

CHAPTER 1191  
RESERVE PEACE OFFICERS

H. F. 2443

AN ACT relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS. The governing body of a city, county, or the state of Iowa may provide for the establishment of a force of reserve peace officers, and may limit the size of the reserve force. In the case of the state, the department of public safety shall act as the governing body. A reserve peace officer is a volunteer, nonregular, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as an agency's representative and participates on a regular basis in the agency's activities including those of crime prevention and control, preservation of the peace and enforcement of the law.

This Act constitutes the only procedure for appointing reserve peace officers.

Sec. 2. NEW SECTION. PERSONAL STANDARDS. The director of the law enforcement academy with the approval of the law enforcement academy council may establish minimum standards of physical, educational, mental, and moral fitness for members of the reserve force.

Sec. 3. NEW SECTION. TRAINING STANDARDS. The chief of police, sheriff or commissioner of public safety, as the case may be, shall establish minimum training standards requiring at least thirty hours of instruction for members of the reserve force.

Sec. 4. NEW SECTION. TRAINING. Training for individuals appointed as reserve peace officers shall be provided by that law enforcement agency, but may be obtained in a merged area school or other facility selected by the individual and approved by the law enforcement agency. Upon satisfactory completion of training, the chief of police, sheriff or commissioner of public safety shall certify the individual as a reserve peace officer. Initial training shall be completed within one year from the date of appointment.

Sec. 5. NEW SECTION. NO EXEMPTIONS. There shall be no exemptions from the personal and training standards provided for in this Act except as provided in sections seven (7) and sixteen (16) of this Act.

Sec. 6. NEW SECTION. STATUS OF RESERVE PEACE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations, and duties as any other peace officers.

Sec. 7. NEW SECTION. CARRYING WEAPONS. A member of a reserve force shall not carry a weapon in the line of duty until he or she has been approved by the governing body and certified by the Iowa law enforcement academy council. Individuals serving as reserve peace officers as of July 1, 1980 are exempt from the certification requirements of this section pending completion of approved training or until one year from the effective date of this Act, whichever comes first. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

Sec. 8. NEW SECTION. SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all requirements for regular peace officers.

Sec. 9. NEW SECTION. SUPERVISION OF RESERVE PEACE OFFICERS. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, or commissioner of public safety unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank. Each department for which a reserve force is established shall appoint a regular force peace officer as the reserve force coordinating and supervising officer. That regular peace officer shall report directly to the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

Sec. 10. NEW SECTION. NO REDUCTION OF REGULAR FORCE. The governing body shall not reduce the authorized size of a regular law enforcement department or office because of the establishment or utilization of reserve peace officers.

Sec. 11. NEW SECTION. EMPLOYEE--PAY. While performing official duties, each reserve peace officer shall be considered an employee of the governing body which he or she represents and shall be paid a minimum of one dollar per year. The governing body of a city, county, or the state may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers but not to exceed the allowance provided in section three hundred thirty-seven A point two (337A.2) of the Code.

Sec. 12. NEW SECTION. BENEFITS WHEN INJURED. Hospital and medical assistance and benefits as provided in chapter eighty-five (85) of the Code shall be provided by the governing body to members of the reserve force who sustain injury in the course of performing official duties.

Sec. 13. NEW SECTION. INSURANCE. Liability and false arrest insurance shall be provided by the governing body to members of the reserve force while performing official duties in the same manner as for a regular peace officer.

Sec. 14. NEW SECTION. NO PARTICIPATION IN A PENSION FUND OR RETIREMENT SYSTEM. This Act shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or

retirement system created by the laws of this state of which regular peace officers may become members.

Sec. 15. NEW SECTION. CIVIL DEFENSE AUXILIARY POLICE EXEMPT. This Act does not apply to local civil defense auxiliary police forces organized by local civil defense officials and trained according to standards established by the United States office of civil defense and contained in the code of federal regulations.

Sec. 16. Section eighty-five point thirty-six (85.36), subsection ten (10), paragraph "a", Code 1979, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer ~~fireman~~ fire fighter or reserve peace officer, his or her earnings as a ~~fireman~~ fire fighter or reserve peace officer shall be disregarded and he or she shall be paid the maximum compensation allowable under the workers' compensation law.

Sec. 17. Section eighty-five point sixty-one (85.61), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The words "reserve peace officer" shall mean a person defined as such by section one (1) of this Act who is not a full-time member of a paid law enforcement agency. A person performing such services shall not be classified as a casual employee.

Approved May 24, 1980

---

CHAPTER 1192  
PRESENTENCE INVESTIGATIONS

H. F. 2429

AN ACT requiring presentence investigators to inquire into mental disabilities of the defendant.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section nine hundred one point three (901.3), Code 1979, is amended to read as follows:

901.3 PRESENTENCE INVESTIGATION REPORT. Whenever a presentence investigation is ordered by the court, the investigator shall promptly inquire into: The defendant's characteristics, family and financial circumstances, needs, and potentialities, including the presence of any previously diagnosed mental disorder; the defendant's criminal record and social history; the circumstances of the offense; the time the defendant has been in detention; and the harm to the victim, the victim's immediate family, and the community. All local and state mental and correctional institutions, courts, and police agencies shall furnish to the investigator on request the defendant's criminal record and other relevant information. With the approval of the court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to a an inpatient or outpatient psychiatric facility for an evaluation of his or her