

801.4 Definitions.

For the purposes of Title XVI,* unless the context otherwise requires:

1. The words “*accused person*”, “*accused*”, “*defendant*”, and similar words mean an individual, a public or private corporation, a partnership, or an unincorporated or voluntary association.

2. “*Attorney general*” includes an authorized assistant of the attorney general.

3. “*Charge*” means a written statement presented to a court accusing a person of the commission of a public offense, including but not limited to a complaint, information, or indictment.

4. “*Complaint*” means a statement in writing, under oath or affirmation, made before a magistrate or district court clerk or clerk’s designee as the case may be, of the commission of a public offense, and accusing someone of committing the public offense. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure.

5. “*County attorney*” includes an authorized assistant of the county attorney.

6. “*Court*” means a place where justice is administered by a magistrate and includes such magistrate while acting in a judicial capacity.

7. “*Criminal proceeding*” is a proceeding in which a person is accused of a public offense.

8. “*Indictable offense*” means an offense other than a simple misdemeanor.

9. “*Indigent person*” means a person who is indigent as determined in accordance with section 815.9.

10. “*Magistrate*” means all judges of the district court, including district associate judges and judicial magistrates throughout the state.

11. “*Peace officers*”, sometimes designated “law enforcement officers”, include:

a. Sheriffs and their regular deputies who are subject to mandated law enforcement training.

b. Marshals and police officers of cities.

c. Peace officer members of the department of public safety as defined in chapter 80.

d. Parole officers acting pursuant to section 906.2.

e. Probation officers acting pursuant to section 602.7202, subsection 4, and section 907.2.

f. Special security officers employed by board of regents institutions as set forth in section 262.13.

g. Conservation officers as authorized by section 456A.13.

h. Such employees of the department of transportation as are designated “*peace officers*” by resolution of the department under section 321.477.

i. Employees of an aviation authority designated as “*peace officers*” by the authority under section 330A.8, subsection 16.

j. Such persons as may be otherwise so designated by law.

12. “*Prosecuting attorney*”, sometimes designated “*prosecutor*”, means any attorney who is authorized by law to appear on the behalf of the state in a criminal case, and includes the attorney general, an assistant attorney general, the county attorney, an assistant county attorney, or a special or substitute prosecutor whose appearance is approved by a court having jurisdiction to try the defendant for the offense with which the defendant is charged. In the case of prosecution for a municipal ordinance violation, “*prosecuting attorney*” means a city attorney or an assistant city attorney.

13. “*Prosecution*” means the commencement, including the filing of a complaint, and continuance of a criminal proceeding, and pursuit of that proceeding to final judgment on behalf of the state or other political subdivision.

[C51, §2778, 2822, 2823, 2830; R60, §4439, 4440, 4447, 4530; C73, §4108, 4109, 4111; C97, §5097, 5099, 5101; C24, 27, 31, 35, 39, §13403, 13405, 13458; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §748.1, 748.3, 754.1; C79, 81, S81, §801.4; 81 Acts, ch 117, §1240]

83 Acts, ch 186, §10129, 10130, 10201; 84 Acts, ch 1019, §1, 2; 89 Acts, ch 182, §11; 90 Acts, ch 1233, §43

Referred to in §7.10, 8A.363, 70A.9, 123.46, 125.91, 229.22, 321.1, 321.176A, 321.224, 321.279, 321.484, 321.492, 321.513, 321L.4, 330A.8, 453A.2, 721.12, 804.7A, 804.7B

[P] *This provision does not include chapters 709A, 718A, 822, 904, 913, and 914, which were moved into Title XVI by the Code editor. Chapters 709A, 718A, 822, 904, 913, and 914 contain the applicable provisions pertaining to those chapters.