

#### 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, 9E.2, 70A.9, 80E2, 80G.1, 80H.1, 123.46, 125.2, 135.190A, 147A.1, 229.1, 233.1, 235F1, 279.84, 321.1, 321.176A, 321.178, 321.224, 321.231B, 321.279, 321.484, 321.492, 321.513, 321L.4, 330A.8, 331.604, 351.45, 351.46, 422.7\(41\)\(c\), 422.12P, 453A.2, 453A.52C, 509A.13C, 707.11, 721.12, 804.7, 804.7A, 804.7B, 811.1](#)

\*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.