

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 321.4, the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 6, "Vehicle Impoundment," Iowa Administrative Code.

The U.S. Supreme Court (*Fla. v. Wells*, 110 Sup. Ct. 1632) has held that if a law enforcement agency inventories impounded vehicles, any contraband found during an inventory is inadmissible evidence in a subsequent criminal case unless the agency has a written policy requiring inventories of impounded vehicles. Iowa Administrative Code 661—Chapter 6 was adopted as the required written policy.

Officers of the Department of Public Safety are required by subrule 6.4(2) to conduct an inventory within 24 hours of impoundment of any vehicle. This may be impracticable under emergency conditions, either because officers are urgently needed for duties directly related to an emergency or because large numbers of vehicles may be impounded in a short period during an emergency. The amendment proposed herein would allow for the 24-hour period to be extended in emergencies.

A public hearing on this proposed amendment will be held on September 9, 2008, at 8:45 a.m. in the First Floor Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The building and conference room are fully accessible. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, by mail; by telephone at (515)725-6185; or by electronic mail to admrule@dps.state.ia.us at least one day prior to the public hearing.

Any written comments or information regarding the proposed amendment may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated by 4:30 p.m. on September 9, 2008, or may be submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office at least one day prior to the public hearing.

This amendment was also Adopted and Filed Emergency, effective July 1, 2008, and is published herein as **ARC 6986B**. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code section 321.89 and Florida v. Wells, 110 Sup. Ct. 1632.