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IOWA LEGISLATIVE REPORT

86th General Assembly, 2016 Session, SINE DIE
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The Iowa General Assembly gaveled out Sine Die on Friday evening, April 29, 2016, after taking final action on the remaining appropriations bills and sent members home for the year. While the session ran 10 days over its 100-day allotment, the April adjournment was one of the earliest in recent memory.

Since April 29, the governor has been receiving legislation from the general assembly and determining whether to sign or veto the legislation (remember he has item veto power on appropriations bills) during the 30-day review period.

Governor Branstad has until May 29 to take final action on legislation. As this report reflects, we do not know the final disposition of several bills.

Below are the bills we were involved in on your behalf this session. The Iowa State Police Association (ISPA) had a very good legislative year. As you can see, **many of our supported bills have been signed by the governor**, including one of our resolutions (Senate File 378). We were successful in defeating several bills opposed by the association. Most importantly, in a so-called "pension year" at the legislature, **we avoided changes to our pension system**.

Senate File 2326 STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM

This bill authorizes the treasurer to enter into a financing agreement in order to build a statewide interoperable communications system. Requires the allocation of \$4.38 million in E911 surcharges to the Department of Public Safety (DPS) for payments for the system. Remember that this bill was part of the agreement to get the local distributions to 911 groups. Effective July 1, 2016. Sponsored by Appropriations. **Signed by the governor.**

Senate File 2324 REBUILD IOWA INFRASTRUCTURE FUND — SUPPORT

This bill makes appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund. Among many other things, it gave \$400,000 to the Department of Homeland Security for implementation of a statewide mass notification and emergency messaging system and gave DPS \$150,000 for DNA marker software for the criminal investigation laboratory in Ankeny. The bill also includes some funding for black mold cleanup at

the law enforcement academy and language that — in future sections — priority would be placed on "health, life and safety" projects, like the academy. Sponsored by Appropriations. [Sent to the governor.](#)

Senate File 2316 COLLECTION OF DELINQUENT COURT DEBT — UNDECIDED

This bill specifies the delinquent court debt remains with the collection entity (county attorney or private debt collector) collecting the debt. Requires the Department of Transportation (DOT) to immediately lift a driver's license suspension for a delinquency if the case is included in an executed installment agreement. Allows a delinquency that is in default to be placed into a new agreement. Allows a person in default on the repayment for a license to provide a new financial statement and to have their repayment agreement reinstated. Allows county attorneys to start collecting delinquent court debt after 30 days if notice has been filed with the clerk of the district court. Requires the court debt cases be assigned to county attorneys in the same frequency as private debt collectors. Distributes 28 percent of the debt collected by the county attorney to the county general fund. Pays 72 percent of the collected debt to the clerk of the district court for distribution. Sponsored by Appropriations. [Sent to the governor.](#)

Senate File 2314 ADMINISTRATION AND REGULATION APPROPRIATION — SUPPORT

A bill for an act relating to and making appropriations to certain state departments, agencies, funds and certain other entities, providing for regulatory authority and other properly related matters, and including effective date and retroactive applicability provisions. Specifically, the bill appropriates \$239,892 to the Governor's Office of Drug Control Policy (ODCP). Sponsored by Appropriations. [Sent to the governor.](#)

Senate File 2306 RAPID RESPONSE TO DISASTER — UNDECIDED

The bill establishes the Facilitating Business Rapid Response to State-Declared Disasters Act. It exempts out-of-state businesses and employees performing disaster work from certain taxes, fees, licensing, registration and other requirements during disasters (10 days before the declaration to 60 days after). The bill requires an out-of-state business to inform the secretary of state (SOS) that the business is in the state for disaster emergency work. Sponsored by Ways and Means. [Signed by the governor.](#)

Senate File 2288 JUVENILE COURT RECORDS — SUPPORT

A bill for an act relating to the confidentiality of juvenile court records in delinquency proceedings. (Formerly SF 2070.) Required legislation by recent supreme court decision. Effective July 1, 2016. Sponsored by Judiciary. [Signed by the governor.](#)

Senate File 2258 SEX TRAFFICKING — SUPPORT

A bill for an act concerning child welfare, including provisions relating to children under the custody, control and supervision of the Department of Human Services and provisions relating to children who are sex trafficking victims. (Formerly SSB 3114.) Message from House, with amendment S-5094. S.J. 532. Sponsored by Human Resources. [Signed by the governor.](#)

Senate File 2231 DISASTER SPENDING NOTIFICATIONS — SUPPORT

A bill for an act relating to disaster aid payment authorization requirements under specified circumstances. (Formerly SSB 3039.) Sponsored by State Government. [Signed by the governor.](#)

Senate File 2218 OPIOD ANTAGONISTS — SUPPORT

A bill for an act relating to the possession and administration of emergency drugs by first responders and other persons in a position to assist for purposes of treating drug overdose

victims and including contingent implementation provisions. (Formerly SF 2008.) Sponsored by Human Resources. **Signed by the governor.**

Senate File 2191 HUMAN TRAFFICKING OFFICE — SUPPORT

A bill for an act establishing an office within DPS to oversee efforts to combat human trafficking. (Formerly SF 2082.) The Department is setting up a task force and our association will have a member on that group. Sponsored by Judiciary. **Signed by the governor.**

Senate File 2185 PEEPING VIOLATION — SUPPORT

A bill for an act relating to a criminal trespass that results in a violation of a person's expectation of privacy, and providing penalties. (Formerly SSB 3121.) Amendment H-8142 filed. H.J. 550. Sponsored by Judiciary. **Signed by the governor.**

Senate File 2164 EXPUNGING PUBLIC INTOX — SUPPORT

A bill for 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 a finding of contempt has been entered, and including applicability provisions. (Formerly SF 2023.) Sponsored by Judiciary. **Signed by the governor.**

Senate File 2147 SECURITY EMPLOYEES — SUPPORT

A bill for an act including certain board of regents institution peace officers and civil commitment unit for sex offenders employees in the protection occupation category of the Iowa Public Employees' Retirement System (IPERS). (Formerly SSB 3052.) Sponsored by State Government. **Signed by the governor.**

Senate File 2116 CONTROLLED SUBSTANCES — SUPPORT

A bill for an act adding substances to schedule I of the controlled substance schedules, and providing penalties. (Formerly SSB 3004.) Sponsored by Human Resources. **Signed by the governor.**

Senate File 2115 – INTERFERENCE WITH JAILORS — SUPPORT

A bill for an act creating the criminal offense of interference with official acts against a jailer, and providing penalties. (Formerly SSB 3007.) Sponsored by Judiciary. **Signed by the governor.**

Senate File 2111 - LAW ENFORCEMENT NOTARIAL ACTS — SUPPORT — RESOLUTION

A bill for an act providing that certain peace officers and law enforcement officials are not required to use a notarial stamp when administering oaths or acknowledging signatures. (Formerly SSB 3009.) Sponsored by Judiciary. **Signed by the governor.**

Senate File 2110 - CRIMINAL HISTORY DATA — SUPPORT

A bill for an act relating to persons examining and obtaining their own criminal history data. (Formerly SSB 3025.) Sponsored by Judiciary. **Signed by the governor.**

Senate File 2102 PRESCRIPTION DRUG MONITORING PROGRAM SUPPORT

This bill directs the Board of Pharmacy to implement improvements to facilitate secure access to the Iowa Prescription Monitoring Program (PMP) through electronic health and pharmacy information systems. It authorizes the PMB to provide information to an institutional user, established by the board, to facilitate the secure access of a prescribing practitioner or pharmacist to the program through electronic health and pharmacy information systems. Sponsored by Human Resources. **Signed by the governor.**

Senate File 2059 PAROLE & PROBATION CONFINEMENT — UNDECIDED

Current law requires the director of the Department of Corrections to establish a violator facility for the temporary confinement of persons who violate conditions of probation, parole or work release. The bill allows, but does not require, the director of the Department of Corrections to establish a violator facility for the temporary confinement of such persons. Current law also requires a person who is serving a 70 percent sentence in excess of 10 years, and who is released on parole or work release, to reside in a residential facility operated by a Judicial District Department of Correctional Services for a period of not less than one year upon release. The bill changes the one-year parole or work release residency requirement that a person serving a 70 percent sentence in excess of 10 years must reside in a residential facility, to a requirement that the person must reside in a 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 approves such a recommendation. Sponsored by Judiciary. **Signed by the Governor.**

Senate File 492 DISASTER CASE MANAGEMENT — SUPPORT

A disaster case management grant fund is created in the state treasury for the use of the executive council. Moneys in the fund shall be expended if grants are awarded pursuant to section 29C.20A following the governor's proclamation of a state of disaster emergency or the declaration of a major disaster by the president of the United States. Sponsored by Appropriations. **Sent to the governor.**

Senate File 378 OFFICER INDEMNIFICATION — SUPPORT — RESOLUTION #4

A bill for an act relating to reimbursement of defense costs of peace officers and corrections officers. (Formerly SF 250.) Sponsored by Judiciary. **Signed by the governor.**

House File 2460 DEPARTMENT OF HUMAN SERVICES APPROPRIATIONS — SUPPORT

This bill contains the state share of moneys for Rabiner Home. The child and family services funding received a \$378,579 increase over the SFY 2016 estimated funding. The funding in the conference committee report is an additional \$1 million over the governor's proposed budget and the senate proposed budget. Sponsored by Appropriations. **Sent to the governor.**

House File 2459 LEGAL AND REGULATORY APPROPRIATIONS — SUPPORT

A bill for an act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, concerning taxation, providing penalties, providing for other properly related matters and including effective date and retroactive and other applicability provisions. (Formerly HSB 656.) The bill appropriates \$200,000 and two full-time equivalent positions (FTE) to set up an office to combat human trafficking as set up by SF 2191. In DPS. **Sent to the governor.**

House File 2458 JUSTICE SYSTEM APPROPRIATIONS — SUPPORT

A bill for an act relating to 2017 appropriations to the justice system, including the Iowa Law Enforcement Academy (ILEA) (\$1 million) and DPS (total: \$95.07 million) — administration (\$4.23 million); department duties (\$1.83 million); Department of Criminal Investigation (DCI) (\$13.8 million); crime lab (\$302,345); narcotics enforcement (\$7.39 million); undercover funds (\$109,042); fire marshal (\$4.65 million); state patrol (\$61.5 million); sick leave (\$279,517); fire fighter training (\$825,520); interoperable board (\$154,661). The bill also requires the Department of Justice (DOJ) to consult with the DPS commissioner and the director of the ILEA in using the funds from the Human Trafficking Enforcement Fund for training of law enforcement, attorneys, judicial officers and others about recognizing and reporting incidents of human trafficking. State the intent that the DOJ keep records of the time needed to represent

each agency. Requires reports from the DOJ on non-GF sources and spending. **Sent to the governor.**

House File 2457 JUDICIAL BRANCH APPROPRIATION — SUPPORT

A bill for an act relating to appropriations to the judicial branch. The legislation gave NO INCREASE to the judicial branch. Sponsored by Appropriations. **Sent to the governor.**

House File 2439 E911 DISTRIBUTION — SUPPORT

The bill deals with the distribution and expenditures of the E911 Emergency Communications Service surcharge. It establishes a priority of funding, increases the amount of moneys allocated for Public Safety Answering Points (PSAP), and limits the carryover amount to \$3.5 million annually. Currently, 46 percent of the total amount of E911 surcharge generated per calendar quarter is distributed to PSAP. There are 114 PSAP centers in the state, including DPS. This bill changes the initial distribution to PSAP to 60 percent of the total amount of E911 surcharge generated per calendar quarter. The allocation of that 60 percent of the surcharge revenue will continue to be in proportion to the PSAP square mileage, and the number of wireless E911 calls received by each PSAP. The bill also eliminates the accumulation of a carryover operating surplus in the fund by directing the program manager to expend and distribute all of the funds, except for \$3.5 million. This is the amount needed in reserve in the case of a catastrophic occurrence within the system. Sponsored by Appropriations. **Signed by the governor.**

House File 2420 SEXUAL ABUSE KITS — SUPPORT

The bill requires the DOJ to conduct a survey of law enforcement agencies charged with the maintenance, storage or preservation of untested sexual abuse evidence collection kits. The law enforcement agency must submit the answers to the survey to the DOJ by January 1, 2017. The DOJ is to compile the results of the survey and submit a written report to the general assembly no later than March 15, 2017, detailing the results of the survey. The bill requires the report to also include the name and contact information of each law enforcement agency that failed to submit answers to the survey. Sponsored by Public Safety **Signed by the governor.**

House File 2283 GUNS ON SNOWMOBILES — UNDECIDED

This bill allows carrying a firearm while operating or riding on a snowmobile or an all-terrain vehicle. Sponsored by Natural Resources. **Signed by the governor.**

House File 2279 FIREARM SUPPRESSORS — UNDECIDED

This bill allows for possessing and transferring firearm suppressors, providing penalties and including effective date provisions. (Formerly House File 2043.) **Signed by the governor.**

House File 2278 KIDNAPPING & TRAFFIKING SOL — SUPPORT

The bill extends the statute of limitations for bringing criminal actions in kidnapping or human trafficking offenses — was a three-year statute of limitation. Sponsored by Judiciary. **Signed by the governor.**

House File 2271 IDENTITY THEFT — SUPPORT

Current law provides that a person commits identity theft when a person fraudulently uses or attempts to fraudulently use identification information of another person, with the intent to obtain credit, property, services or other benefit. The bill adds the term “other benefit” to the penalty language. The bill also enhances the penalty for identity theft if the value of the credit, property, services or other benefit obtained through identity theft exceeds \$10,000. Under the bill, a person commits a Class C felony if the value exceeds \$10,000. The bill does not change the criminal penalty for identity theft where the value of the benefit obtained is \$10,000 or less.

Sponsored by Judiciary. **Signed by the governor.**

House File 2267 POLICE RESIDENCY REQUIREMENTS — SUPPORT

The bill provides cities with the authority to eliminate state residency requirements and modifying a city's authority to set distance or travel-based residency requirements for civil service employees, including police and fire. (Formerly HSB 563.) Sponsored by Local Government. **Signed by the governor.**

House File 2064 CHILD ENDANGERMENT — SUPPORT

The bill requires an offender who commits the criminal offense of child endangerment that results in the death of a child or minor to serve 70 percent of a 50-year Class B felony sentence. Under current law, such an offender is sentenced to confinement for 50 years but is eligible for parole upon entering prison. Under current law and the bill, felonious child endangerment is also classified as a “forcible felony” under Code section 702.11, which under Code section 907.3 prohibits a defendant from receiving a suspended or deferred sentence. An offender who commits child endangerment shall also register as a sex offender if a determination is made that the offense was sexually motivated. Fiscal note. SCS. Sponsored by Rizer and Dawson. **Signed by the governor.**

In terms of issues of interest to our association, the following bills **did not** make it through the legislature:

- **OFFICER PROFILING:** Senate File 2267 standardizes the collection and centralizing the compilation and reporting of officer stop and complaint data, providing for officer training, creating a community policing advisory board and providing certain penalties and remedies. The bill prohibited a peace officer from profiling. However, the bill does not prevent any of the following: a law enforcement agency’s policy allowing the use of information that has been provided by a victim describing the personal identifying characteristics of a perpetrator of a crime in order to seek out individuals who match that description; a specific suspect description-based identification; an individual’s observed behavior linking another individual to suspected unlawful activity that establishes probable cause or reasonable suspicion that criminal activity is afoot; or other trustworthy information or circumstances, relevant to the locality and time frame linking an individual to suspected unlawful activity that establishes probable cause or a reasonable suspicion that criminal activity is afoot.
- Bills were aimed at raising Iowa's **HIGHER INTERSTATE SPEED LIMIT** bills to 75 mph and two-lane-highway speeds to 60 or 65 mph. House members had concerns about increased fatalities, as well as the costs associated with replacing highway signage. The bills included House Files 2125, 2126 and 2249.
- **REVENGE PORN BILL:** House File 2130 would have expanded the definition of harassment to include posting intimate images or video without the subject's consent. The situation can occur when intimate or sexually graphic photos are shared between consenting individuals but then are posted without consent online. It's often done by a jilted lover after a relationship has soured. A violation would have constituted an aggravated misdemeanor. Twenty-six states have revenge pornography laws. The proposal won support from the Iowa County Attorneys Association and the Iowa attorney general's office, although it was opposed by the American Civil Liberties Union of Iowa.
- **PUBLIC INTOXICATION:** House File 2023. It is illegal to be drunk in public or to “simulate intoxication,” which resulted in 10,662 public-intoxication charges for the 12 months ending June 30, 2015. The bill would have repealed Iowa’s public-intoxication law, with proponents

arguing that officers can arrest drunk individuals on charges such as disorderly conduct. But it was met with strong opposition from law enforcement officials including ISPA, who argued that the law gives officers a way to keep individuals from harming themselves or others.

- **CRIMINAL ASSET FORFEITURE:** Senate File 2166 proposed by Sen. Charles Schneider, R-West Des Moines, would have provided that property is not subject to forfeiture unless a person has been convicted of a felony for which forfeiture is expressly authorized as a penalty. Under current law, a conviction for an offense is not required for an asset to be subject to forfeiture. Lawmakers ultimately agreed to amend the senate bill to authorize a study of the issue, meaning that no changes to the law will occur in 2016.
- **POLICE BODY CAMERAS:** The Iowa Senate discussed two bills, Senate Study Bill 3088 and Senate File 2174, governing the use of police body cameras, but it decided that more research is needed before lawmakers implement major new legislation addressing the issue. This will include matters involving the storage, retention, public inspection and confidentiality of law enforcement body camera video and audio recordings. As a result, legislators are simply proposing an interim study. We have asked that a member of ISPA be put on the committee.
- **TINTED WINDSHIELD EXEMPTIONS:** Iowans with certain medical conditions would have been exempted from a state law prohibiting motor vehicles from having excessively dark, tinted or reflective windshields windows or side wings, under House File 2195. People would have been allowed to obtain a signed document from their doctor or optometrist saying the tinted or reflective product was necessary for their health. Rep. Rob Bacon, R-Slater, said the bill was requested by a constituent with vision sensitivity to sunlight.
- **RETIREMENT INCOME EXEMPTION:** Senate File 2293 exempted from the computation of the individual income tax of certain amounts of retirement income. Current law stipulates that \$6,000 can be exempted after existing exclusions. Over 10 years, the bill phased in complete exclusion on retirement income.
- **POLICE OFFICER CONFIDENTIALITY:** House File 2161 passed out of the House Public Safety Committee. The bill would allow a peace officer to file a written request with a local official to have their name, address and telephone number removed from any internet site maintained by that local official. The bill defines local official to include the assessor, auditor, recorder and treasurer. The assessors, auditors, recorders and treasurers have major concerns about the ability to effectively accomplish the intent of the bill because of all the information that's been obtained by third-party vendors.
- **ABUSE IN DOMESTIC RELATIONSHIP:** House File 2399 allowed the court to require a defendant to show the ability to support plaintiff after a finding of domestic abuse. It also required that a person who violated a protective order or a no-contact order to undergo a mandatory risk assessment and allowed courts to order electronic monitoring/tracking. The bill established mandatory minimum sentences and reduction of earned good time provisions and required persons convicted of domestic abuse to participate in a domestic abuse treatment program to be eligible for a sentence reduction.
- **24/7 PILOT PROJECT:** House File 2428 established a statewide sobriety and drug monitoring program to be used for certain criminal offenders in participating jurisdictions, and providing a penalty similar to the one in South Dakota, which is having success for repeat offenders.
- **MEDICAL CANNABIDIOL ACT:** House File 2384 establishes the Medical Cannabis Act and moves marijuana to Schedule II. **Medical Cannabis:** Authorizes the use of medical

cannabis for debilitating illnesses (cancer, MS, epilepsy, AIDS, glaucoma, Hepatitis C, Crohn's/ulcerative colitis, ALS, Ehlers-Danilo's syndrome, PTSD, chronic pain caused by an underlying medical condition), as certified by a health care provider. Makes definitions. Establishes an advisory board. Includes provisions on manufacturing medical cannabis, on ID cards, immunity from criminal prosecution and related matters. **Cards:** Allows lowans or permanent residents over the age of 18 to apply for a Medical Cannabis ID card, or for a primary caregiver. Requires the cards to be renewed annually. Makes the card fee \$100, or \$25 for persons on Medicaid/SSD. **Manufacturing:** Requires DPH to license four distribution/manufacturing centers and 12 dispensaries. Establishes a \$7,500 application fee for manufacturers and a \$5,000 application fee for dispensaries. Requires the manufacturers to use the State Hygienic Lab for testing. Includes restrictions on employees, locations and other matters. Includes requirements for pharmacists in dispensaries and on inventory tracking. Other: Prohibits the smoking of medical cannabis. Adds provisions on labeling and on banning the use of food coloring in medical cannabis. Establishes additional duties for DPH, including keeping confidential records of patients. Includes reciprocity provisions, criminal penalties and affirmative defenses.

- **GUN SAFE TAX CREDIT SUPPORT:** House File 2347 provided for an individual tax credit for the purchase of a gun safe.
- **FIREWORKS BILL:** House File, Senate File and several amendments would have allowed fireworks in Iowa to be purchased and used any time, any place and with no restrictions. Passed the house, failed to pass the senate.

Thank you for the opportunity to represent ISPA again this legislative session — we consider it an honor! Please notify us or members of the board if you have questions.