Senate File 2378

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM, MODIFYING CERTAIN TRAFFIC OFFENSES, FEES AND FINES, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... $ 7,732,930

..... FTEs 232.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

..... $ 3,060,000

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

c. For legal services for persons in poverty grants as provided in section 13.34:

..... $ 1,930,671

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2011, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2009, and actual and expected reimbursements for the fiscal year commencing July 1, 2010.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2011.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much

thereof as is necessary, to be used for the purposes designated:

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

..... $ 3,336,344

..... FTEs 27.00

Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 39,991,374

As a condition of receiving an appropriation in this lettered paragraph, the department of corrections shall operate the John Bennett facility either as an institution of the department or a community-based correctional facility.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 30,416,461

As a condition of receiving the appropriation in this lettered paragraph, the department of corrections shall employ two part-time registered nurses at the Luster Heights facility, and shall seek volunteer licensed medical personnel to serve at the facility.

It is the intent of the general assembly that the department of corrections fully operate the Luster Heights facility at the facility's 88-bed capacity.

As a condition of the moneys appropriated in this lettered

paragraph, the department of corrections shall replace expired federal funding by expending at least $238,252 for continuation of a treatment program that prepares offenders for ongoing therapeutic treatment programs offered by the department and maintaining at least 4.75 FTEs for the program.

Moneys appropriated in this lettered paragraph shall provide for one full-time substance abuse counselor for the Luster Heights facility for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 55,755,246

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 26,452,257

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 26,265,257

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 9,324,565

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 23,645,033

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and

miscellaneous purposes:
..... $ 15,486,586

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 29,020,235

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:
..... $ 775,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:
..... $ 239,411

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam.

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:
..... $ 4,254,068

(1) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not, except as otherwise provided in subparagraph (3), enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of $100,000 during the fiscal year beginning July 1, 2010, for the privatization of services performed by the department using

state employees as of July 1, 2010, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

(2) It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

(3) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

b. For educational programs for inmates at state penal institutions:

..... $ 1,558,109

As a condition of receiving the appropriation in this lettered paragraph, the department of corrections shall transfer at least $300,000 from the canteen operating funds established pursuant to section 904.310 to be used for correctional educational programs funded in this lettered paragraph.

It is the intent of the general assembly that moneys appropriated in this lettered paragraph shall be used solely

for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this lettered paragraph to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

The director of the department of corrections may transfer moneys from Iowa prison industries for use in educational programs for inmates.

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this lettered paragraph until the close of the succeeding fiscal year.

c. For the development of the Iowa corrections offender network (ICON) data system:

..... $ 424,364

d. For offender mental health and substance abuse treatment:

..... $ 22,319

e. For viral hepatitis prevention and treatment:

..... $ 167,881

2. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of June 30, 2011; shall not enter into any rental agreement or contract concerning any farmland under

the control of the department that is not subject to a rental agreement or contract as of January 1, 2010, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

3. The department of corrections shall provide a smoking cessation program to offenders committed to the custody of the director or who are otherwise detained by the department, that complies with legislation enacted restricting or prohibiting smoking on the grounds of correctional institutions.

4. As a condition of receiving the appropriations made in this section, the department of corrections shall develop and implement offender reentry programs in Black Hawk and Polk counties to provide transitional planning and release primarily for offenders released from the Iowa correctional institution for women at Mitchellville and the Fort Dodge correctional facility. Programming shall include minority and gender-specific responsivity, employment, substance abuse treatment, mental health services, housing, and family reintegration. The department of corrections shall collaborate with the first and fifth judicial district departments of correctional services, the Iowa department of workforce development, the department of human services, community-based providers and faith-based organizations, and local law enforcement.

5. The chief security officer position within the department of corrections shall be eliminated by the effective date of this subsection.

6. The department shall place inmates at the Luster Heights facility who have been approved by the board of parole for

work release but who are expected to be waiting in prison for at least four months for a bed to become available at a community-based correctional facility, unless the placement would dislodge an inmate receiving substance abuse treatment.

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:

..... $ 12,453,082

As a condition of the moneys appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least $140,000 for the dual diagnosis program and maintaining 1.25 FTEs for the program.

b. For the second judicial district department of correctional services:

..... $ 10,770,616

c. For the third judicial district department of correctional services:

..... $ 5,715,578

d. For the fourth judicial district department of correctional services:

..... $ 5,522,416

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... $ 18,938,081

As a condition of receiving the appropriation in this lettered paragraph, the fifth judicial district department of correctional services shall reinstate 67 beds in buildings 65 and 66 at the Fort Des Moines facility and resume operating the buildings, in addition to maintaining the 199 beds in buildings

68 and 70 at the Fort Des Moines facility. The district department may use inmate labor to upgrade and renovate the buildings, if renovation and updating are required.

f. For the sixth judicial district department of correctional services:
..... $ 13,030,356

g. For the seventh judicial district department of correctional services:
..... $ 6,846,560

h. For the eighth judicial district department of correctional services:
..... $ 6,935,622

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

6. A judicial district department of correctional services shall accept into the facilities of the district department,

offenders assigned from other judicial district departments of correctional services.

Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2010, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. Each month the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2010. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking

members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2011. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2010, exceeding $5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

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

..... $ 21,743,182

..... FTEs 203.00

2. For the fees of court-appointed attorneys for indigent

adults and juveniles, in accordance with section 232.141 and chapter 815:

..... $ 15,680,929

Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... $ 1,049,430

..... FTEs 30.55

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

Sec. 12. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 1,045,259
..... FTEs 13.50

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

..... $ 6,249,201
..... FTEs 324.00

The military division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

..... $ 2,038,119
..... FTEs 33.00

The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are

receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

It is the intent of the general assembly that the homeland security and emergency management division work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

..... $ 4,134,461
..... FTEs 36.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 12,861,710
..... FTEs 162.10

If any of the Indian tribes fail to pay for 1.00 FTE pursuant to the agreements or compacts entered into between the state and the Indian tribes pursuant to section 10A.104, subsection 10, the number of full-time equivalent positions authorized under this subsection is reduced by 1.00 FTE.

The department shall employ one additional special agent and one additional criminalist for the purpose of investigating

cold cases. Prior to employing the additional special agent and criminalist authorized in this paragraph, the department shall provide a written statement to prospective employees that states to the effect that the positions are being funded by a temporary federal grant and there are no assurances that funds from other sources will be available after the federal funding expires. If the federal funding for the additional positions expires during the fiscal year, the number of full-time equivalent positions authorized in this subsection is reduced by 2.00 FTEs.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat or gambling structure regulated after July 1, 2010, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2010. One additional gaming enforcement officer, up to a total of four per riverboat or gambling structure, may be employed for each riverboat or gambling structure that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

3. For the criminalistics laboratory fund created in section 691.9:

..... $ 302,345

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 6,507,048

..... FTEs 75.00

b. For the division of narcotics enforcement for undercover purchases:

..... $ 109,042

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... $ 4,343,896

..... FTEs 57.00

6. For the division of state patrol, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... $ 48,984,147

..... FTEs 503.00

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... $ 279,517

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... $ 612,255

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

Notwithstanding section 8.39, within the moneys appropriated in this section the department of public safety may reallocate moneys as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate an appropriation made to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information about the rationale for reallocating the appropriation. The department shall not reallocate an appropriation made in this section for the purpose of eliminating any program.

Sec. 15. GAMING ENFORCEMENT. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct and indirect support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,851,775

..... FTEs 115.00

However, for each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the period beginning July 1, 2009, through June 30, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for

the fiscal year beginning July 1, 2010, and ending June 30, 2011, an additional amount of not more than $521,000 to be used for not more than 6.00 additional full-time equivalent positions.

Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 1,379,861
..... FTEs 29.50

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 17. EFFECTIVE UPON ENACTMENT. The provision of this division of this Act eliminating the chief security officer position within the department of corrections, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

COURT COSTS — FINES

Sec. 18. Section 805.8A, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

805.8A Motor vehicle and transportation scheduled violations.

1. *Parking violations.*

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars if authorized by ordinance and if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance

bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint required by section 321.236, subsection 1, paragraph *"b"*, are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 461A.38, the scheduled fine is ten dollars. For a parking violation under section 321.362, the scheduled fine is twenty dollars.

b. For a parking violation under section 321L.2A, subsection 2, the scheduled fine is twenty dollars.

c. For violations under section 321L.2A, subsection 3, sections 321L.3, 321L.4, subsection 2, and section 321L.7, the scheduled fine is two hundred dollars.

2. *Title and registration violations.* For title or registration violations under the following sections, the scheduled fine is as follows:

a. 321.17, $50.

b. 321.25, $100.

c. 321.32, $20.

d. 321.34, $20.

e. 321.37, $20.

f. 321.38, $20.

g. 321.41, $20.

h. 321.45, $100.

i. 321.46, $100.

j. 321.47, $100.

k. 321.48, $100.

l. 321.52, $100.

m. 321.55, $50.

n. 321.57, $100.

o. 321.62, $100.

p. 321.67, $100.

q. 321.98, $50.

r. 321.99, $200.

s. 321.104, $100.

t. 321.115, $30.

u. 321.115A, $30.

3. *Equipment violations.* For equipment violations under the following sections, the scheduled fine is as follows:

a. 321.234A, $50.

b. 321.247, $100.

c. 321.317, $20.

d. 321.381, $100.

e. 321.381A, $100.

f. 321.382, $25.

g. 321.383, $30.

h. 321.384, $30.

i. 321.385, $30.

j. 321.386, $30.

k. 321.387, $20.

l. 321.388, $20.

m. 321.389, $20.

n. 321.390, $20.

o. 321.392, $20.

p. 321.393, $20.

q. 321.398, $30.

r. 321.402, $30.

s. 321.403, $30.

t. 321.404, $30.

u. 321.404A, $25.

v. 321.409, $30.

w. 321.415, $30.

x. 321.419, $30.

y. 321.420, $30.

z. 321.421, $30.

aa. 321.422, $20.

ab. 321.423, $30.

ac. 321.430, $100.

ad. 321.432, $20.

ae. 321.433, $30.

af. 321.436, $20.

ag. 321.437, for improperly used or nonused, or defective or improper equipment, other than brakes, driving lights, and brake lights, $20.

ah. 321.438, $50.

ai. 321.439, $20.

aj. 321.440, $20.

ak. 321.441, $20.

al. 321.442, $20.

am. 321.444, $20.

4. *Driver's license violations.* For driver's license violations under the following sections, the scheduled violation is as follows:

a. 321.174, $200.

b. 321.174A, $50.

c. 321.180, $50.

d. 321.180B, $50.

e. 321.193, $50.

f. 321.194, $50.

g. 321.216, $100.

h. 321.216B, $200.

i. 321.216C, $200.

j. 321.219, $200.

k. 321.220, $200.

5. *Speed violations.*

a. For excessive speed violations in excess of the limit under section 321.236, subsections 5 and 11, sections 321.285, and 461A.36, the scheduled fine shall be the following:

(1) Twenty dollars for speed not more than five miles per hour in excess of the limit.

(2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) Ninety dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

b. Notwithstanding paragraph *"a"*, for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

(1) Twenty dollars for speed not more than five miles per hour in excess of the limit.

(2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) Ninety dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

c. Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in this subsection.

d. Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

e. For a violation under section 321.295, the scheduled fine is fifty dollars.

6. *Operating violations.* For operating violations under the following sections, the scheduled violation is as follows:

a. 321.236, subsections 3, 4, 9, and 12, $20.

b. 321.275, subsections 1 through 7, $35.

c. 321.277A, $35.

d. 321.288, $100.

e. 321.297, $100.

f. 321.299, $100.

g. 321.302, $100.

h. 321.303, $100.

i. 321.304, subsections 1 and 2, $100.

j. 321.305, $100.

k. 321.306, $100.

l. 321.311, $100.

m. 321.312, $100.

n. 321.314, $100.

o. 321.315, $35.

p. 321.316, $35.

q. 321.318, $35.

r. 321.323, $100.

s. 321.340, $100.

t. 321.353, $100.

u. 321.354, $100.

v. 321.363, $35.

w. 321.365, $35.

x. 321.366, $100.

y. 321.395, $100.

7. *Failure to yield or obey violations.* For failure to yield or obey violations under the following sections, the scheduled violation is as follows:

a. 321.257, subsection 2, for a violation by an operator of a motor vehicle, $100.

b. 321.298, $100.

c. 321.307, $100.

d. 321.308, $100.

e. 321.313, $100.

f. 321.319, $100.

g. 321.320, $100.

h. 321.321, $100.

i. 321.327, $100.

j. 321.329, $100.

k. 321.333, $100.

8. *Traffic sign or signal violations.* For traffic sign or signal violations under the following sections, the scheduled violation is as follows:

a. 321.236, subsections 2 and 6, $35.

b. 321.256, $100.

c. 321.294, $100.

d. 321.304, subsection 3, $100.

e. 321.322, $100.

9. *Bicycle or pedestrian violations.* For bicycle or pedestrian violations under the following sections, the scheduled fine for a pedestrian or bicyclist is as follows:

a. 321.234, subsections 3 and 4, $25.

b. 321.236, subsection 10, $15.

c. 321.257, subsection 2, $25.

d. 321.275, subsection 8, $25.

e. 321.325, $25.

f. 321.326, $25.

g. 321.328, $25.

h. 321.331, $25.

i. 321.332, $25.

j. 321.397, $25.

k. 321.434, $25.

9A. *Electric personal assistive mobility device violations.* For violations under section 321.235A, the scheduled fine is fifteen dollars.

10. *School bus violations.*

a. For violations by an operator of a school bus under sections 321.285 and 321.372, subsections 1 and 2, the scheduled fine is one hundred dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

b. For a violation under section 321.372, subsection 3, the scheduled fine is two hundred dollars.

11. *Emergency vehicle violations.* For emergency vehicle violations under the following sections, the scheduled fine is as follows:

a. 321.231, $100.

b. 321.323A, $100.

c. 321.324, $100.

d. 321.367, $100.

e. 321.368, $100.

12. *Restrictions on vehicles.*

a. For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is thirty-five dollars.

b. For violations under section 321.437, the scheduled fine is thirty-five dollars.

c. For height, length, width, and load violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is two hundred dollars.

d. For violations under section 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

e. (1) Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the fine under that schedule.

(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.

(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint,

indictment, or county attorney's information.

f. For a violation under section 321E.16, other than the provisions relating to weight, the scheduled fine is two hundred dollars.

13. *Motor carrier violations.*

a. (1) For a violation under section 321.54, the scheduled fine is thirty dollars.

(2) For violations under sections 326.22 and 326.23, the scheduled fine is fifty dollars.

b. For a violation under section 321.449, the scheduled fine is fifty dollars.

c. For violations under sections 321.364, 321.450, 321.460, and 452A.52, the scheduled fine is two hundred dollars.

d. For violations of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is one hundred dollars.

e. For violations of chapter 325A, other than a violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is two hundred fifty dollars.

f. For failure to have proper carrier identification markings under section 327B.1, the scheduled fine is one hundred dollars.

g. For failure to have proper evidence of interstate authority carried or displayed under section 327B.1, and for failure to register, carry, or display evidence that interstate authority is not required under section 327B.1, the scheduled fine is two hundred fifty dollars.

14. *Miscellaneous violations.*

a. Failure to obey a peace officer. For a violation under section 321.229, the scheduled fine is one hundred dollars.

b. Abandoning a motor vehicle. For a violation under section 321.91, the scheduled fine is two hundred dollars.

c. Seat belt or restraint violations.

(1) For a violation under section 321.445, the scheduled fine is fifty dollars.

(2) For a violation under section 321.446, the scheduled violation is one hundred dollars.

d. Litter and debris violations. For violations under sections 321.369 and 321.370, the scheduled fine is seventy dollars.

e. Open container violations. For violations under sections 321.284 and 321.284A, the scheduled fine is two hundred dollars.

f. Proof of financial responsibility. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is five hundred dollars; otherwise, the scheduled fine for a violation of section 321.20B, subsection 1, is two hundred fifty dollars. Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in section 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

g. Radar-jamming devices. For a violation under section 321.232, the scheduled fine is one hundred dollars.

h. Railroad crossing violations. For violations under sections 321.341, 321.342, 321.343, and 321.344, and 321.344B, the scheduled fine is two hundred dollars.

i. Road work zone violations. The scheduled fine for any moving traffic violation under chapter 321, as provided in this section, shall be doubled if the violation occurs within any road work zone, as defined in section 321.1. However, notwithstanding subsection 5, the scheduled fine for violating the speed limit in a road work zone is as follows:

(1) One hundred fifty dollars for speed not more than ten miles per hour over the posted speed limit.

(2) Three hundred dollars for speed greater than ten but not more than twenty miles per hour over the posted speed limit.

(3) Five hundred dollars for speed greater than twenty but not more than twenty-five miles per hour over the posted speed limit.

(4) One thousand dollars for speed greater than twenty-five miles per hour over the posted speed limit.

j. Vehicle component parts records violations. For violations under section 321.95, the scheduled fine is fifty dollars.

Sec. 19. Section 805.8C, subsection 6, paragraph a, Code Supplement 2009, is amended to read as follows:

a. If the violation is a first offense, the scheduled fine is ~~one~~ two hundred dollars.

DIVISION III

PUBLIC SAFETY ENFORCEMENT FUND

Sec. 20. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED — TEMPORARY ALLOCATION OF FINES AND FEES.

1. A public safety enforcement fund is created in the state treasury under the control of the treasurer of state. Notwithstanding section 602.8108, the state court administrator shall allocate to the treasurer of state for deposit in the public safety enforcement fund the first nine million one hundred thousand dollars of the moneys received under section 602.8108, subsection 2, during the fiscal year beginning July 1, 2010, and ending June 30, 2011. Of the moneys allocated for deposit into the victim compensation fund pursuant to section 602.8108, subsection 3, the state court administrator shall allocate to the treasurer of state for deposit in the public safety enforcement fund the first two hundred thirty-five thousand dollars of the moneys received during the fiscal year beginning July 1, 2010, and ending June 30, 2011. Moneys deposited into the fund are appropriated to the treasurer of state for allocation as provided in subsection 2.

2. The treasurer of state shall allocate to the following entities the following amounts from the public safety enforcement fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011:

a. To the department of corrections for operations including but not limited to drug courts and salaries and support for probation and parole officers, $837,810, and of the amount allocated in this paragraph, $402,810 shall be allocated by the department of corrections to the sixth judicial

district department of correctional services, $335,000 shall be allocated to the fifth judicial district department of correctional services, and $100,000 shall be allocated to the first judicial district department of correctional services.

b. To the department of corrections for salaries and support for correctional officers, $2,497,190, and of the amount allocated in this paragraph, $1,451,000 shall be allocated by the department of corrections for the operation of the Fort Madison correctional facility, $846,190 shall be allocated for the operation of the Luster Heights facility, and $200,000 shall be allocated for the operation of the Anamosa correctional facility.

c. To the department of public safety, $150,000, for costs associated with the training and equipment needs of volunteer fire fighters.

d. To the department of public safety for salaries and support for sworn peace officers of the state patrol, $300,000.

e. To the Iowa civil rights commission, $100,000.

f. To the judicial branch, $5,300,000.

g. To the department of justice for salaries and support, $150,000.

3. Moneys remaining in the fund at or after the close of the fiscal year shall revert to the general fund of the state.

4. This section is repealed June 30, 2011.

DIVISION IV

GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

Sec. 21. 2010 Iowa Acts, Senate File 2088, section 62, is amended to read as follows:

SEC. 62. COMMUNITY-BASED CORRECTIONS — STATE ~~ACCOUNTING~~ BUDGETING SYSTEM. Each judicial district department of correctional services shall utilize the state ~~accounting~~ budgeting system for purposes of tracking both appropriations and expenditures. Each judicial district department shall coordinate its ~~accounting~~ budgeting activities with the department of management for purposes of implementing the requirements of this section.

Sec. 22. Section 8A.302, subsection 1, as amended by 2010 Iowa Acts, Senate File 2088, section 71, is amended to read as follows:

1. Providing a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased by state agencies through the department, except items provided for under section 904.808 or items used by the state board of regents and institutions under the control of the state board of regents. However, the department may authorize the department of transportation, the department for the blind, and any other agencies otherwise exempted by law from centralized purchasing, to directly purchase items used by those agencies without going through the department, if the department of administrative services determines such purchasing is in the best interests of the state. However, items of general use may be purchased through the department by any governmental entity.

Sec. 23. NEW SECTION. **80.43 Gaming enforcement — revolving fund.**

1. A gaming enforcement revolving fund is created in the state treasury under the control of the department. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph *"b"*, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph *"b"*. All costs for agents and officers plus any direct and indirect support costs for such agents and officers of the division of criminal investigation's racetrack, excursion boat, or gambling structure enforcement activities shall be paid from the fund as provided in appropriations made for this purpose by the general assembly.

2. To meet the department's cash flow needs, the department may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund if those additional expenditures are fully reimbursable and the department reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal

year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

3. Section 8.33 does not apply to any moneys credited or appropriated to the revolving fund from any other fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

Sec. 24. Section 99D.14, subsection 2, Code 2009, is amended to read as follows:

2. *a.* A licensee shall pay a regulatory fee to be charged as provided in this section. In determining the regulatory fee to be charged as provided under this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than two special agents for each racetrack that has not been issued a table games license under chapter 99F or no more than three special agents for each racetrack that has been issued a table games license under chapter 99F, plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities, as the basis for determining the amount of revenue to be raised from the regulatory fee.

b. Notwithstanding sections 8.60 and 99D.17, the portion of the fee paid pursuant to paragraph "*a*" relating to the costs of special agents plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming enforcement revolving fund established in section 80.43.

Sec. 25. Section 99F.10, subsection 4, Code 2009, is amended to read as follows:

4. *a.* In determining the license fees and state regulatory fees to be charged as provided under section 99F.4 and this section, the commission shall use as the basis for determining

the amount of revenue to be raised from the license fees and regulatory fees the amount appropriated to the commission plus the cost of salaries for no more than two special agents for each excursion gambling boat or gambling structure and no more than four gaming enforcement officers for each excursion gambling boat or gambling structure with a patron capacity of less than two thousand persons or no more than five gaming enforcement officers for each excursion gambling boat or gambling structure with a patron capacity of at least two thousand persons, plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat or gambling structure activities.

b. Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph "*a*" relating to the costs of special agents and officers plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat or gambling structure activities, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming enforcement revolving fund established in section 80.43.

Sec. 26. Section 809A.17, subsection 5, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* If the forfeited property is cash or proceeds from the sale of real property the distribution of the forfeited property shall be as follows:

(1) The department of justice shall not retain more than ten percent of the gross sale of any forfeited real property. The balance of the proceeds shall be distributed to the seizing agency for use by the agency or for division among law enforcement agencies and county attorneys pursuant to any agreement entered into by the seizing agency.

(2) The department of justice shall not retain more than ten percent of any forfeited cash. The balance shall be distributed to the seizing agency for use by the agency or for division among law enforcement agencies and county attorneys pursuant to

any agreement entered into by the seizing agency.

(3) In the event of a cash forfeiture in excess of four hundred thousand dollars the distribution of forfeited cash shall be as follows:

(a) Forty-five percent shall be retained by the seizing agency.

(b) Forty-five percent shall be distributed to other law enforcement agencies within the region of the seizing agency.

(c) Ten percent shall be retained by the department of justice.

Sec. 27. Section 904.315, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A contract is not required for improvements at a state institution where the labor of inmates is to be used if the contract is not for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost in excess of ~~fifty~~ one hundred thousand dollars.

Sec. 28. Section 904A.4B, Code 2009, is amended to read as follows:

904A.4B Executive director of the board of parole — duties.

1. The chief administrative officer of the board of parole shall be the executive director, except as provided in subsection 2. The executive director shall be appointed by the chairperson, subject to the approval of the board and shall serve at the pleasure of the board. The executive director shall do all of the following:

~~1.~~ *a.* Advise the board on matters relating to parole, work release, and executive clemency, and advise the board on matters involving automation and word processing.

~~2.~~ *b.* Carry out all directives of the board.

~~3.~~ *c.* Hire and supervise all of the board's staff pursuant to the provisions of chapter 8A, subchapter IV.

~~4.~~ *d.* Act as the board's liaison with the general assembly.

~~5.~~ *e.* Prepare a budget for the board, subject to the approval of the board, and prepare all other reports required by law.

~~6.~~ *f.* Develop long-range parole and work release planning, in cooperation with the department of corrections.

2. If an executive director is not appointed as provided in subsection 1, the chairperson shall serve as acting executive director and perform the administrative duties under subsection 1.

Sec. 29. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the executive branch agencies receiving an appropriation in this Act utilize the Iowa communications network or secure other electronic communications in lieu of traveling for the fiscal year addressed by the appropriations.

Sec. 30. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2010, and ending June 30, 2011, an amount not exceeding $200,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

Sec. 31. CORRECTIONAL OFFICER AND PEACE OFFICER —— PRIORITY. As a condition of receiving an appropriation in this Act, the department of corrections and the department of public safety shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs.

DIVISION V

SCHEDULED FINES —— CORRESPONDING AMENDMENTS

Sec. 32. Section 321.17, Code 2009, is amended to read as follows:

321.17 Misdemeanor to violate registration provisions.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph "*b*",~~ for

any person to drive or move or for an owner knowingly to permit to be driven or moved upon the highway a vehicle of a type required to be registered under this chapter which is not registered, or for which the appropriate fees have not been paid, except as provided in section 321.109, subsection 3.

Sec. 33. Section 321.47, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2~~, paragraph "b"~~.

Sec. 34. Section 321.98, Code 2009, is amended to read as follows:

321.98 Operation without registration.

A person shall not operate, and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled hereunder unless there shall be attached thereto and displayed thereon when and as required by this chapter a valid registration card and registration plate or plates issued therefor for the current registration year and unless a certificate of title has been issued for such vehicle except as otherwise expressly permitted in this chapter. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2~~, paragraph "b"~~.

Sec. 35. Section 321.99, Code 2009, is amended to read as follows:

321.99 Fraudulent use of registration.

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this

chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2~~, paragraph "d"~~.

Sec. 36. Section 321.104, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph "c",~~ for any person to commit any of the following acts:

Sec. 37. Section 321.115, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2~~, paragraph "b"~~.

Sec. 38. Section 321.115A, subsection 3, Code Supplement 2009, is amended to read as follows:

3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2~~, paragraph "b"~~.

Sec. 39. Section 321.193, unnumbered paragraph 4, Code 2009, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph "a",~~ for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section.

Sec. 40. Section 321.216, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph "b",~~ for any person:

Sec. 41. Section 321.216B, Code 2009, is amended to read as follows:

321.216B Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious

or fraudulently altered driver's license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4~~, paragraph "c"~~. The court shall forward a copy of the conviction to the department.

Sec. 42. Section 321.216C, Code 2009, is amended to read as follows:

321.216C Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.

A person who is under the age of eighteen, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license or card to violate or attempt to violate section 453A.2, subsection 2, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4~~, paragraph "c"~~. The court shall forward a copy of the conviction to the department.

Sec. 43. Section 321.219, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4~~, paragraph "c"~~.

Sec. 44. Section 321.220, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4~~, paragraph "c"~~.

Sec. 45. Section 321.234A, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3~~, paragraph "f"~~.

Sec. 46. Section 321.247, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3~~, paragraph "f"~~.

Sec. 47. Section 321.302, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6~~, paragraph "d"~~.

Sec. 48. Section 321.327, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 7~~, paragraph "b"~~.

Sec. 49. Section 321.366, unnumbered paragraph 3, Code 2009, is amended to read as follows:

Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 6~~, paragraph "d"~~.

Sec. 50. Section 321.381, Code 2009, is amended to read as follows:

321.381 Movement of unsafe or improperly equipped vehicles.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, ~~paragraph "f",~~ for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter.

Sec. 51. Section 321.383, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any person who violates any provision of this section shall be fined as provided in section 805.8A, subsection 3~~, paragraph "d"~~.

Sec. 52. Section 321.404A, subsection 2, Code 2009, is amended to read as follows:

2. A person who violates this section shall be subject to a scheduled fine under section 805.8A, subsection 3~~, paragraph "c"~~.

Sec. 53. Section 321.421, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3~~, paragraph "d"~~.

JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2378, Eighty-third General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2010

CHESTER J. CULVER
Governor