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LEGISLATIVE UPDATE

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The 2015 session of the 86th General Assembly (first session) gaveled in January 12 and was tentatively scheduled to end on May 1 — the 110th calendar day. Since May 1, when lawmakers failed to adjourn on time, legislators have no longer been receiving daily expense payments, which means they are picking up their own tabs for hotel bills, meals and other personal costs.

The Iowa Legislature remains bogged down in a budget stalemate and there doesn't appear to be any clear path toward adjournment of the 2015 session. Legislators appear to be making little headway on the budget negotiations, but conference committees will be meeting throughout this next week. A budget deal needs to be concluded by June 30 to provide money for the state fiscal year that begins July 1. If a stalemate continues beyond June 30, there's a threat of a state government shutdown.

The stalemate involves the overall state budget and the educational allowable growth in particular. Senate democrats are proposing an overall state budget of about \$7.3 billion for the upcoming state fiscal year, which is identical to Governor Branstad's total spending recommendation. The House GOP budget target is about \$166 million less at about \$7.2 billion. On kindergarten–12th grade spending for the upcoming academic year, Senate democrats are seeking an increase of about 2.62 percent, while republicans say the state can only afford 1.25 percent, although there are negotiations seeking a compromise. The difference is approximately \$55 million.

These two issues must be resolved before the other eight major budget bills can be debated. Consequently, at this point we can only safely report on the bills that have been passed and signed by the governor. A report will be submitted at the end of session on the many policy and budget issues that at this point remain undone.

We have appreciated representing the Iowa State Police Association this year. We have, as usual, had a wonderful board to work with and Brad Klug at Rabiner Home has been an invaluable resource as well. Remember that next year is a pension year and we will need each member of the association to have a good personal relationship with his/her senator and representative. If you have any questions, please contact us.

Bills of interest signed into law by the governor:

HF 227 JAIL STRIP SEARCHES makes a person who has been arrested for a simple misdemeanor or a scheduled violation and not housed in general population subject to a visual strip search or a strip search only if there is probable cause that the person has a weapon or contraband and with written authorization. Requires that a physician perform strip searches (other than probes of the mouth, ears or eyes) and that a search warrant or consent be obtained. Requires a written report of the incident. Defines a visual strip search (removal of clothing to allow a visual inspection). The House PASSED the bill 91-1; the Senate PASSED the bill 50-0.

HF 258 POLICE OFFICER SEX OFFENSES makes it an aggravated misdemeanor for a peace officer to have sex with an inmate in a DOC facility, an adult under supervision of a judicial department/DOC services or with a juvenile placed at a juvenile facility. The House PASSED 98-0; the Senate PASSED the bill 48-0

HF 447 CELL PHONE INFORMATION requires wireless providers to give law enforcement call location information on the request of an officer or public safety answering point and establishes good faith protections for wireless providers. Requires wireless providers to give the DCI contact information and for the DCI to establish a database with this information for use by all public safety answering points and for law enforcement. Does not include resellers. Effective January 2016. The House PASSED the bill 93-4; the Senate PASSED the bill 50-0

HF 585 CONFIDENTIAL ADDRESSES establishes an address confidentiality program in the office of the secretary of state for a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking and human trafficking and providing for a fee and including effective date provisions. Effective 1-1-16, with exception of sections 1 and 13-16 effective 7-1-15.

SF 75 OPERATION WINTER LIGHT includes vehicles with blue and white lights under the requirements for passing vehicles to move over a lane. Allows the use of blue and white lights in conjunction with amber lights for certain DOT snow removal vehicles. Requires the DOT to document the usefulness of blue and white lighting on snow removal equipment and to report to the Legislature by July 2019. Repeals the bill as of 2019. The Senate PASSED the bill 43-5; the House PASSED the bill 92-3

SF 150 CIVIL COMMITMENT ESCAPES makes it a serious misdemeanor if a sexual predator who is civilly committed, or detained for a commitment determination, to escape or attempt to escape from custody. The Senate PASSED the bill 49-0; the House PASSED the bill 87-12

SF 155 LIGHTED REAR PLATES excludes dump trucks and trucks used to move construction materials that operate only in state from the requirements to have a lighted rear plate. The Senate PASSED the bill 48-1; the House PASSED the bill 97-0

SF 222 ABANDONED GUNS AND AMMO requires all firearms and ammo seized by law enforcement to be deposited with the DPS if the guns or ammo is deemed abandoned or the owner cannot be located. The Senate PASSED the bill 48-0; the House PASSED the bill 97-0

SF 264 MASS NOTIFICATION requires an E911 provider to give the names, addresses and telephone numbers of its subscribers to the director of the Department of Homeland Security and emergency management for its mass notification and emergency messaging system. Requires the director and local emergency management commissions to use this information

solely for E911 emergency telephone service or mass notification and emergency messaging services. The Senate PASSED the bill 50-0; the House PASSED the bill 96-1

SF 267 POLICE/FIRE PEER COUNSELING does not allow a police peer group counselor to disclose confidential communications except where the officer has given consent or if the counselor was the original responding officer. Makes definitions. The Senate PASSED the bill 49-0; the House PASSED the bill 97-0

SF 292 JUVENILE COURT RECORDS specifies that juvenile court social records are confidential and not subject to inspection, except as authorized by code. Makes the dismissal of complaints or informal adjustments confidential, with limited access for judges, court staff, county attorneys, guardian ad litem, school superintendents and the state public defender, for armed services background checks and for statistical purposes. Makes juvenile court records in cases not alleging delinquency confidential records. The Senate PASSED the bill 50-0; the House PASSED the bill 97-0

SF 366 PORS DISABILITY BENEFITS allows a PORS beneficiary to receive full disability and income from other employment as long as the total is less than 1.5 times what a PORS member in the same position receives. Includes language to prevent a PORS member from having disability payments reduced under 50 percent. The Senate PASSED the bill 49-0; the House PASSED the bill 95-0

SF 385 EXPUNGING CHARGES allows courts to expunge a charge if a person is found not guilty or in dismissals. It allows the expungement of charges in dismissals if all charges are dismissed, or of acquittals for an acquittal verdict on one or more criminal charges, upon application or on court motion. The bill requires all fees and court costs to be paid and requires a 180-day waiting period. It allows the court to waive the 180-day period for good cause, including that the defendant was a victim of identity theft. It excludes not guilty by insanity verdicts, or incompetent to stand trial rulings. Requires that all parties have an opportunity to object. The bill requires the court to advise the defendant of the defendant's rights and authorizes the Supreme Court to adopt rules on expungement. Effective July 2016. The Senate PASSED the bill 50-0; the House PASSED the bill 96-0

SF 448 LIFE SENTENCES FOR MINORS establishes one of three options for minors under 18 who are convicted of 1st degree murder (Class A felony): life without the possibility of parole (unless the Governor commutes the sentence), life with the possibility of parole after a term of years determined by the court and life with the possibility of parole. Establishes considerations for the court to consider. Other Class A felonies: Life with the possibility of parole after a minimum term as determined by the court or life with the possibility of parole to be determined by the judge. Includes sentencing considerations. Other: Does not allow for earned good time. The Senate PASSED the bill 47-3; the House PASSED the bill 80-18

SF 456 REFILLABLE ALCOHOL CONTAINERS allows a class C alcohol permit holder (retailer) to sell off-sale beer to customers with refillable containers (growlers). Requires the containers to be filled by someone older than 18. Deems such a container not to violate open container laws. The Senate PASSED the bill 40-9; the House PASSED the bill 93-4