

808.12 Detention and search in theft of library materials and shoplifting.

1. Persons concealing property as set forth in [section 711.3B](#) or [714.5](#), may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to [subsection 2](#) of [this section](#).

2. No search of the person under [this section](#) shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under [this section](#) by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in [section 711.3B](#) or [714.5](#).

[C62, 66, 71, 73, 75, 77, §709.22 – 709.24; C79, 81, §808.12]

[2010 Acts, ch 1125, §3](#); [2019 Acts, ch 140, §5](#)

Referred to in [§714.5](#)

Subsections 1 and 3 amended