CHAPTER 801

CRIMINAL PROCEDURE SCOPE AND DEFINITIONS

Referred to in §502.604A

801.1 Short title.
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801.1 Short title.

Chapters 801 to 819 shall be known and may be cited as the *"Iowa Code of Criminal Procedure"*.

[C79, 81, §801.1]

801.2 Scope.

The provisions of the Iowa code of criminal procedure shall govern procedure in the courts of Iowa in all criminal proceedings except where a different procedure is specifically provided by law.

[C79, 81, §801.2]

801.3 General purposes.

The provisions of the Iowa code of criminal procedure shall be liberally construed to give effect to the general purposes thereof, which shall be to provide for:

1. Simplicity in criminal procedure.
2. Fairness in administration of the criminal laws.
3. Elimination of unjustifiable delay in pretrial, trial, and post-trial proceedings.
4. Just determination of every criminal proceeding by a fair and impartial trial and review.
5. The effective apprehension and trial of persons suspected of committing public offenses without violation of fundamental human rights.

[C79, 81, §801.3]

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**, **§235F.1**, **§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**

*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.

801.5 Applicability to offenses committed before the effective date.

1. Except as provided in **subsections 2 and 3** of **this section**, Title XVI* does not apply to offenses committed before January 1, 1978. Prosecutions for offenses committed before that date are governed by the prior law, which is continued in effect for that purpose, as if this title* were not in force. For purposes of **this section**, an offense is committed before said date if any of the elements of the offense occurred before that date.

2. In any case pending on or commenced after said date, involving an offense committed before that date:

a. Upon the request of the defendant a defense or mitigation under this title,* whether specifically provided for herein or based upon the failure of said statutes to define an applicable offense, shall apply; and

b. Upon the request of the defendant and the approval of the court:

(1) Procedural provisions of this title* shall apply insofar as they are justly applicable; and

(2) The court may impose a sentence or suspended imposition of a sentence under the provisions of this title* applicable to the offense and the offender.

3. Provisions of this title* governing the release or discharge of prisoners, probationers, and parolees shall apply to persons under sentence for offenses committed before January 1, 1978, except that the minimum or maximum period of their detention or supervision shall in no case be increased, nor shall the provisions of this title* affect the substantive or procedural validity of any judgment of conviction entered before said date, regardless of the fact that appeal time has not run or that an appeal is pending.

[C79, 81, §801.5]

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