

**661—121.2(80A) Definitions.** As used in this chapter unless the context otherwise requires:

*“Aggravated misdemeanor”* means an offense so defined in the Iowa Code or an offense committed in another jurisdiction with a penalty of imprisonment for two years or more.

*“Applicant”* means any person applying to the commissioner for a license or a permanent identification card.

*“Background investigation”* means the actions taken by the department to verify that the applicant for a license or employee identification card meets the requirements. Such actions include, but are not limited to, inquiries to the Iowa on-line warrants and articles (IOWA) criminal justice information system for outstanding arrest warrants, active protection orders, sex offender registry records and Iowa criminal history records. A background investigation shall also include the submission of fingerprints of the applicant to the FBI for a nationwide criminal history record check.

*“Bail enforcement agent”* means a person engaged in the bail enforcement business, including licensees and persons engaged in the bail enforcement business whose principal place of business is in a state other than Iowa.

*“Bail enforcement business”* means the business of taking or attempting to take into custody the principal on a bail bond issued or a deposit filed in relation to a criminal proceeding to ensure the presence of the defendant at trial, but does not include such actions that are undertaken by a peace officer or law enforcement officer in the course of the officer’s official duties.

*“Chief law enforcement officer”* means the county sheriff, or the sheriff’s designee, in the county where the defendant is located, or the chief of police, or the chief’s designee, when the defendant is located within the city limits of a city or town which has a police force.

*“Commissioner”* means the commissioner of the department of public safety or the commissioner’s authorized designee.

*“Conviction resulting from domestic abuse”* means a conviction at any level in any jurisdiction if the conviction has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. Applicable convictions may include, but are not limited to, crimes of assault, domestic assault, domestic abuse assault, battery, disorderly conduct and other crimes meeting this definition.

*“Defendant”* means the principal on a bail bond issued or deposit filed in relation to a criminal proceeding in order to ensure the presence of the defendant at trial.

*“Department”* means the department of public safety.

*“Felony”* means an offense defined as a felony by the jurisdiction in which the offense was committed.

*“Licensee”* means a person licensed under this chapter.

*“Moral turpitude”* is an act of baseness, vileness, or depravity or conduct which is contrary to justice, honesty, or good morals. Examples of moral turpitude may include, but are not limited to, the following:

1. Any act or pattern of conduct involving dishonesty, fraud, or deception;
2. Any act of conducting a bail enforcement, private investigative or private security business in violation of Iowa Code chapter 80A, whether in Iowa or another jurisdiction, or a determination from another jurisdiction that the individual or entity has violated the bail enforcement, private investigative, or private security laws, rules, or regulations of that jurisdiction;
3. Any act or pattern of conduct of harassment or stalking;
4. Any criminal act of sexual misconduct;
5. Any illegal act of selling, delivery, possession with intent to deliver, or manufacturing drugs;
6. Conviction resulting from domestic abuse.

*“Peace officer”* means any such individual as designated by Iowa Code section 801.4, subsection 11.

*“Person”* means an individual, partnership, corporation, or other business entity.

*“Private investigation business”* means the business of making, for hire or reward, an investigation for the purpose of obtaining information on any of the following matters:

1. Crimes or wrongs which are committed or threatened.
2. The habits, conduct, movements, whereabouts, associations, transactions, reputation, or character of a person.
3. The credibility of witnesses or other persons.
4. The location or recovery of lost or stolen property.
5. The cause or origin of or responsibility for fires, accidents, or injuries to property.
6. The truth or falsity of a statement or representation.
7. The detection of deception.
8. The securing of evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases.
9. The locating of owners or heirs of unclaimed funds.

*"Private investigative agency"* means a person engaged in a private investigation business.

*"Private security agency"* means a person engaged in a private security business.

*"Private security business"* means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district.

*"Proof of financial responsibility"* means proof of the ability of a licensee to respond in damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of ownership and operation of a bail enforcement business, private security business or a private investigation business.

*"Reserve peace officer"* means a volunteer, nonregular, sworn member of a law enforcement agency who serves under the direction of regular peace officers with or without compensation, has regular police powers while functioning as a law enforcement agency's representative, and participates on a regular basis in the law enforcement agency's activities including crime prevention and control, preservation of the peace, and enforcement of law.

*"Uniform"* means a manner of dress which is of a particular style and distinctive appearance as distinguished from ordinary clothing customarily used and worn by the general public and which clearly identifies the person as an employee of a licensed agency.