***WEEK 9***

***LEGISLATIVE UPDATE***

**March 6-10, 2017**

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**Public Hearings**

Week nine began with several public hearings on a number of controversial issues. On Monday, hearings were held on pending legislation to address Des Moines Water Works and other utilities, Voter ID provisions, and State preemption of local regulations, such as minimum wage. On Tuesday, an additional hearing on the newly released workers’ compensation bill was also held. Public hearings allow residents of the State to voice their support or opposition to the proposed legislation. Generally, the speaking order will alternate between opposing views so that both side have an opportunity to be heard. Each public hearing lasted less than two hours.

**Budget Forecast**

According to the monthly revenue memo and other information from the non-partisan Legislative Services Agency, revenues were estimated to grow in FY18 by $213 million. However, current revenue numbers show slower than anticipated revenue growth of only $8 million. This means it is unlikely that current revenue projections for the upcoming fiscal year will be met. The Revenue Estimating Conference will meet on Tuesday, March 14 to give the Legislature a new revenue estimate. If that estimate is below the December estimate, then the new March estimate must be used for budgeting purposes.

**Eluding**

[SF 284](https://www.legis.iowa.gov/legislation/BillBook?ba=SF284&ga=87) will increase the penalties for eluding. Current law provides that the driver of a vehicle commits:

* a serious misdemeanor if the driver willfully fails to bring the vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle;
* an aggravated misdemeanor if the driver willfully fails to bring the vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle and in doing so exceeds the speed limit by 25 miles per hour or more;
* a class “D” felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle; exceeds the speed limit by 25 miles per hour or more; and the driver is participating in a public offense that is a felony, the driver is in violation of Code section 321J.2 (operating while intoxicated) or 124.401 (controlled substances), or the offense results in bodily injury to a person other than the driver;
* or a class “C” felony when the person unintentionally causes the death of another person by eluding or attempting to elude a pursuing law enforcement vehicle.

The bill increases the penalty one step for each offense. Further, SF 284 expands the application of eluding offenses to unmarked law enforcement vehicles.

The bill permits a law enforcement agency to retain possession of a vehicle suspected to have been operated by person in violation of the bill until final disposition of any criminal proceeding related to the violation, unless the vehicle was stolen.

**Weapons Legislation**

[HF 517](https://www.legis.iowa.gov/legislation/BillBook?ba=HF517&ga=87) (formerly HSB 133) was approved by the House last week. This legislation includes many procedural changes to Iowa’s weapons’ law as well as other provisions regarding where firearms can be carried. It will permit peace officers to carry their weapons on schools grounds and other places. Additionally, HF 517 requires that a uniform statewide permit be used and allows for collection of information by DPS. This will enable DPS to create a law enforcement accessible database to ensure validity of permits.

[HF 517](https://www.legis.iowa.gov/legislation/BillBook?ba=HF517&ga=87) also contains a modified version of “stand your ground” (SYG) provisions. SYG permits a person to use force, including deadly force, against an aggressor. Unlike past versions, there is no liability for law enforcement when arresting or detaining a person who has used such force.

The bill has moved to the Senate, where additional changes may be forthcoming.

**Bills of Interest**

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| [SF 468](https://www.legis.iowa.gov/legislation/BillBook?ba=SF468&ga=87) | [A bill for an act relating to the definition of stalking and making penalties applicable. (Formerly SF 209.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SF209) |
| [SF 461](https://www.legis.iowa.gov/legislation/BillBook?ba=SF461&ga=87) | [A bill for an act relating to notification about the custody of abandoned motor vehicles. (Formerly SSB 1140.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1140) |
| [SF 454](https://www.legis.iowa.gov/legislation/BillBook?ba=SF454&ga=87) | [A bill for an act relating to 911 emergency telephone and internet communication systems and making appropriations. (Formerly SSB 1082.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1082) |
| [SF 453](https://www.legis.iowa.gov/legislation/BillBook?ba=SF453&ga=87) | [A bill for an act relating to the disclosure of mental health information to law enforcement professionals. (Formerly SF 75.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SF75) |
| [SF 450](https://www.legis.iowa.gov/legislation/BillBook?ba=SF450&ga=87) | [A bill for an act relating to the safe operation of bicycles, and making penalties applicable. (Formerly SF 265.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SF265) |
| [SF 448](https://www.legis.iowa.gov/legislation/BillBook?ba=SF448&ga=87) | [A bill for an act relating to insurers in possession of salvage motor vehicles. (Formerly SSB 1178.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1178) |
| [SF 446](https://www.legis.iowa.gov/legislation/BillBook?ba=SF446&ga=87) | [A bill for an act relating to asset forfeiture by prohibiting civil asset forfeiture for property valued at less than a minimum amount, raising the standard of proof for asset forfeiture, prohibiting the transfer of certain seized property to the federal government for forfeiture, requiring a proportionality review for property to be forfeited, and requiring law enforcement agencies to retain certain records related to asset forfeiture and including applicability provisions. (Formerly SSB 1148.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1148) |
| [SF 445](https://www.legis.iowa.gov/legislation/BillBook?ba=SF445&ga=87) | [A bill for an act relating to law enforcement officers including the establishment of a law enforcement officer privilege and the confidentiality of certain law enforcement officer personnel records. (Formerly SF 241.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SF241) |
| [SF 444](https://www.legis.iowa.gov/legislation/BillBook?ba=SF444&ga=87) | [A bill for an act relating to public safety on highways, including the use of electronic communication devices while driving where such use results in death and the establishment of a statewide sobriety and drug monitoring program, and providing penalties. (Formerly SSB 1101.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1101) |
| [HF 529](https://www.legis.iowa.gov/legislation/BillBook?ba=HF529&ga=87) | [A bill for an act providing for conformity with federal law relating to civil penalties for violations of the state occupational safety and health law and including effective date provisions. (Formerly HSB 145.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HSB145) |
| [HF 526](https://www.legis.iowa.gov/legislation/BillBook?ba=HF526&ga=87) | [A bill for an act relating to the criminal offense of invasion of privacy, providing penalties, and making penalties applicable. (Formerly HF 148.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF148) |
| [SF 481](https://www.legis.iowa.gov/legislation/BillBook?ba=SF481&ga=87) | [A bill for an act relating to the enforcement of immigration laws and providing penalties and remedies, including the denial of state funds to certain entities. (Formerly SSB 1172.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1172) |
| [SF 473](https://www.legis.iowa.gov/legislation/BillBook?ba=SF473&ga=87) | [A bill for an act relating to the enforcement of motor vehicle laws and the regulation of commercial motor vehicles and certain operators by the department of transportation, and including effective date provisions. (Formerly SSB 1036.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1036) |
| [HF 553](https://www.legis.iowa.gov/legislation/BillBook?ba=HF553&ga=87) | [A bill for an act relating to insurers in possession of salvage motor vehicles. (Formerly HSB 167.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HSB167) |
| [HF 551](https://www.legis.iowa.gov/legislation/BillBook?ba=HF551&ga=87) | [A bill for an act establishing a motor vehicle insurance verification program, establishing fees, and including penalty and effective date provisions. (Formerly HSB 75.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HSB75) |
| [HF 562](https://www.legis.iowa.gov/legislation/BillBook?ba=HF562&ga=87) | [A bill for an act to provide that peace officers and retired peace officers qualify as classroom driver education instructors. (Formerly HF 419.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF419) |
| [HF 554](https://www.legis.iowa.gov/legislation/BillBook?ba=HF554&ga=87) | [A bill for an act relating to the use of lighted headlamps by certain motor vehicles, and making a penalty applicable. (Formerly HF 432.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF432) |
| [SF 358](https://www.legis.iowa.gov/legislation/BillBook?ba=SF358&ga=87) | [A bill for an act relating to search warrants, by allowing an application for and the issuance of a search warrant by electronic means, and allowing for the written inventory of any property seized to be filed with the clerk of the district court, and including effective date provisions. (Formerly SSB 1091.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SSB1091) |
| [HF 590](https://www.legis.iowa.gov/legislation/BillBook?ba=HF590&ga=87) | [A bill for an act relating to the use of electronic communication devices while driving, and making penalties applicable. (Formerly HSB 139.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HSB139) |
| [HF 587](https://www.legis.iowa.gov/legislation/BillBook?ba=HF587&ga=87) | A bill for an act relating to the appointment of a special prosecutor after a peace officer discharges a firearm while on duty that results in a bodily injury, serious injury, or death. |
| [HF 312](https://www.legis.iowa.gov/legislation/BillBook?ba=HF312&ga=87) | [A bill for an act permitting motor vehicles to stand unattended without first stopping the engine. (Formerly HSB 66.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HSB66) |
| [HF 582](https://www.legis.iowa.gov/legislation/BillBook?ba=HF582&ga=87) | [A bill for an act relating to search warrants, by allowing an application for and the issuance of a search warrant by electronic means, and allowing for the written inventory of any property seized to be filed with the clerk of the district court. (Formerly HF 13.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF13) |
| [HF 581](https://www.legis.iowa.gov/legislation/BillBook?ba=HF581&ga=87) | [A bill for an act relating to the confidentiality of search warrant information in a criminal case resulting in an acquittal or a dismissal. (Formerly HF 323.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF323) |
| [HF 580](https://www.legis.iowa.gov/legislation/BillBook?ba=HF580&ga=87) | [A bill for an act relating to peace officer personal information under the control of local officials and including effective date provisions. (Formerly HSB 32.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HSB32) |
| [HF 579](https://www.legis.iowa.gov/legislation/BillBook?ba=HF579&ga=87) | [A bill for an act relating to criminal sentencing by modifying criminal penalties for cocaine base and attempted murder, making inapplicable certain provisions relating to mandatory sentences, mandatory minimum sentences, limitations on parole and work release, and limitations on earned time, and modifying the reconsideration of certain felons’ sentences. (Formerly HF 377.)](https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=HF377) |
| [SF 280](https://www.legis.iowa.gov/legislation/BillBook?ba=SF280&ga=87) | A bill for an act relating to the possession of marijuana, and providing a penalty. |