

FEB 9 1971

Law Enforcement, Pass 2/18
Sen " " 3/9, Pass 3/22

HOUSE FILE 195

By HOLDEN, FISHER of Greene,
DEN HERDER, GRASSLEY, MILLEN,
WELDEN, MIDDLESWART, STOKES,
SIGLIN, LOGEMANN, HAMILTON,
LIPSKY, MENEFEE, MAYBERRY,
SORG, DUNTON, WYCKOFF,
STROTHMAN, CAMPBELL, COCHRAN,
PELLETT, KNOKE, WIRTZ, SHAW,
MENDENHALL, NIELSEN, ROORDA,
KRUSE, BERGMAN, PRIEBE,
RODGERS, PIERSON, TIEDEN,
HANSEN, CHRISTENSEN, LAWSON,
ALT, MILLER, KELLY, McCORMICK,
TAYLOR, NYSTROM, REX, MOFFITT,
EGENES, WINKELMAN, TROWBRIDGE,
SCHROEDER, KINLEY, BLOUIN,
STANLEY, and VARLEY

Passed House, Date 3-8-71 Passed Senate, Date 4-1-71
Vote: Ayes 86 Nays 2 Vote: Ayes 32 Nays 13
Approved April 15, 1971

A BILL FOR

- 1 An Act to define an alcoholic beverage as it relates to the
2 operation of a motor vehicle by an operator under the
3 influence of an alcoholic beverage.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 Section 1. Section three hundred twenty-one B point two
6 (321B.2), Code 1971, is amended as follows:
7 321B.2 DEFINITIONS. As used in this chapter the words
8 "peace officer" mean:
9 1. Members of the highway patrol.
10 2. Police officers under civil service as provided in
11 chapter 365.
12 3. Sheriffs.
13 4. Regular deputy sheriffs who have had formal police
14 training.
15 5. Any other law-enforcement officer who has satisfactorily

1 completed an approved course relating to motor vehicle operators
2 under the influence of alcoholic beverages at the Iowa law-
3 enforcement academy or a law-enforcement training program
4 approved by the department of public safety.

5 As used in this chapter and sections twenty-nine B point
6 one hundred six (29B.106), three hundred twenty-one point two
7 hundred nine (321.209), three hundred twenty-one point two
8 hundred eighty-one (321.281), three hundred twenty-one point
9 four hundred ninety-four (321.494), and seven hundred forty-
10 nine point two (749.2) of the Code, the words "alcoholic bever-
11 age" include alcohol, wine, spirits, beer, or any other bever-
12 age which contains ethyl alcohol and is fit for human consump-
13 tion.

14 EXPLANATION

15 In 1969, the General Assembly passed and the governor approved
16 House File 207, relating to the operation of a motor vehicle by
17 an operator under the influence of an alcoholic beverage, a
18 narcotic, hypnotic, or other drug. The problem is that beer is
19 excluded from the definition of alcoholic beverage in section
20 123.5 of the Code. This situation has created enforcement
21 problems for law-enforcement officers.

22 This bill redefines the words "alcoholic beverage" to
23 include wine, alcohol, spirits, beer, or any other beverage
24 which contains ethyl alcohol.

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