

804.30 Strip searches and visual strip searches of persons arrested for scheduled violations or simple misdemeanors.

1. a. A person arrested for a simple misdemeanor who is housed in the general population of a county jail or municipal holding facility may be subject to a visual strip search. Such a person may be subject to a strip search if there is probable cause to believe that the person is concealing a weapon or contraband and written authorization of the supervisor on duty is obtained.

b. (1) A person arrested for a simple misdemeanor who is not housed in the general population of a county jail or municipal holding facility shall not be subjected to either a strip search or a visual strip search unless there is probable cause to believe that the person is concealing a weapon or contraband, and written authorization of the supervisor on duty is obtained.

(2) A person arrested for a scheduled violation who is not housed in the general population of a county jail or municipal holding facility shall not be subject to either a strip search or a visual strip search unless there is probable cause to believe that the person is concealing a weapon or contraband, and a search warrant is obtained.

c. A strip search conducted pursuant to [this section](#) that involves the physical probing of a body cavity, other than the mouth, ears, or nose, shall require a search warrant and shall only be performed by a licensed physician unless voluntarily waived in writing by the arrested person.

2. Any person arrested for a scheduled violation or a simple misdemeanor may be subjected to a search probing the mouth, ears, or nose.

3. All searches conducted pursuant to [this section](#) shall be performed under sanitary conditions.

4. All searches conducted pursuant to [this section](#), except for the probing of the mouth, ears, or nose, shall be conducted in a place where the search cannot be observed by persons not conducting the search.

5. All searches conducted pursuant to [this section](#) shall be conducted by a person of the same sex as the arrested person, except for the probing of the mouth, ears, or nose, unless the search is conducted by a physician.

6. Subsequent to a strip search pursuant to [this section](#), a written report shall be prepared which includes the written authorization required by [this section](#), the name of the person subjected to the search, the names of the persons conducting the search, the time, date, and place of the search, and a copy of the search warrant, if applicable authorizing the search. A copy of the report shall be provided to the person searched.

[C81, §804.30]

[2013 Acts, ch 30, §219](#); [2015 Acts, ch 71, §2](#)

Section stricken and rewritten