

S.F. No. 882, as introduced - 87th Legislative Session (2011-2012) [11-0251]

2.1 (6) juveniles referred by a law enforcement agency to a diversion program for a
2.2 felony or gross misdemeanor offense; and

2.3 (7) persons currently involved in the criminal justice process, on probation, on
2.4 parole, or in custody for the offenses in suspense whom the superintendent of the bureau
2.5 identifies as being the subject of a court disposition record which cannot be linked to an
2.6 arrest record, and whose fingerprints are necessary in order to maintain and ensure the
2.7 accuracy of the bureau's criminal history files, to reduce the number of suspense files, or to
2.8 comply with the mandates of section 299C.111, relating to the reduction of the number
2.9 of suspense files. This duty to obtain fingerprints for the offenses in suspense at the
2.10 request of the bureau shall include the requirement that fingerprints be taken in post-arrest
2.11 interviews, while making court appearances, while in custody, or while on any form of
2.12 probation, diversion, or supervised release.

2.13 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
2.14 the fingerprint records and other identification data specified under paragraph (a) must
2.15 be forwarded to the bureau on such forms and in such manner as may be prescribed by
2.16 the superintendent.

2.17 (c) Prosecutors, courts, and probation officers and their agents, employees, and
2.18 subordinates shall attempt to ensure that the required identification data is taken on a
2.19 person described in paragraph (a). Law enforcement may take fingerprints of an individual
2.20 who is presently on probation.

2.21 (d) Finger and thumb prints must be obtained no later than:

2.22 (1) release from booking; or

2.23 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

2.24 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
2.25 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
2.26 and thumb prints have not been successfully received by the bureau, an individual may,
2.27 upon order of the court, be taken into custody for no more than eight hours so that the
2.28 taking of prints can be completed. Upon notice and motion of the prosecuting attorney,
2.29 this time period may be extended upon a showing that additional time in custody is
2.30 essential for the successful taking of prints.

2.31 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation
2.32 of section 169A.20 (driving while impaired), 518B.01 (order for protection violation),
2.33 609.224 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with
2.34 privacy), 609.748 (harassment or restraining order violation), ~~or~~ 617.23 (indecent
2.35 exposure), or 629.75 (domestic abuse no contact order).

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- 3.1 **EFFECTIVE DATE.** This section is effective August 1, 2011, for crimes committed
- 3.2 on or after that date.