

804.23 Initial appearance of arrested material witness before magistrate.

1. The officer shall, without unnecessary delay, take the person arrested pursuant to [section 804.11](#) before the nearest or most accessible magistrate to the place where the arrest occurred.

2. At the appearance before the magistrate, the law enforcement officer shall make a showing to the magistrate, by sworn affidavit, that probable cause exists to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena. The magistrate may order the person released pursuant to [section 811.2](#).

[C51, §2876 – 2879; R60, §4601 – 4604; C73, §4248 – 4251; C97, §5232 – 5235; C24, 27, 31, 35, 39, §13547 – 13550; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §761.21 – 761.24; C79, 81, §804.23] [2018 Acts, ch 1041, §127](#)

Referred to in [§804.21](#)

Proceedings before magistrate, see [R.Cr.P. 2.2](#)