

CHAPTER 42

ELUDING OR ATTEMPTING TO ELUDE LAW ENFORCEMENT VEHICLES AND PEACE OFFICER AUTHORITY TO MAKE ARRESTS

H.F. 358

AN ACT relating to law enforcement, including eluding or attempting to elude a pursuing law enforcement vehicle, temporary restricted driver's licenses associated with that offense, and the authority of a peace officer to make an arrest for any public offense anywhere within the state, and providing penalties.

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

Section 1. [Section 321.215, subsection 1](#), paragraph b, Code 2023, is amended to read as follows:

b. However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under [section 321.209, subsections 1 through 5 or subsection 7](#); to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under [section 232.52, subsection 2](#), paragraph "a", for a violation of [chapter 124](#) or [453B](#) or [section 126.3](#); to a juvenile whose license has been suspended under [section 321.213B](#); or to a person whose license has been suspended pursuant to a court order under [section 714.7D](#). A temporary restricted license may be issued to a person whose license is revoked under [section 321.209, subsection 6](#), only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under [this section](#) shall not operate a motor vehicle for pleasure.

Sec. 2. [Section 321.215, subsection 2](#), unnumbered paragraph 1, Code 2023, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under [section 321.209, subsection 5, or 6, or 7](#), or [section 321.210, 321.210A, or 321.513](#); or upon the denial of issuance of a noncommercial driver's license under [section 321.560](#), based solely on offenses enumerated in [section 321.555, subsection 1](#), paragraph "c", or [section 321.555, subsection 2](#); or upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under [section 232.52, subsection 2](#), paragraph "a", for a violation of [chapter 124](#) or [453B](#), or [section 126.3](#); or upon suspension of a driver's license pursuant to a court order under [section 714.7D](#), the person may apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in [subsection 1](#). The application may be granted only if all of the following criteria are satisfied:

Sec. 3. [Section 321.279, subsection 1](#), paragraph b, Code 2023, is amended to read as follows:

b. The driver of a motor vehicle who commits a ~~second or subsequent~~ violation under [this subsection](#) and who has previously committed any violation under [this section](#) is, upon conviction, guilty of an aggravated misdemeanor.

Sec. 4. [Section 321.279, subsection 2](#), Code 2023, is amended to read as follows:

2. a. The driver of a motor vehicle commits an ~~aggravated misdemeanor~~ 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 or unmarked official law enforcement vehicle that is driven by a peace officer after being given a visual and audible signal as provided in [this section](#) and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under [this subsection](#) and who has previously committed a any violation under [this subsection or subsection 3 section](#) is, upon conviction, guilty of a class "D" "C" felony.

Sec. 5. [Section 321.279, subsection 3](#), Code 2023, is amended by striking the subsection.

Sec. 6. [Section 321J.2, subsection 3](#), paragraph b, subparagraph (2), subparagraph division (f), Code 2023, is amended to read as follows:

(f) If the offense was committed while also in violation of [section 321.279, subsection 3, paragraph “a”, subparagraph \(2\) 2.](#)

Sec. 7. [Section 804.7](#), Code 2023, is amended to read as follows:

804.7 Arrests by peace officers.

~~1. A peace officer may make an arrest in obedience to a warrant delivered to the peace officer; and without a warrant under any of the following circumstances:~~

- ~~1. a. For a public offense committed or attempted in the peace officer’s presence.~~
- ~~2. b. Where a public offense has in fact been committed, and the peace officer has reasonable ground grounds for believing that the person to be arrested has committed it.~~
- ~~3. c. Where the peace officer has reasonable ground grounds for believing that an indictable public offense has been committed and has reasonable ground grounds for believing that the person to be arrested has committed it.~~
- ~~4. d. Where the peace officer has received from the department of public safety, or from any other peace officer of this state or any other state or the United States an official communication by bulletin, radio, telegraph, telephone, or otherwise, informing the peace officer that a warrant has been issued and is being held for the arrest of the person to be arrested on a designated charge.~~
- ~~5. e. If the peace officer has reasonable grounds for believing that domestic abuse, as defined in [section 236.2](#), has occurred and has reasonable grounds for believing that the person to be arrested has committed it.~~
- ~~6. f. As required by [section 236.12, subsection 2.](#)~~

~~2. A peace officer, as defined in [section 801.4](#), shall have the authority to make an arrest pursuant to [subsection 1](#) anywhere within the state. However, a peace officer shall not establish routine patrol outside of the jurisdiction of the peace officer’s employing agency.~~

Sec. 8. [Section 804.7A, subsection 2](#), unnumbered paragraph 1, Code 2023, is amended to read as follows:

A federal law enforcement officer has the same authority, as provided in [section 804.7, subsection 3 1](#), [paragraph “c”](#), and has the same immunity from suit in this state as a peace officer, as defined in [section 801.4, subsection 11](#), when making an arrest in this state for a nonfederal crime if either of the following exists:

Sec. 9. [Section 907.3, subsection 1](#), paragraph a, subparagraph (6), subparagraph division (f), Code 2023, is amended to read as follows:

(f) If the offense was committed while also in violation of [section 321.279, subsection 3, paragraph “a”, subparagraph \(2\) 2.](#)

Sec. 10. [Section 907.3, subsection 2](#), paragraph a, subparagraph (2), subparagraph division (f), Code 2023, is amended to read as follows:

(f) ~~The offense is a was committed while also~~ in violation of [section 321.279, subsection 3, paragraph “a”, subparagraph \(2\) 2.](#)

Approved April 28, 2023