

**IOWA PEACE OFFICERS ASSOCIATION**

***LEGISLATIVE UPDATE***

**March 25, 2016**

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The 2016 legislative session is beginning to show signs of adjournment. The last day of session is scheduled to be April 19th, however this is simply the day that legislative per diem payments end. As we have seen over the past several years, disagreements over spending and policy bills can postpone the actual adjournment well in to May and June.

Earlier this month, House and Senate leaders agreed to major tax policy legislation regarding federal coupling. This bill (HF 2433) conforms Iowa’s tax laws with changes to the federal Internal Revenue Code (IRC) made since January 1, 2015. Perhaps the most significant provision of the bill is the extension and enhancement of favorable depreciation accounting known as “Section 179 expensing.” The coupling is temporary and only applies retroactively to tax year 2015. The bill does not couple with the federal tax provision known as “bonus depreciation.” The Governor signed HF 2433 on Monday, March 21, 2016.

In addition to compromise on major tax policy, legislators have agreed on two major provisions of the State budget – total spending and state aid to schools. This will allow them to iron out details in other budget areas.

**Legislation of Interest**

The following bills of interest have been signed by the Governor:

[**HF 2267**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=HF2267) **– Civil Service Residency**

This bill relates to civil service employees by providing cities with the authority to eliminate state residency requirements and modifying a city's authority to set distance or travel-based residency requirements. Effective 7-1-16.

[**HF 2271**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=HF2271) **– Identity Theft**

This bill relates to the criminal offense of identity theft, and provides penalties. Current law defines identity theft as the act of fraudulently using or attempting to fraudulently use the identification of another person with the intent to obtain credit, property, services, or other benefit. However, the term other benefit is not contained in the penalty language relating to identity theft. This bill aligns that language. The bill also enhances the penalty for identity theft if the value of the credit, property, services, or other benefit obtained through the identity theft exceeds $10,000. A Class C felony is punishable by confinement of no more than 10 years and a fine between $1,000 and $10,000. Effective 7-1-16.

The following bills of interest are awaiting action by the Governor:

[**HF 2278**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=HF2278) **– Human Trafficking Statute of Limitations**

HF 2278 relates to the limitations of criminal actions in kidnapping or human trafficking offenses. The bill provides 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 of age shall be found within 10 years after the person upon whom the kidnapping is committed attains 18 years of age. Under current law, the information or indictment for such a kidnapping offense on or with a person who is under 18 years of age shall be found within three years after its commission.

The bill also provides that an information or indictment for any human trafficking offense in violation of Code section 710A.2, committed on or with a person who is under 18 years of age, shall be found within 10 years after the person upon whom the human trafficking offense is committed attains 18 years of age. Under current law, the information or indictment for such a human trafficking offense on or with a person who is under 18 years of age shall be found within three years after its commission.

The bill also provides that if a person against whom the information or indictment is sought is identified through the use of a DNA profile for a kidnapping or human trafficking offense described in the bill, an information or indictment shall be found within 10 years after the victim attains 18 years of age, or within three years from the date the person is identified by the person’s DNA profile, whichever is later.

The bill in part is in response to State v. Walden, 870 N.W.2d 842, (Iowa 2015).

[**HF 2279**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=HF2279) **– Firearm Suppressors**

HF 2279 permits the possession and transfer of firearm suppressors, provides penalties, and includes effective date provisions.

[**SF 378**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=SF378) **– Peace Officer Defense costs**

SF 378 provides that if a peace officer, as defined in section 801.4, or a corrections officer is charged with the alleged commission of a public offense, based on acts or omissions within the scope of the officer’s lawful duty or authority, and the charge is dismissed or the officer is acquitted of the charge, the presiding magistrate or judge shall enter judgment awarding reimbursement to the officer for any costs incurred in defending against the charge, including but not limited to a reasonable attorney fee, if the court finds the existence of any of the following grounds:  
   *a.*  The charge was without probable cause.  
   *b.*  The charge was filed for malicious purposes.  
   *c.*  The charge was unwarranted in consideration of all of the circumstances and matters of law attending the alleged offense.

[**SF 2111**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=SF2111) **– Notarial Stamp**

SF 2111 provides that certain peace officers and law enforcement officials are not required to use a notarial stamp when administering oaths or acknowledging signatures.

[**SF 2115**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=SF2115) **- Interference**

SF 2115 creates the criminal offense of interference with official acts against a jailer, and provides penalties.

[**SF 2164**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=SF2164) **– Expunging Records**

SF 2164 allows for 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. Various requirements must be met to be eligible for expungement.

[**SF 2191**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=SF2191) **– Human Trafficking Office**

SF 2191 establishes an office within the department of public safety to oversee efforts to combat human trafficking.

[**HF 2420**](http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=86&hbill=HF2420) **– Untested Sexual Abuse Kits**

HF 2420 addresses the issue of untested sexual abuse evidence collection kits not submitted to a crime lab for testing but stored at law enforcement agencies in Iowa.

*Background*

In September 2015, the U. S. Department of Justice awarded a $2.0 million grant to the Iowa Attorney General’s Office (AG) to identify the number of untested sexual abuse evidence collection kits existing within Iowa law enforcement agencies. Half of the grant funds ($1.0 million) is directed to testing kits and the remaining funds ($1.0 million) is directed to support law enforcement investigations and prosecutions derived from kits tested. This grant will be available for three federal fiscal years (FFY 2016 – FFY 2018). A steering committee within the Crime Victim Assistance Division (CVAD) of the AG’s Office was formed to administrate the grant.

The funds were received in February 2016 and a survey was immediately sent to 414 Iowa law enforcement agencies. Responses were requested within 90 days. The experience in other states has been a compliance rate of approximately 40.0% with a nonmandated survey. This bill requires a survey response by January 1, 2017. The CVAD is to compile the results of the survey and submit a written report to the General Assembly by March 15, 2017. The report is to include the names and contact information of each law enforcement agency that fails to submit answers to the survey as required. The survey includes specific questions on the storage of each kit, and an inventory of each kit including the reason for not submitting the kit for analysis.