



OFFICE OF THE STATE PUBLIC DEFENDER

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2016 LEGISLATIVE SUMMARY OF ACTS IMPACTING

CRIMINAL AND JUVENILE JUSTICE

By Kurt Swaim, First Assistant State Public Defender

HF 228 – An Act Relating to Transitional Coaching Authorizations Issued by the Board of Educational Examiners and Making Penalties Applicable.

This Act requires the Board of Educational Examiners to issue a transitional coaching authorization to an individual under certain circumstances. Iowa Code Section 709.15, the criminal offense of sexual exploitation by a school employee, is amended to expand the definition of “school employee” to include a person who has been issued a “transitional coaching authorization” in addition to the persons already included as “school employees”, i.e. A practitioner as defined in Iowa Code Section 272.1 or a person issued a coaching authorization.

Effective date is July 1, 2016.

HF 617 – An Act Providing for Special Vehicle Registration Plates Displaying a Decal Designed and Issued by a Nonprofit Organization, Providing Fees, Making Penalties Applicable, and Including Effective Date Provisions.

This Act allows the Department of Transportation to issue special vehicle registration plates containing a space for the placement of an organization decal and providing a process for the approval of registration plate decals to be issued by qualifying nonprofit corporations. The Act also contains transition provisions. The Act prohibits a person from displaying a decal other than an approved decal on a vehicle registration plate. Under current law, a person who violates Iowa Code provisions relating to vehicle registration plates commits a simple misdemeanor punishable by a scheduled fine of \$20.

Effective date of licensing requirement is January 1, 2017.

HF 2064 – An Act Relating to the Criminal Offenses of Child Endangerment and Robbery and Criminal Drug Offenses, and Providing Penalties.

Current Iowa Code Section 124.413 provides that a person sentenced for a drug offense pursuant to Iowa Code Section 124.401, Subsection 1, Paragraph "a", "b", "c", "e", or "f" shall not be eligible for parole until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law. This Act amends the one-third mandatory minimum sentence in Iowa Code Section 124.413 as follows: (1) it adds the language "or work release" to the restriction on ineligibility for parole, so that a person subject to the mandatory minimum of Iowa Code Section 124.413 is ineligible for parole or work release until the person has served a minimum of one-third of the maximum indeterminate term, and (2) it adds an exception to the one-third mandatory minimum sentence of Iowa Code Section 124.413 for a person serving a sentence pursuant to Iowa Code Section 124.401, Subsection 1, Paragraphs "b" or "c". It adds a new Subsection 3 to the current mandatory minimum sentence in Iowa Code Section 124.413. The new Subsection provides that a person serving a sentence pursuant to Iowa Code Section 124.401, Subsection 1, Paragraph "b" or "c" shall be denied parole or work release based upon all the pertinent information as determined by the court under Iowa Code Section 901.11, Subsection 1, until the person has served between one-half of the one-third mandatory minimum term of confinement prescribed in Subsection 1 of Iowa Code Section 124.413 and the maximum indeterminate sentence prescribed by law. This Act adds a new Section 901.11 specifying the pertinent information the

court is to consider at the time of sentencing in determining the amount of the mandatory minimum sentence for a person convicted under Iowa Code Section 124.401, Subsection 1, Paragraph “b” or “c”. New Iowa Code Subsection 901.11(1) provides that at the time of sentencing, the court shall determine when a person convicted under Iowa Code Section 124.401, Subsection 1, Paragraph “b” or “c” shall first become eligible for parole or work release within the parameters described in new Iowa Code Subsection 124.413(3) based upon the pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons. This Act also adds a new Iowa Code Section 901.12 applying the new reduced mandatory minimums to certain earlier drug offenses. New Iowa Code Subsection 901.12(1) provides that effective July 1, 2016, and notwithstanding Iowa Code Section 124.413, a person whose sentence commenced prior to July 1, 2016, for a conviction under Iowa Code Section 124.401, Subsection 1, Paragraph “b” or “c”, (1) who has not previously been convicted of a forcible felony, and (2) who does not have a prior conviction under Iowa Code Section 124.401, Subsection 1, Paragraph “a”, “b”, or “c” shall first be eligible for parole or work release after the person has served one-half of the minimum term of confinement prescribed in Iowa Code Section 124.413. New Iowa Code Subsection 901.12(2) provides the parole board shall consider all pertinent information in Iowa Code Section 901.12(1) in considering a person for parole or work release for the drug offenses specified above, including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Also, the Act creates the new crime of robbery in the third degree by carving out an exception to the definition of robbery in the second degree. Robbery in the third degree is defined in new Iowa Code Section 711.3A. A person commits robbery in the third degree when, while perpetrating a robbery, the person commits an assault as described in Iowa Code Section 708.2, Subsection 6 upon another person (a simple misdemeanor assault). Robbery in the third degree is an aggravated misdemeanor. It is not an Iowa Code Section 902.12 crime requiring a 70% mandatory minimum sentence.

And, the Act amends the 70% mandatory minimum sentence provisions of Iowa Code Section 902.12 as they apply to persons serving a sentence for a conviction for robbery in the second degree in violation of Iowa Code Section 711.3 if the conviction occurs on or after July 1, 2016. For such convictions, the mandatory minimum sentence is amended to provide that the person shall be denied parole or work release until the person has served between one-half and seven-tenths of the maximum term of the person’s sentence as determined under new Iowa Code Subsection 901.11(3). New Iowa Code Section 901.11(3) provides that at the time of sentencing, the court shall determine when a person convicted of robbery in the second degree as described in Iowa Code Subsection 902.12(3) shall first become eligible for parole or work release within the parameters specified in Iowa Code Section 902.12, Subsection 3, based on all

pertinent information, including the person's criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Under current law a person who commits child endangerment resulting in the death of a child or minor is sentenced to a term of not more than fifty years, but is eligible for parole upon entering prison. This Act creates a new mandatory minimum for certain child endangerment offenses. New Section 902.12, Subsection 2, provides that a person serving a sentence for a conviction of child endangerment as defined in Iowa Code Section 726.6, Subsection 1, Paragraph "b" (By an intentional act or series of intentional acts, uses unreasonable force, torture, or cruelty, that results in bodily injury, or that is intended to cause serious injury) that is described and punishable under Iowa Code Section 726.6, Subsection 4 (i.e. "A person who commits child endangerment resulting in the death of a child or minor is guilty of a class "B" felony. Notwithstanding Iowa Code Section 902.9, Subsection 1, Paragraph "b", a person convicted of a violation of this Subsection shall be confined for not more than fifty years."), shall be denied parole or work release until the person has served between three-tenths and seven-tenths of the maximum term of the person's sentence as determined under Iowa Code Section 901.11, Subsection 2. New Iowa Code Section 901.11, Subsection 2, provides that at the time of sentencing, the court shall determine when a person convicted of child endangerment as described in Iowa Code Section 902.12, Subsection 2, shall first become eligible for parole or work release within the parameters specified in Iowa Code Section 902.12, Subsection 2, based on all pertinent information including the person's criminal record, a validated risk assessment, and whether the offense involved multiple intentional acts or a series of intentional acts, or whether the offense involved torture or cruelty.

Under current law and the Act, felonious child endangerment, other than class "D" felony child endangerment, is also classified as a "forcible felony" under Iowa Code Section 702.11, which under Iowa Code Section, 907.3 prohibits a defendant from receiving a suspended or deferred sentence or deferred judgment.

Under current Iowa Code Section 906.15 and the Act, a person sentenced under Iowa Code Section 902.12 shall not be discharged from parole until the person's term of parole equals the period of imprisonment specified in the sentence, less all time served in confinement.

Under current Iowa Code Chapter 692A, an offender who commits child endangerment must also register as a sex offender if a determination is made that the offense was sexually motivated.

The new Act also extends the statute of limitations for filing of an information or indictment for child endangerment in violation of Iowa Code Section 726.6, Subsections 4, 5 or 6 in the same way and to the same extent as the other sexual offenses specified in Iowa Code Section 802.2B.

Effective date is July 1, 2016.

HF 2270 – An Act Including Fathers Whose Paternity Has Been Lawfully Established in the Definition of Parent For the Purposes of Juvenile Justice Proceedings.

This Act amends the definition of “parent” for purposes of Iowa Code Chapter 232 (Juvenile Justice) to include, in addition to the biological or adoptive mother or father of the child, a father whose paternity has been established by operation of law due to the individual’s marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law.

Effective date is July 1, 2016.

HF 2271 – An Act Relating to the Criminal Offense of Identity Theft and Providing Penalties.

This Act increases the penalty for identity theft if the value of the credit, property, services or other benefit obtained through identity theft exceeds \$10,000 to a class “C” felony from a class “D” felony. It does not change the level of offense for identity theft where the value of the benefit obtained does not exceed \$10,000. The Act also aligns the elements of the crime of identity theft in Iowa Code Section 715A.8 (2) to the penalty language in Iowa Code Section 715A.8 (3) by adding “other benefit” to the latter. And, the Act aligns the language in Iowa Code Section 715A.9 (regarding the calculation of the value of the identity theft) with Iowa Code Section 715A.8 (definition of the elements of identity theft).

Effective date is July 1, 2016.

HF 2278 – An Act Relating to the Limitations of Criminal Actions in Kidnapping or Human Trafficking Offenses, and Providing Penalties.

This Act requires that an information or indictment for kidnapping in the first degree, kidnapping in the second degree, or kidnapping in the third degree committed on or with a person who is under 18 years old shall be found within 10 years after the person upon whom the kidnapping is committed becomes 18 years of age, rather than within 3 years after its commission as under current law. The Act also requires that an information or indictment for a human trafficking offense in violation of Iowa Code Section 710A.2, committed on or with a person who is under 18 years old shall be found within 10 years after the person upon whom the human trafficking offense is committed becomes 18 years old, rather than within 3 years after its commission as under current law.

The Act includes an additional provision that if a person is identified through the use of a DNA profile, an information or indictment for either the kidnapping or human trafficking offenses described in the Act shall be found within 10 years after the victim becomes 18 years old, or within three years from the date the person is identified by the person's DNA profile, whichever is later.

Effective date is July 1, 2016.

HF 2279 – An Act Relating to Possessing and Transferring Firearm Suppressors, Providing Penalties, and Including Effective Date Provisions.

This Act amends current law by making it legal to possess a firearm suppressor (silencer) in Iowa. Prior to this enactment, knowing possession of a firearm suppressor, defined as an offensive weapon, was a class "D" felony. The Act also creates a process for a person to apply to the chief law enforcement officer of the jurisdiction where the person resides or maintains an address of record for a certification to make or transfer a firearm suppressor, specifies standards and procedures for the issuance of the certification by the chief law enforcement officer, and provides a procedure for judicial review of the decision of the chief law enforcement officer. The Act also specifies that that a person shall not possess a firearm suppressor in Iowa if such possession is knowingly in violation of federal law, and makes such possession a class "D" felony.

Effective date is effective March 31, 2016.

HF 2282 – An Act Relating to the Appointment of a Guardian Ad Litem in an Adoption Proceeding.

This Act requires that the adoption petition state whether a guardian ad litem should be appointed for a minor child to be adopted, and if not, the reasons for not appointing a guardian ad litem. This Act also specifies that in the order setting the adoption hearing, the court shall either appoint or waive the appointment of a guardian ad litem for the purposes of the adoption proceeding in writing, after having made a determination as to the need.

Effective date is July 1, 2016.

HF 2283 – An Act Relating to Carrying a Firearm While Operating or Riding on a Snowmobile or All-Terrain Vehicle.

This Act amends Iowa Code Sections 321G.13 (2) and 321I.14 (2) to allow a person to operate or ride on a snowmobile or an all-terrain vehicle with a loaded firearm, whether concealed or not, if the person has in the person's possession and displays to the peace officer on demand a valid permit to carry weapons which has been issued to the person, and the person's conduct is within the limits of the permit. The Act also allows a person to operate or ride a snowmobile or all-terrain vehicle with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned or possessed by the person, and the person's conduct is otherwise lawful.

This Act also prohibits a person from discharging a firearm from an all-terrain vehicle when hunting or attempting to hunt game as defined in Iowa Code Section 481.42, or protected nongame species as specified in Iowa Code section 481A.42. Current Iowa law already prohibits hunting from a snowmobile.

A person who violated Iowa Code Section 321G.13 (2) or 321I.14 (2) commits a simple misdemeanor with a scheduled fine of \$100.

Effective date is July 1, 2016.

HF 2343 – An Act Relating to Possession and Storage of Game or Fur-Bearing Animals and Their Pelts and Including Penalties.

The Act provides that a person having lawful possession of game or fur-bearing animals or their pelts lawfully taken by that person with a valid hunting or trapping license may hold, possess, or store them in an amount that does not exceed the legal limit from the date of taking until the day before the first day of the next open season for taking that animal. The Act retains the current law allowing any person to possess up to 25 pounds of deer venison if the deer was obtained from a lawful source. A violation of the Act's provisions is a scheduled fine of \$100.

Effective date is January 1, 2016.

HF 2354 – An Act Relating to Electronic Recordings of Court Proceedings within a Magistrate's Jurisdiction.

This Act requires all trials and contested hearings within a magistrate's jurisdiction to be electronically recorded, unless a party provides a certified court reporter at the party's own expense. It further requires that the electronic recordings be securely maintained for one year after entry of final judgment in the trial court or until thirty days after final disposition, whichever is later.

Effective date is July 1, 2016.

HF 2386 – An Act Relating to the Grounds for Termination of Parental Rights of an Individual Relative to Sexual Abuse.

This Act adds an additional ground for termination of parental rights pursuant to Iowa Code Chapter 232 if the court finds that there is clear and convincing evidence that the child was conceived as the result of sexual abuse as defined in Iowa Code Section 709.1, and the biological parent against whom the sexual abuse was perpetrated requests termination of the parental rights of the biological parent who perpetrated the sexual abuse.

Effective date is July 1, 2016.

HF 2394 – An Act Relating to Various Matters Involving Insurance and the Insurance Division of the Department of Commerce, and Including Penalties and Applicability Provisions.

This Act is the Insurance Division Bill. Among its provisions, the Act creates Iowa Code Section 507E.3A which provides that a person commits a class “D” felony if the person, with the intent to defraud another person in connection with any sale, solicitation, or negotiation of insurance, willfully employs any deception, device, scheme, or artifice to defraud; misrepresents, conceals, or suppresses any material fact; or operates as a fraud or deceit upon another person. And, a person who commits such insurance fraud that results in a loss of more than \$10,000 is guilty of a class “C” felony.

Effective date is July 1, 2016.

HF 2401 – An Act Prohibiting Persons from Opening or Using a Credit Card in the Name of a Minor without the Consent of the Minor’s Parent, Guardian, or Legal Custodian, and Providing Criminal Penalties.

This Act expands the number of criminal offenses related to credit card fraud. Under current Iowa Code Section 715A.6, a person commits a public offense by using a credit card to obtain property or services with knowledge that the credit card is stolen or forged, the credit card has been revoked or canceled, or the use of the credit card is otherwise unauthorized. If the value of the property or services secured or sought to be secured is greater than \$10,000, the offense is a class “C” felony. If the value is more than \$1000, but does not exceed \$10,000, the offense is a class “D” felony. If the value is \$1000 or less, it is an aggravated misdemeanor.

This Act additionally provides that it is a class “D” felony to apply for a credit card in the name of a minor without the consent of the minor’s parent, guardian, or legal custodian. And, the Act makes it a public offense to use the credit card obtained in the minor’s name without the consent of the minor’s parent, guardian or legal custodian. The offense is a class “C” felony if the value of the property secured or sought to be secured is more than \$10,000, and a class “D” felony if the value is \$10,000 or less.

Effective date is July 1, 2016.

HF 2420 - An Act Related to Untested Sexual Abuse Evidence Collection Kits Stored at Law Enforcement Agencies.

This Act requires the Department of Justice to conduct a survey of law enforcement agencies charged with the maintenance, storage, or preservation of untested sexual abuse evidence collection kits. The Act details the requirements and specific questions to be made a part of the survey. The act requires a law enforcement agency to submit answers to the survey or respond that it does not have any untested sexual abuse evidence by January 1, 2017.

The Act also requires the Department of Justice to provide a detailed report of the results of the survey to the Iowa Legislature no later than March 15, 2017, and a report to the Office of the State Public Defender, no later than March 15, 2017, that provides the date an untested sexual abuse evidence collection kit was collected, where the collection occurred, and the case number, if any, associated with the untested sexual abuse evidence collection kit.

Effective date is July 1, 2016.

HF 2457 – An Act Relating to the Appropriations to the Judicial Branch.

There was no change in funding for the Judicial Branch compared to estimated FY 2016. The Legislature included language in the Judicial Branch Appropriations bill, *inter alia*, that...“The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges or similar amounts.” ... “It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as reasonable possible in order to address the needs of the citizens of each county.” ... “The judicial branch shall emphasize the expansion of family treatment courts on a statewide basis.”

Effective Date is July 1, 2016.

HF 2458 – An Act Relating to the Appropriations to the Justice System.

This justice systems appropriations bill is also essentially a status quo budget for the Office of the State Public Defender and other agencies within the justice system with relatively small increases to the Department of Corrections and the Department of Public Safety. This appropriations bill contains language authorizing the State Public Defender to establish a pilot project between July 1, 2016 and June 30, 2019 allowing an indigent person to choose an eligible attorney to represent the person in the person's case. The State Public Defender has sole discretion to establish the pilot project in up to four counties throughout the state.

This Act has various effective dates.

SF 378 – An Act Relating to Reimbursement of Defense Costs of Peace Officers and Correction Officers.

Under current Iowa law, Iowa Code Section 80.37 provides that a peace officer will be reimbursed for certain defense costs under specified circumstances. This Act expands the types of peace officers who are entitled to reimbursement and moves Iowa Code Section 80.37 to new Iowa Code Section 80F.2. This Act enlarges the definition of peace officer to include, for purposes of these reimbursement provisions: a sheriff and sheriff's regular deputy who is subject to the mandated law enforcement training; a marshal and police officer of a city, a parole officer, acting pursuant to Iowa Code Section 906.2, a probation officer acting pursuant to Iowa Code Section 906.2, a probation officer acting pursuant to Iowa Code Sections 602.7202(4) and 907.2, and numerous others.

Effective Date is July 1, 2016.

SF 2022 – An Act Relating to Criminal Jurisdiction of the Sac and Fox Indian Settlement.

This Act provides that Iowa tenders to the United States any and all criminal jurisdiction which the state of Iowa has over criminal offenses committed by or against Indians on the Sac and Fox Indian settlement in Tama, Iowa, and that as soon as the United States accepts and assumes such criminal jurisdiction previously conferred to the state of Iowa or reserved by the state of Iowa, all criminal jurisdiction on the part of the state of Iowa over criminal offenses committed by or against Indians on the Sac and Fox Indian settlement in Tama, Iowa, shall cease.

Effective date is July 1, 2016.

SF 2059 – An Act Relating to Persons On Probation, Parole, or Work Release at the Violator Facility or a Residential Facility Operated by the Judicial District Department of Correctional Services.

Current law provides that a violator facility is for the temporary confinement of offenders who have violated work release, parole, or probation. This Act changes the requirement that the Director of the Department of Corrections “shall” establish a violator facility as a freestanding facility, or designate a portion of an existing facility for the specified purpose to the permissive “may” establish such a violator facility. This Act also amends Iowa Code Section 905.11 which provides under current law that a person, who is serving a sentence under Iowa Code Section 902.12 (70% mandatory minimum) when the maximum term extends 10 years, must serve not less than one year in a residential facility operated by the District Department of Correctional Services to the new requirement that the person shall reside in the residential facility until such time as the district department recommends to the Board of Parole that the person may be supervised in the community rather than in a residential facility and the Board of Parole approves the recommendation.

Effective date is July 1, 2016.

SF 2109 – An Act Relating to Financial and Regulatory Matters By Supplementing Appropriations for the Fiscal Year Beginning June 1, 2015, Making Standing Appropriations, and Including Effective Date Provisions.

This Act makes a number of supplemental appropriations, but from an indigent criminal defense and juvenile justice perspective, the significant supplemental appropriation included in this Act is the supplemental appropriation of \$3,000,000 to the indigent defense fund for the fiscal year beginning June 1, 2015.

This supplemental appropriation to the indigent defense fund was effective upon enactment.

SF 2110 – An Act Relating to Persons Examining and Obtaining Their Own Criminal History Data.

This Act provides that a person or the person's attorney may request the criminal history data of the person by providing the fingerprints of the person to the Department of Public Safety on a form and in the manner prescribed by the department. It strikes the requirement that a person or the person's attorney present or mail written authorization and the fingerprints of the person in order to examine and obtain the criminal history data of the person. The Act substitutes the term "information" for the term "statement" when specifying that nonfactual information may be contained in the criminal history data. The Act also requires the Division of Criminal Investigation of the Department of Public Safety to advise the Federal Bureau of investigation to correct the criminal history files of the bureau, if the Division of Criminal investigation corrects or eliminates criminal history data as requested or ordered by the court. Current Iowa law, before this enactment, required that if the Division of Criminal investigation corrected or eliminated criminal history data as requested or ordered by the court, the Division of Criminal Investigation was required to advise all agencies or individuals who had received the incorrect information to correct the criminal history data files. This Act also strikes a provision in current law that allows an individual to request and obtain a list of all persons and agencies who received the criminal history data of the individual unless good cause is shown that the individual should not receive the list.

Effective date is July 1, 2016.

SF 2115 - An Act Creating the Criminal Offense of Interference with Official Acts Against a Jailer, and Providing Penalties.

Current Iowa Code Section 719.1 provides that a person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under Iowa Code Chapter 147A, or a fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that person commits interference with official acts. This Act amends this Iowa Code Section to add jailers to this list. The Act defines a "jailer" as a person who is employed by a county or other political subdivision of the state to work at a county jail or other facility used for the purposes of confinement of persons who have committed public offenses, but who is not a peace officer. The criminal offense for the commission of interference with official acts pursuant to the bill ranges from a serious misdemeanor through a class "C" felony depending on the facts and circumstances. A person who assaults a jailer or an employee of a judicial district department of correctional services may also be punished pursuant to the existing provisions of Iowa Code Section 708.3A (Assaults on persons engaged in certain occupations).

Effective date is July 1, 2016.

SF 2116 - An Act Adding Substances to Schedule I of the Controlled Substance Schedules and Providing Penalties.

This Act adds 10 synthetic cathinones and eight synthetic cannabinoids and acetyl fentanyl to the list of substances classified as schedule I controlled substances. The Board of Pharmacy has determined that these substances should be classified as schedule I controlled substances because each substance has a high potential for abuse and no accepted medical use in the United States.

It is a class "C" felony pursuant to Iowa Code Section 124.401(1)(c)(8) for any unauthorized person to violate a provision of Iowa Code Section 124.401 involving a classified substance placed on Schedule I. If a person possesses a controlled substance placed on schedule I in violation of Iowa Code Section 124.401(5), the person commits a serious misdemeanor.

Effective date is July 1, 2016.

SF 2164 – An Act Relating to the Expungement of Criminal Offenses For Alcohol Consumption In Public, Public Intoxication, Simulated Public Intoxication, or Similar Local Ordinances, or When Finding of Contempt Has Been Entered, and Including Applicability Provisions.

This Act amends Iowa Code Section 123.46, subsection 6 to provide that upon expiration of two years following conviction for alcohol consumption in public, public intoxication, simulated public intoxication, or similar local ordinances that arose from the same transaction or occurrence, a person may petition the court to expunge the conviction if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of Iowa Code Chapter 321 during the two-year period, and the conviction shall be expunged as a matter of law. The Act further provides that the Department of Public Safety shall remove the record of such an expunged conviction from the criminal history data files maintained by the Department upon receipt of the Notice of expungement from the Clerk of the District Court. Upon transferring jurisdiction, the clerk of court is directed to docket the case. Filing fees and other court costs are not to be assessed against the parties. The bill provides that the district court shall take judicial notice of the juvenile court file in any hearing related to the case and provides for confidentiality of the records contained in the district court file that were transferred from the juvenile court file.

This Act also amends Iowa Code Section 907.9. Under this Section currently, the court's expungement of a criminal record with respect to a deferred judgment shall include expungement of any counts dismissed by the court which were contained in the indictment, information, or complaint that resulted in the deferred judgment and any other related charges that were not contained in the indictment, information, or complaint, but were dismissed, if the person has paid restitution and other charges. This Act amends Iowa Code Section 907.9 to provide that finding a person in contempt shall not preclude that person from expunging the court's record of a dismissed count or related charge as long as no counts in the indictment or information or any other charges related to the deferred judgment resulted in a conviction. This amendment to Iowa Code Section 907.9 applies to a deferred judgment expunged prior to or after the effective date of the Act.

Effective date is July 1, 2016, but the Judicial Branch has until July 1, 2017 to implement the amendment to Iowa Code Section 907.9 in this Act relating to the expungement of the court's record of a dismissed count or related charge and a finding of contempt.

SF 2185 – An Act Relating to a Criminal Trespass That Results in a Violation of a Person’s Expectation of Privacy, and Modifying Penalties for Invasion of Privacy.

This Act amends Iowa Code Section 716.7 by adding that a person commits criminal trespass by intentionally viewing, photographing, or filming another person through a window or any other aperture of a dwelling, without legitimate purpose, while present on the real property upon which the dwelling is located, or while placing on or retrieving from such property equipment to view, photograph, or film another person, if the person being viewed, photographed, or filmed does not consent or cannot consent to being viewed, photographed, or filmed. The Act also amends Iowa Code Section 716.8 by making an intentional violation of this new provision of Iowa Code Section 716.7 a serious misdemeanor.

Effective date is July 1, 2016.

SF 2188 – An Act Relating to Prescription Authority for Certain Psychologists and Making Penalties Applicable.

This Act grants prescription authority to a licensed psychologist holding a conditional prescription certificate and a prescribing psychologist, defined as a licensed psychologist who holds a valid prescription certificate, to prescribe psychotropic medication. However, the psychologist holding a conditional prescription certificate may only prescribe psychotropic medication under the supervision of a licensed physician. The Act contains definitions and instructs the Board of Psychology, in consultation with the Board of Medicine, to adopt rules to implement the Act. A prescribing psychologist may be subject to criminal and civil penalties, and licensing sanctions under Iowa Code Chapters 124, 147, 154B, and 155A.

Effective date is July 1, 2016.

SF 2191 – An Act Establishing an Office Within the Department of Public Safety to Oversee Efforts to Combat Human Trafficking.

This Act establishes an office within the Department of Public Safety to oversee and coordinate efforts to combat human trafficking in Iowa. By November 1, 2017, and annually thereafter, the office must submit a written report to the Legislature regarding the office's activities related to combatting human trafficking.

Effective date is July 1, 2016.

SF 2219 – An Act Requiring Carbon Monoxide Alarms in Certain Dwellings and Multiple-Unit Residential Buildings, Making Penalties Applicable, and Including Effective Date Provisions.

This Act amends current law that requires smoke detectors in multiple-unit residential buildings and single-family dwellings to also require the installation of carbon monoxide alarms, as defined in the Act, in certain buildings. Current requirements applicable to smoke detectors are also made applicable to carbon monoxide alarms. A person is prohibited from making a carbon monoxide alarm inoperable. A person who violates a provision of this Act concerning carbon monoxide alarms is guilty of a simple misdemeanor.

Effective date is July 1, 2018.

SF 2233 - An Act Creating the Uniform Deployed Parents Custody and Visitation Act, and Repealing Current Code Provisions Relating to Parents on Active Military Duty.

This Act establishes the “Uniform Deployed Parents Custody and Visitation Act”. It provides definitions, remedies for noncompliance, jurisdiction, notifications required of deploying parent, duty to notify of change of address, general considerations in custody proceedings of parent’s military service, agreements addressing custodial responsibility during deployment, powers of attorney, requirements for filing agreements or powers of attorney with the court, judicial procedures for granting custodial responsibility during deployment, procedures for addressing custodial responsibility upon return from deployment, and other miscellaneous provisions. The Act also repeals Iowa Code Sections 598.41C and 598.41D, which related to modification of child custody or physical care for a parent serving active duty and to assignment of visitation or physical care parenting time to a family member while the parent is serving active duty.

Effective date is July 1, 2016.

SF 2288 - An Act Relating to the Confidentiality of Juvenile Court Records in Delinquency Proceedings.

This Act provides that juvenile delinquency records, other than those involving an allegation of a delinquent act which would be a forcible felony if committed by an adult, shall remain confidential unless a judge specifically finds that the public’s interest in making the records public outweighs the juvenile’s interest in maintaining the confidentiality of the records. The Act provides exceptions for access to confidential juvenile delinquency records by officials on a “need to know basis”, but specifies that officials who receive confidential records shall not disclose the records or their contents unless required by law. The following is a section by section summary of the Act.

Sections 1 and 2: These sections provide that a child who is resisting an application to the court for an order that the child’s juvenile delinquency record be made public (i.e. a public records order) is entitled to be represented by an attorney at the hearing. And, this section provides

that a child who is making application to the court for the child's record to be made confidential (i.e. a confidentiality order) is entitled to be represented by an attorney at the hearing.

Section 3: This section provides that information pertaining to a child who is at least ten years of age and who is taken into custody for a delinquent act which would be a forcible felony if committed by an adult is a public record and is not confidential unless a confidentiality order is entered by the court.

Section 4: This section strikes the general rule under current law that official juvenile court records in cases alleging delinquency are public records.

Section 5: This section replaces the general rule under current law that official juvenile delinquency court records are public records, which is stricken by Section 4 of the Act. The general rule struck is replaced with the new general rule in this section, a presumption that official juvenile delinquency court records, except those alleging the commission of a delinquent act which would be a forcible felony if committed by an adult, are confidential records unless a court order is entered making those juvenile delinquency records public.

Section 6 and 7: These sections allow access to the confidential juvenile delinquency court records for persons and entities who need access to conduct their official duties including the Department of Human Services, the Department of Corrections, a Judicial District Department of Correctional Services, the Board of Parole, a Superintendent of the school district or other appropriate school officials, a member of the Armed Services performing a background check pursuant to federal law, the statistical analysis center under section 216.136 (CJJP), a state or local law enforcement agency, and the alleged victim of the delinquent act.

Section 8: This section provides that official juvenile court records relating to the alleged commission of a delinquent act which would be a forcible felony if committed by an adult are public records. It also provides that such records shall not be available on the internet or in an electronic customized data report until the child has been adjudicated delinquent of the forcible felony. This section also adds several new subsections dealing with the implementation of the new law including: providing that a transcript of a hearing shall not be a public record if the court has excluded the public from the hearing; allowing the intake or juvenile court officer to disclose to the victim of a delinquent act, at the request of the victim, the complaint, the name and address of the child who allegedly committed the delinquent act, and the disposition of the complaint if there is no forcible felony alleged, and to provide the standard victim notification if the alleged delinquent act would be a forcible felony if committed by an adult; notification to the Iowa Department of Transportation in appropriate cases; allowance of the use of the juvenile record for proof of penalty enhancement by the state in appropriate cases; exceptions allowing persons to perform specified other duties and responsibilities required by law; and providing for information to be disclosed by public record to protect the lien of the

judgment if restitution has not been paid by the time the child turns 18. This section also provides that notwithstanding any other provision of law, a public record which is confidential under the provisions of this bill shall only be subject to release upon order of court.

Section 9: This section makes a technical conforming amendment consistent with other provisions of this Act.

Section 10: This section generally applies the rules as previously discussed regarding the confidentiality of juvenile delinquency records to intake officers and juvenile court officers. It also specifically provides that the records of an intake or juvenile court officer containing a dismissal of a complaint or an informal adjustment of a complaint if no petition is filed relating to the complaint shall not be made available to the public, with limited disclosures to specified persons with the need to have access to this information.

Section 11: This section provides that a child who has been charged with a delinquent act which would be a forcible felony if committed by an adult may seek a hearing to determine that the juvenile record be confidential and no longer a public record. The court, after hearing, shall order the record to be confidential if both of the following apply: (1) The case has been dismissed without any adjudication of delinquency and the person is no longer subject to the jurisdiction of the juvenile court in the matter; and (2) The child's interest in making the records confidential outweighs the public's interest in the records remaining public records. This section also allows limited access to specified persons on a "need to know" basis even if a confidentiality order has been entered.

Section 12: This section strikes the current statutory section on confidentiality orders because it has been replaced by the new sections of this bill which reverses the general rule from juvenile delinquency court records being public records to the new general rule that juvenile delinquency court records will be confidential, except in cases where there is alleged a delinquent act which would be a forcible felony if committed by an adult.

Section 13: This section explicitly creates the presumption that official juvenile delinquency court records, not involving an allegation of delinquency that would be a forcible felony if committed by an adult, are confidential. This section also provides that any person may apply to the court for an order making these records public. The court shall order the records made public if the public's interest in making the records public outweighs the juvenile's interest in maintaining the confidentiality of the records, or if juvenile has been placed on youthful offender status and the case will be transferred back to the district court for sentencing prior to the child's eighteenth birthday.

Section 14 and 15: These sections make technical and corrective changes to the existing law on the "sealing" of juvenile delinquency records. The latter section makes a change in the existing statute to make clear that it is a requirement for the "sealing" of juvenile court records that the

person was not convicted of an offense involving the violation of Iowa Code Section 321J.2 (OWI).

Section 16: This section makes conforming changes to Iowa Code Section 915.25 specifying the persons who have the right to review a complaint against a juvenile.

Section 17: This section provides the applicability date. The act applies to juvenile delinquency proceedings which are pending or arise on or after July 1, 2016.

Effective date is July 1, 2016.

SF 2316 – An Act Relating to the Collection of Delinquent Court Debt and Associated Installment Agreements.

This Act relates to the collection of delinquent court debt and associated installment agreements.

The Act specifies that the delinquent court debt assigned to a county attorney or private collection designee shall remain with the entity collecting the debt.

This Act permits a person to execute an installment agreement with the county attorney or the private collection designee if the clerk of court has reported the delinquency to the Department of Transportation. The Act provides that if a person pays the reinstatement fee to obtain a driver's license pursuant to Iowa Code Section 321.191, the Department of Transportation shall terminate the driver's license suspension even if the suspension has not yet become effective.

The Act also provides for a person who is in default to file a new financial statement within fifteen days of the determination of default indicating that the person's financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement. The county attorney or the private collection designee shall notify the clerk of the district court, and the person shall not be considered in default. The new installment payments must be based on the new updated financial statements filed, and the person making the new installment payments after complying with this paragraph, shall not be considered as having executed a new installment agreement for purposes of calculating the maximum number of installment agreements a person may execute in a person's lifetime under 321.210B(13).

The Act also strikes Iowa Code Section 321.210B(12) prohibiting a fine, penalty, surcharge, or court costs contained in an installment agreement that is in default from being placed in a new installment agreement.

The Act also amends the distribution formula when a county attorney collects delinquent court debt and makes numerous changes with respect to the county attorneys' collection of delinquent court debt.

Effective date is July 1, 2016, with certain temporary provisions with respect to county collection programs.