A.504, or fees charged pursuant to section 356.7.
38 31 Sec. 36. Section 602.8108, subsection 2, Code 2009, is
38 32 amended to read as follows:
38 33 2. Except as otherwise provided, the clerk of the district
38 34 court shall report and submit to the state court
38 35 administrator, not later than the fifteenth day of each month,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

39 1 the fines and fees received during the preceding calendar
39 2 month. Except as provided in subsections 3, 4, 5, 7, 8, and
39 3 9, and 10, the state court administrator shall deposit the
39 4 amounts received with the treasurer of state for deposit in
39 5 the general fund of the state. The state court administrator
39 6 shall report to the legislative services agency within thirty
39 7 days of the beginning of each fiscal quarter the amount
39 8 received during the previous quarter in the account
39 9 established under this section.

39 10 Sec. 37. Section 602.8108, Code 2009, is amended by adding
39 11 the following new subsection:

39 12 NEW SUBSECTION. 10. The clerk of the district court shall
39 13 remit to the treasurer of state, not later than the fifteenth
39 14 day of each month, all moneys collected from the sex offender
39 15 civil penalty provided in section 692A.110 during the
39 16 preceding calendar month. Of the amount received from the
39 17 clerk, the treasurer of state shall allocate ten percent to be
39 18 deposited in the court technology and modernization fund
39 19 established in subsection 7. The treasurer of state shall
39 20 deposit the remainder into the sex offender registry fund
39 21 established in section 692A.118.

39 22 Sec. 38. Section 907.3, subsection 1, Code 2009, is
39 23 amended by adding the following new paragraph:

39 24 NEW PARAGRAPH. m. The offense is a violation of chapter
39 25 692A.

39 26 Sec. 39. Section 907.3, subsection 2, Code 2009, is
39 27 amended by adding the following new paragraph:

39 28 NEW PARAGRAPH. g. The offense is a violation of chapter
39 29 692A.

39 30 Sec. 40. Section 907.3, subsection 3, Code 2009, is
39 31 amended by adding the following new paragraph:

39 32 NEW PARAGRAPH. g. The offense is a violation of chapter
39 33 692A.

39 34

DIVISION III

39 35

COHABITATION WITH A SEX OFFENDER



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

40 1 Sec. 41. Section 232.68, subsection 2, paragraph i, Code
40 2 2009, is amended to read as follows:
40 3 i. ~~Cohabitation with a~~ Knowingly allowing a person custody
40 4 or control of, or unsupervised access to a child or minor, if
40 5 the person is on the sex offender registry under chapter 692A
40 6 in violation of section 726.6.
40 7 Sec. 42. Section 726.6, subsection 1, paragraph h, Code
40 8 2009, is amended to read as follows:
40 9 h. ~~Cohabits with a person~~ Knowingly allows a person
40 10 custody or control of, or unsupervised access to a child or a
40 11 minor after knowing the person is required to register or is
40 12 on the sex offender registry as a sex offender under chapter
40 13 692A. However, this paragraph does not apply to a person who
40 14 is a parent, or guardian, or a person having custody or
40 15 control over of a child or a minor, who is required to
40 16 register as a sex offender, or to a person who is married to
40 17 and living with a person required to register as a sex
40 18 offender.

40 19 EXPLANATION

40 20 This bill makes changes to the sex offender registry
40 21 provisions and to duties and requirements related to persons
40 22 who commit sex offenses.
40 23 DIVISION I. The sex offender registry changes in the
40 24 division relate to the federal Adam Walsh Child Protection
40 25 Safety Act of 2006.
40 26 The division repeals Code sections 692A.1 through 692A.16
40 27 including provisions relating to residency restrictions and
40 28 assessments of risk and replaces these sections with new Code
40 29 sections 692A.101 through 692A.124.
40 30 The amendment to new Code section 692A.101 relates to the
40 31 definitions within Code chapter 692A. The division adds
40 32 definitions for appearance, business day, change, employee,
40 33 employment, foreign court, incarceration, indictable offense,
40 34 internet identifiers, jurisdiction, loiter, military offense,
40 35 minor, principal residence, professional licensing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

41 1 information, relevant information, sex offender, sex offense,
41 2 sex offense against a minor, student, and vehicle. The
41 3 division modifies or strikes the definitions for conviction,
41 4 criminal offense against a minor, other relevant offense, and
41 5 residence. The division does not modify the definitions for
41 6 aggravated offenses, child care facility, criminal or juvenile
41 7 justice agency, department, sexually violent offense, sexual
41 8 exploitation, and sexually violent predator.

41 9 The amendment to new Code section 692A.102 classifies sex
41 10 offenses into tiers. The division classifies the tiers in
41 11 ascending order of severity with the least serious offenses
41 12 classified as tier I offenses, the next serious sex offenses
41 13 classified as tier II offenses, and the most serious sex
41 14 offenses classified as tier III offenses.

41 15 Current law groups sex offenses as either aggravated
41 16 offenses, criminal offenses against a minor, sexually violent
41 17 offenses, and other relevant offenses.

41 18 The division provides that a sex offense classified as a
41 19 tier I offense shall be reclassified as a tier II offense, if
41 20 the person convicted for the sex offense is currently required
41 21 to register for a prior tier II offense. The division
41 22 provides that a sex offense classified as a tier I or tier II
41 23 offense shall be reclassified as a tier III offense, if the
41 24 person convicted for the sex offense is currently required to
41 25 register for a conviction for a prior tier II or tier III
41 26 offense.

41 27 New Code section 692A.103 provides that an offender
41 28 convicted of a tier I, tier II, or tier III sex offense, or a
41 29 sex offense in a federal, military, tribal, or foreign court,
41 30 or an offender residing in this state who was required to
41 31 register under another jurisdiction's sex offender registry,
41 32 shall register as a sex offender in this state.

41 33 The division provides that an offender shall register from
41 34 the date of placement on probation, release on parole or work
41 35 release, release from incarceration or placement, the date of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

42 1 attendance at school, or from the date of conviction under
42 2 other circumstances.

42 3 The division provides that an offender is not required to
42 4 register if incarcerated, but the running of the registration
42 5 period is tolled while the offender is incarcerated.

42 6 Under the division, a juvenile offender adjudicated for a
42 7 sex offense that requires registration shall register as a sex
42 8 offender unless the court waives the requirement to register.
42 9 If the juvenile offender is 14 years of age or older, and the
42 10 sex offense was committed by force, or the threat of serious
42 11 injury, or involved the victim being rendered unconscious or
42 12 drugged, the juvenile court shall not waive the registration
42 13 requirement. Currently, the juvenile court may waive the
42 14 requirement to register for any juvenile adjudicated for an
42 15 offense that requires registration.

42 16 The division also allows the juvenile court to waive or
42 17 modify the registration requirement for a juvenile adjudicated
42 18 for a sex offense that requires registration. Under the
42 19 division, the juvenile court, may upon motion of a juvenile
42 20 required to register, modify or suspend the registration
42 21 requirements if good cause is shown. If the juvenile court
42 22 decides to modify or suspend the registration requirements for
42 23 a juvenile, the juvenile court shall notify the superintendent
42 24 of the school where the juvenile is enrolled. If the juvenile
42 25 is enrolled in a nonpublic school, the authorities of such
42 26 school shall be notified of the decision. The division
42 27 prohibits the juvenile court from modifying or suspending the
42 28 registration requirement, if the juvenile offender is 14 years
42 29 of age or older, and the sex offense was committed by force,
42 30 or the threat of serious injury, or involved the victim being
42 31 rendered unconscious or drugged.

42 32 The division requires an offender who has been convicted of
42 33 a sex offense which qualifies the person as a sexually violent
42 34 predator to register for life.

42 35 New Code section 692A.104 requires that an offender shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

43 1 appear in person to register with the sheriff of each county
43 2 of residence, employment, or attendance as a student, within
43 3 three business days of being required to register.

43 4 The division requires the offender to appear in person
43 5 within three business days of changing residence, employment,
43 6 or attendance as a student, to notify the sheriff of each
43 7 county where a change has occurred.

43 8 The division requires the offender to appear in person,
43 9 within three business days of relevant information changing,
43 10 to notify the sheriff of the county where the offender's
43 11 principal residence is located that certain relevant
43 12 information has changed.

43 13 The division requires the offender to appear in person,
43 14 within three business days of establishing a residence,
43 15 employment, or attendance as a student outside the state, to
43 16 notify the sheriff of the county where the offender's
43 17 principal residence is located that the offender has
43 18 established a residence, employment, or attendance as a
43 19 student outside the state.

43 20 New Code section 692A.105 requires the offender to appear
43 21 in person, within three business days of the information
43 22 changing, to notify the sheriff of the county where the
43 23 offender's principal residence is located, about information
43 24 relating to the location where the offender is staying when
43 25 away from the principal residence for more than three days, or
43 26 a description of the location of employment, including travel
43 27 routes, if the employment is not at a fixed location.

43 28 New Code section 692A.106 establishes the duration of
43 29 registration for each tier sex offense. An offender who is
43 30 convicted of a tier I offense shall register for a period of
43 31 15 years. An offender who is convicted of a tier II offense
43 32 shall register for a period of 25 years. An offender who is
43 33 convicted of a tier III offense shall register for life. An
43 34 offender convicted of a special sentence in violation of Code
43 35 section 903B.1 or 903B.2, shall register for a period equal to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

44 1 the term of the special sentence, but not less than the term
44 2 specified for the applicable tier offense.

44 3 A juvenile offender adjudicated for an offense that
44 4 requires registration shall register for a period of 10 years,
44 5 unless the juvenile is 14 years of age or older at the time of
44 6 the commission of the sex offense, and the sex offense was
44 7 committed by force, or the threat of serious injury, or
44 8 involved the victim being rendered unconscious or drugged. In
44 9 such cases where the juvenile is 14 years of age or older and
44 10 uses force, threat of injury, or the victim is rendered
44 11 unconscious or drugged, the juvenile shall register for a
44 12 period determined by the particular tier classification.

44 13 The division provides that a juvenile who has been
44 14 adjudicated of a tier III offense, shall register for a period
44 15 of 25 years. Under the division, an offender convicted of a
44 16 tier III offense who is not a juvenile registers for life.

44 17 New Code section 692A.107 provides that the time period for
44 18 registration is tolled when an offender is incarcerated or if
44 19 the offender is not compliant with the requirements of
44 20 registration.

44 21 New Code section 692A.108 establishes the intervals for
44 22 verification of offender information at the sheriff's office.
44 23 The division requires a tier I offender to appear in person to
44 24 verify information with the sheriff every year. The division
44 25 requires a tier II offender to verify information in person
44 26 every six months. The division requires a tier III offender
44 27 to appear in person to verify information every three months.

44 28 The division also requires a photograph of the offender to
44 29 be updated on at least an annual basis.

44 30 New Code section 692A.109 requires authorities at a jail,
44 31 juvenile facility, correctional institution or facility, or
44 32 the court, to obtain all relevant information from an offender
44 33 for the registry prior to release or sentencing. The division
44 34 also requires the sex offender to be informed about the
44 35 registry requirements prior to release or sentencing.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

45 1 The division provides that if an offender refuses to
45 2 register as a sex offender, the offender shall be held in
45 3 contempt pursuant to the provisions of Code chapter 665.
45 4 The division makes no changes to the assessment of a \$10
45 5 registration fee and \$200 civil penalty in Code section 692A.6
45 6 and designates the provision as new Code section 692A.110.
45 7 New Code section 692A.111 creates criminal penalties for
45 8 violating requirements under new Code section 692A.104
45 9 (registration process), 692A.105 (additional registration
45 10 requirements), 692A.108 (verification of relevant
45 11 information), 692A.112 (knowingly providing false
45 12 information), 692A.113 (minor at residence), or 692A.114
45 13 (exclusion zones). An offender commits an aggravated
45 14 misdemeanor for a first offense and a class "D" felony for a
45 15 second or subsequent offense. In addition, if an offender
45 16 violates any of the requirements and is convicted of a sex
45 17 offense against a minor, sexual exploitation, or a sexually
45 18 violent offense committed while in violation of any
45 19 requirement is guilty of a class "C" felony, in addition to
45 20 any other penalty provided by law.
45 21 New Code section 692A.112 prohibits an offender from
45 22 providing false information upon registration or during an
45 23 appearance at a sheriff's office to verify relevant
45 24 information. The penalty provisions for this Code section are
45 25 in new Code section 692A.111.
45 26 New Code section 692A.113 requires an offender to report
45 27 the name, gender, date of birth, and social security number of
45 28 a minor that is residing in the same residence as the
45 29 offender. The report shall be made in person to the sheriff
45 30 of the county where the residence is located. The division
45 31 does not apply to an offender who is the parent of the minor
45 32 or the offender is married to and living with a person who is
45 33 the parent of the minor. The penalty provisions for this
45 34 section are in new Code section 692A.111.
45 35 New Code section 692A.114 creates exclusion zones and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

46 1 prohibits certain employment activities for offenders who have
46 2 committed a sex offense against a minor. The penalty
46 3 provisions for this section are in new Code section 692A.111.

46 4 Under the division, an offender shall not be present upon
46 5 the real property of a public or nonpublic elementary or
46 6 secondary school without the written permission of the school
46 7 authority, unless the offender is enrolled at the school.

46 8 The division prohibits an offender from loitering within
46 9 300 feet of the real property boundary of a public or
46 10 nonpublic elementary or secondary school, unless enrolled in
46 11 the school.

46 12 The division prohibits an offender from being present on or
46 13 in any vehicle owned or leased by a public or nonpublic
46 14 elementary or secondary school without the written permission
46 15 of the school authority, unless the offender is a student at
46 16 the school or the vehicle is made available to the public as a
46 17 form of public transportation.

46 18 The division prohibits an offender to be present upon the
46 19 real property of a child care facility without the written
46 20 permission of the child care facility administrator.

46 21 The division prohibits an offender from loitering within
46 22 300 feet of the real property boundary of a child care
46 23 facility.

46 24 The division also prohibits an offender from loitering
46 25 within 300 feet of other locations intended primarily for use
46 26 by minors.

46 27 Under the division, an offender does not violate the
46 28 exclusion zones or loitering provisions of the division, by
46 29 the establishment of a residence within the exclusion zone but
46 30 may be prosecuted for loitering if the actions of the offender
46 31 constitute loitering.

46 32 The division permits an offender to enter into an exclusion
46 33 zone to transport a child or ward to or from a school, child
46 34 care facility, or other locations intended primarily for use
46 35 by minors, or to vote.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1177 continued

47 1 The division prohibits an offender from working or
47 2 volunteering at a fair or carnival when a minor is present.
47 3 The division prohibits an offender from working or
47 4 volunteering at an arcade or other entertainment center
47 5 intended primarily for use by minors, when a minor is present.
47 6 The division prohibits an offender from working or
47 7 volunteering at a public or nonpublic elementary or secondary
47 8 school, child care facility, or recreational or sporting
47 9 league that involves participation by minors.
47 10 New Code section 692A.115 permits an offender to request
47 11 the department of public safety to determine whether the
47 12 offense for which the offender was convicted requires the
47 13 offender to register under the division or whether the time
47 14 period in which to register has expired.
47 15 New Code section 692A.116 requires the department of public
47 16 safety to make available registration forms and the electronic
47 17 registration system.
47 18 New Code section 692A.117 lists the duties of the
47 19 department of public safety relating to the sex offender
47 20 registry.
47 21 The division makes no changes to the sex offender registry
47 22 fund in Code section 692A.11 and designates the provision as
47 23 new Code section 692A.118.
47 24 New Code section 692A.119 requires the sheriff to provide
47 25 information and prepare notices when an offender enrolls in a
47 26 school as provided in Code section 282.9.
47 27 New Code section 692A.120 enlarges the number of eligible
47 28 agencies and organizations that receive relevant information
47 29 about sex offenders.
47 30 The division makes no changes to cooperation requirements
47 31 among agencies in Code section 692A.14 and designates the
47 32 provision as new Code section 692A.121.
47 33 The division makes no changes to the immunity provisions in
47 34 Code section 692A.15 and designates the provision as new Code
47 35 section 692A.122.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

48 1 New Code section 692A.123 requires an offender who commits
48 2 a sex offense against a minor, or an aggravated offense, or
48 3 sexually violent offense, to be supervised for a period of at
48 4 least five years by an electronic tracking and monitoring
48 5 system. Currently, an offender who commits a criminal offense
48 6 against a minor, or an aggravated offense, sexually violent
48 7 offense, or other relevant offense that involved a minor,
48 8 shall be supervised for a period of at least five years by an
48 9 electronic tracking and monitoring system.

48 10 New Code section 692A.124 specifies the applicability and
48 11 retroactivity of the new sex offender requirements enumerated
48 12 in the division. In addition to any offender convicted for a
48 13 sex offense on or after the effective date of the division of
48 14 the bill, the division specifies that any offender required to
48 15 register as of June 30, 2009, shall register under the new sex
48 16 offender registry provisions enumerated in the division.

48 17 For an offender who is currently not on the registry, the
48 18 division requires an offender to register under the new sex
48 19 offender registry provisions if the offender is incarcerated,
48 20 or on probation or parole, on or after the effective date of
48 21 the division of the bill, for conviction of any indictable
48 22 offense, if the person has a previous sex offense conviction
48 23 in the offender's lifetime.

48 24 For an offender who is currently not on the registry, the
48 25 division requires an offender to register under the new sex
48 26 offender registry provisions if the offender is convicted of
48 27 any indictable offense on or after the effective date of the
48 28 division of the bill, if the person has a previous sex offense
48 29 conviction in the offender's lifetime.

48 30 An offender adjudicated of a sex offense in juvenile court
48 31 requiring registration prior to the effective date of this
48 32 division of the bill shall be required to register under the
48 33 new sex offender provisions if all of the following apply: the
48 34 offender was at least 14 years of age at the time the offense
48 35 was committed; the adjudication was the result of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1177 continued

49 1 commission of a sex offense involving use of force, threat of
49 2 serious violence, or engaging in a sexual act with another by
49 3 rendering the victim unconscious or involuntarily drugging the
49 4 victim; and the offender is convicted of an indictable offense
49 5 on or after the effective date of the division of the bill.

49 6 For an offender who is not on the registry as of June 30,
49 7 2009, but who subsequently is required to be on the registry
49 8 on or after the effective date of the division of the bill as
49 9 the result of a conviction for an indictable offense that is
49 10 not a sex offense, the department of public safety shall
49 11 determine the duration of registration pursuant to new Code
49 12 section 692A.106 based upon the conviction date of the
49 13 previous sex offense.

49 14 An offender required to be on the sex offender registry as
49 15 of June 30, 2009, and who is subject to the new registration
49 16 provisions on or after the effective date of the division of
49 17 the bill, shall be credited for any time on the registry prior
49 18 to the effective date of the division of the bill.

49 19 DIVISION II. The division makes related Code changes due
49 20 to the changes made to Code chapter 692A in division I.

49 21 DIVISION III. The division makes changes to the criminal
49 22 offense of cohabitating with a sex offender in Code section
49 23 726.6. The division provides that a person commits child
49 24 endangerment if a person knowingly allows a person custody or
49 25 control of, or unsupervised access to a child or a minor after
49 26 knowing the person is a registered sex offender. Current law
49 27 prohibits a person from cohabitating with a known sex
49 28 offender.

49 29 LSB 1358DP 83

49 30 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1178

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the civil penalty imposed when the department
2 of transportation suspends or revokes a person's driver's
3 license or nonresident operating privilege for failure to
4 maintain proof of financial responsibility.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1314DP 83
7 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009

Senate Study Bill 1178 continued

PAG LIN

1 1 Section 1. Section 321A.32A, Code 2009, is amended to read
1 2 as follows:

1 3 321A.32A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.

1 4 1. ~~When~~ Except as provided in subsection 2, when the
1 5 department suspends, revokes, or bars a person's driver's
1 6 license or nonresident operating privilege under this chapter,
1 7 the department shall assess the person a civil penalty of two
1 8 hundred dollars. However, for persons age nineteen or under,
1 9 the civil penalty assessed shall be fifty dollars. The money
1 10 collected by the department under this section shall be
1 11 transmitted to the treasurer of state who shall deposit the
1 12 money in the juvenile detention home fund created in section
1 13 232.142. Except as provided in section 321.210B, a temporary
1 14 restricted license shall not be issued or a driver's license
1 15 or nonresident operating privilege reinstated until the civil
1 16 penalty has been paid. A person assessed a penalty under this
1 17 section may remit the civil penalty along with a processing
1 18 fee of five dollars to a county treasurer authorized to issue
1 19 driver's licenses under chapter 321M, or the civil penalty may
1 20 be paid directly to the department.

1 21 2. The department shall not assess a civil penalty under
1 22 subsection 1 when the department suspends or revokes a
1 23 person's driver's license or nonresident operating privilege
1 24 for failure to continuously maintain proof of financial
1 25 responsibility under section 321A.17 if the person had
1 26 previously given proof of financial responsibility.

1 27 EXPLANATION

1 28 Under current law, when a person's driver's license or
1 29 nonresident operating privilege is suspended or revoked by the
1 30 department of transportation, the person is assessed a civil
1 31 penalty of \$200 or, if the person is 19 years of age or under,
1 32 a civil penalty of \$50. Payment of the penalty is required
1 33 for reinstatement of the person's driving privileges, unless
1 34 it is added to the amount owing under an installment
1 35 agreement. This bill creates an exception to the civil



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 09, 2009**

Senate Study Bill 1178 continued

2 1 penalty requirement if the suspension or revocation is imposed
2 2 for failure to continuously maintain proof of financial
2 3 responsibility as required following a sanction for a
2 4 conviction for certain offenses, including operating while
2 5 intoxicated.
2 6 LSB 1314DP 83
2 7 dea/nh/5.2