

February 4, 1970
Law Enforcement

HOUSE FILE 1187

*Passed as amended 2-13
Sen. Law Enforcement 4/8
Pass 4/9*

By NIELSEN, SCHROEDER, CRABB,
VAN ROEKEL, HANSON of Howard-
Mitchell, FISHER of Greene,
EDGINGTON, DARRINGTON, MILLER
of Jones, GRASSLEY, CUNNINGHAM,
LOGEMANN, BERGMAN, KENNEDY of
Dubuque, PONCY, GRAHAM, JOHNSON
of Audubon-Guthrie, STOKES and
KNIGHT

Passed House, Date 4-7-70 Passed Senate, Date 4-13-70
Vote: Ayes 101 Nays 5 Vote: Ayes 49 Nays 2
Approved

A BILL FOR

- 1 An Act relating to the administration of chemical tests for
- 2 determining intoxication.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Section three hundred twenty-one B point two
- 5 (321B.2), Code 1966, is hereby amended by adding thereto the
- 6 following new subsection:
- 7 "Any other law-enforcement officer who has satisfactorily
- 8 completed an approved course relating to motor vehicle
- 9 operators under the influence of alcoholic beverages at the
- 10 Iowa law-enforcement academy or an approved law-enforcement
- 11 training facility."

EXPLANATION

Many marshals, constables, and police officers in small towns without civil service commissions are unable to administer or make a written request for the administration of tests for intoxication because they are not "peace officers" as presently defined by section 321B.2 of the Code. Such law-enforcement officer must enlist the services of a person who qualifies as a "peace officer" to make the written request or to have such peace officer administer the test himself. Time is of the essence in administering tests for intoxication since the test is invalid if not given within two hours after arrest. If the services of a "peace officer", as presently defined, are not readily available the intoxicated person stands an excellent chance of escaping penalty. This bill expands the definition of "peace officer" to include any law-enforcement officer who has graduated from the Iowa Law Enforcement Academy or a police school approved by the Academy, whether or not such officer is under civil service.

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- 1 Amend House File 1187 as follows:
 - 2 By striking all after the word "or" in line 10 and all of
 - 3 line 11 and inserting in lieu thereof the following:
 - 4 "a law enforcement training program approved by the
 - 5 Department of Public Safety".

Filed - *Adopted 4/7*
February 13, 1970

COMMITTEE ON LAW ENFORCEMENT
ALFRED NIELSEN, Chairman