

*Reprinted 2/25*

FEB 1 1980

HOUSE FILE 2443

Place On Calendar

By COMMITTEE ON STATE GOVERNMENT

Passed House, Date 2-15-80 (p. 535) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 67 Nays 17 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved May 24, 1980

*That same to be considered w/d 2/26*

### A BILL FOR

1 An Act relating to the establishment of a force of reserve  
2 peace officers for a city, county or the state of Iowa.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2443

1 Section 1. NEW SECTION. ESTABLISHMENT OF A FORCE OF  
2 RESERVE PEACE OFFICERS. The governing body of a city, county,  
3 or the state of Iowa may provide for the establishment of  
4 a force of reserve peace officers, and may limit the size  
5 of the reserve force. In the case of the state, the department  
6 of public safety shall act as the governing body.

7 This Act constitutes the only procedure for appointing  
8 reserve peace officers.

9 Sec. 2. NEW SECTION. PERSONAL STANDARDS. The director  
10 of the law enforcement academy with the approval of the law  
11 enforcement academy council shall establish minimum standards  
12 of physical, educational, mental, and moral fitness for members  
13 of the reserve force.

14 Sec. 3. NEW SECTION. TRAINING STANDARDS. The Iowa law  
15 enforcement academy with the approval of the law enforcement  
16 academy council shall establish minimum training standards  
17 for members of the reserve force.

18 Sec. 4. NEW SECTION. TRAINING. Individuals appointed  
19 to the reserve force shall receive training under the supervi-  
20 sion of the Iowa law enforcement academy. Training may be  
21 obtained in a merged area school or any other facility selected  
22 by the individual if the merged area school or other facility  
23 is an approved law enforcement training school under the  
24 provisions of chapter eighty B (80B) of the Code. Upon  
25 satisfactory completion of training, the academy shall certify  
26 the individual as a reserve peace officer. Initial training  
27 shall be completed within one year from the date of  
28 appointment.

29 Sec. 5. NEW SECTION. NO EXEMPTIONS. There shall be no  
30 exemptions from the personal and training standards provided  
31 for in this Act except as provided in section seven (7) of  
32 this Act.

33 Sec. 6. NEW SECTION. STATUS OF RESERVE PEACE OFFICERS.  
34 Reserve peace officers shall serve as peace officers on the  
35 orders and at the discretion of the chief of police, sheriff,

1 or commissioner of public safety or the commissioner's  
2 designee, as the case may be.

3 While in the actual performance of an assigned duty, reserve  
4 peace officers shall be vested with the same rights,  
5 privileges, obligations, and duties as any other peace  
6 officers.

7 Sec. 7. NEW SECTION. CARRYING WEAPONS. A member of a  
8 reserve force shall not carry a weapon in the line of duty  
9 or otherwise act as a peace officer until he or she has been  
10 approved by the governing body and certified by the Iowa law  
11 enforcement academy council. Individuals serving as reserve  
12 peace officers as of July 1, 1980 are exempt from the  
13 certification requirements of this section pending completion  
14 of approved training or until one year from the effective  
15 date of this Act, whichever comes first. After approval and  
16 certification, a reserve peace officer may carry a weapon  
17 in the line of duty only when authorized by the chief of  
18 police, sheriff, or commissioner of public safety or the  
19 commissioner's designee, as the case may be, and only when  
20 in the actual performance of an assigned duty.

21 Sec. 8. NEW SECTION. SUPPLEMENTARY CAPACITY. Reserve  
22 peace officers shall act only in a supplementary capacity  
23 to the regular force and shall not assume full-time duties  
24 of regular peace officers without first complying with all  
25 requirements for regular peace officers.

26 Sec. 9. NEW SECTION. SUPERVISION OF RESERVE PEACE  
27 OFFICERS. Reserve peace officers shall be subordinate to  
28 regular peace officers, shall not serve as peace officers  
29 unless under the direction of regular peace officers, and  
30 shall wear a special insignia clearly identifying them as  
31 reserve peace officers and shall not wear an insignia of rank.  
32 Each department for which a reserve force is established  
33 shall appoint a regular force peace officer as the reserve  
34 force coordinating and supervising officer. That regular  
35 peace officer shall report directly to the chief of police,

1 sheriff, or commissioner of public safety or the commissioner's  
2 designee, as the case may be.

3 Sec. 10. NEW SECTION. NO REDUCTION OF REGULAR FORCE.

4 The governing body shall not reduce the authorized size of  
5 a regular law enforcement department or office because of  
6 the establishment or utilization of reserve peace officers.

7 Sec. 11. NEW SECTION. EMPLOYEE--PAY. While activated  
8 and on assigned duty, each reserve peace officer shall be  
9 considered an employee of the governing body which he or she  
10 represents and shall be paid a minimum of one dollar per year.  
11 The governing body of a city, county, or the state may provide  
12 additional monetary assistance for the purchase and maintenance  
13 of uniforms and equipment used by reserve peace officers but  
14 not to exceed the allowance provided in section three hundred  
15 thirty-seven A point two (337A.2) of the Code.

16 Sec. 12. NEW SECTION. BENEFITS WHEN INJURED. Hospital  
17 and medical assistance and benefits as provided in chapter  
18 eighty-five (85) of the Code shall be provided by the governing  
19 body to members of the reserve force who sustain injury in  
20 the course of performing official duties.

21 Sec. 13. NEW SECTION. INSURANCE. Liability and false  
22 arrest insurance shall be provided by the governing body to  
23 members of the reserve force while performing official duties  
24 in the same manner as for a regular peace officer.

25 Sec. 14. NEW SECTION. NO PARTICIPATION IN A PENSION FUND  
26 OR RETIREMENT SYSTEM. This Act shall not be construed to  
27 authorize or permit a reserve peace officer to become eligible  
28 for participation in a pension fund or retirement system  
29 created by the laws of this state of which regular peace  
30 officers may become members.

31 Sec. 15. Section eighty-five point one (85.1), subsection  
32 four (4), Code 1979, is amended to read as follows:

33 4. As between a municipal corporation or city, and any  
34 person or persons receiving any benefits under, or who may  
35 be entitled to benefits from, any "~~firemen's~~ fire fighter's

1 pension fund" or "~~police~~ police officer's pension fund"  
2 of any municipal corporation or city, under the provisions  
3 of chapter 411, except volunteer ~~firemen~~ fire fighters, reserve  
4 peace officers, and except as otherwise provided by law.

5 EXPLANATION

6 The bill provides that the governing body of a city, or  
7 county, or the state may appoint a force of reserve peace  
8 officers. For the purposes of this bill, the governing body  
9 of the state is the department of public safety. Reserve  
10 peace officers must meet certain standards and must complete  
11 prescribed training. While on duty, reserve peace officers  
12 will have all the powers of regular peace officers. Reserve  
13 peace officers will be eligible for workers' compensation  
14 benefits but will not participate in a pension fund or  
15 retirement system. This bill takes effect on July first  
16 following its enactment.

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HOUSE FILE 2443

H-5219

- 1 Amend House File 2443 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following new section:
- 4 "Sec. \_\_\_\_ . Section three hundred forty point
- 5 eight (340.8), Code 1979, is amended by striking the
- 6 section."
- 7 2. By renumbering the sections as may be
- 8 necessary.

H-5219 FILED *Filed and reviewed* By DAVITT of Warren  
FEBRUARY 13, 1980 *2/15 (p. 52)*

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HOUSE FILE 2443

H-5233

- 1 Amend House File 2443 as follows:
- 2 1. Page 2, line 6, by striking the word "officers"
- 3 and inserting in lieu thereof the word "officer".

H-5233 FILED *H/O 2/15 (p. 52)* By SPEAR of Lee  
 FEBRUARY 14, 1980

HOUSE FILE 2443

H-5227

- 1 Amend House File 2443 as follows:
- 2 1. Page 1, lines 19 and 20, by striking the *A*
- 3 words "under the supervision of" and inserting in *(p. 524)*
- 4 lieu thereof the words "approved by".
- 5 2. Page 2, line 10, by striking the word "and" *B - Last p. 524*
- 6 and inserting in lieu thereof the word "or".
- 7 3. Page 3, by striking lines 3 through 6. *C - Last p. 521*

H-5227 FILED By SCHROEDER of Pottawattamie  
 FEBRUARY 13, 1980  
*A - adopted; B - Last C - Last 2/15*  
 HOUSE FILE 2443

H-5242

- 1 Amend House File 2443 as follows:
- 2 1. Page 3, by inserting after line 30, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section eighty five point thirty-six
- 5 (85.36), subsection ten (10), paragraph "a", Code
- 6 1979, is amended to read as follows:
- 7 a. In computing the compensation to be allowed
- 8 a volunteer fireman fire fighter or reserve peace
- 9 officer, his or her earnings as a fireman fire fighter
- 10 or reserve peace officer shall be disregarded and he
- 11 or she shall be paid the maximum compensation
- 12 allowable under the workers' compensation law.
- 13 Sec. \_\_\_\_ . Section eighty five point sixty-one
- 14 (85.61), Code 1979, is amended by adding the following
- 15 new subsection:
- 16 NEW SUBSECTION. The words "reserve peace officer"
- 17 shall mean a person defined as such by section one (1)
- 18 of this Act who is not a full-time member of a paid law
- 19 enforcement agency. A person performing such services
- 20 shall not be classified as a casual employee."

H-5242 FILED *Adopted 2/15* By CRAWFORD of Story  
 FEBRUARY 15, 1980 *(p. 535)* CONNORS of Polk

H-5151

1 Amend House File 2443 as follows:  
2 1. Page 2, by striking lines 30 and 31 and  
3 inserting in lieu thereof the following: "shall wear  
4 a uniform prescribed by the chief of police, sheriff,  
5 or commissioner of public safety unless that superior  
6 officer designates alternate apparel for use when  
7 engaged in assignments involving special investigation,  
8 civil process, court duties, jail duties and the  
9 handling of mental patients. The reserve peace officer  
10 shall not wear an insignia of rank."

H-5151 FILED *Adopted 2/15 (p. 530)* BY BRANDT of Black Hawk  
FEBRUARY 5, 1980

HOUSE FILE 2443

H-5204

1 Amend House File 2443 as follows:  
2 1. Page 1, line 6, by inserting after the word  
3 "body." the words "A reserve peace officer is a  
4 volunteer, nonregular, sworn member of a law  
5 enforcement agency who serves with or without  
6 compensation, has regular police powers while  
7 functioning as an agency's representative and  
8 participates on a regular basis in the agency's  
9 activities including those of crime prevention and  
10 control, preservation of the peace and enforcement  
11 of the law."

H-5204 FILED *Adopted 2/15* By BRANSTAD of Winnebago  
FEBRUARY 12, 1980 (*p. 529*)

HOUSE FILE 2443

H-5208

1 Amend House File 2443 as follows:  
2 1. Page 2, line 3, by striking the words "an  
3 assigned duty" and inserting in lieu thereof the words  
4 "official duties".  
5 2. Page 2, by striking lines 19 and 20 and  
6 inserting in lieu thereof the words "commissioner's  
7 designee, as the case may be."  
8 3. Page 3, lines 7 and 8, by striking the words  
9 "activated and on assigned duty." and inserting in  
10 lieu thereof the words "performing official duties".

H-5208 FILED *Adopted 2/15 (p. 530)* By DIELEMAN of Marion  
FEBRUARY 12, 1980

HOUSE FILE 2443

H-5210

1 Amend House File 2443 as follows:  
2 1. Page 3, by striking line 31 through page 4,  
3 line 4.

H-5210 FILED *Adopted 2/15 (p. 531)* By CRAWFORD of Story  
FEBRUARY 12, 1980

*I State Govt.  
Amended per 5343  
to Pass 3/10 (p. 808)*

HOUSE FILE 2443

By COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 4/17/80 (p. 1710) Passed Senate, Date 4/2/80 (p. 1255)

Vote: Ayes 94 Nays 0 Vote: Ayes 27 Nays 2

Approved May 24 1980  
*Repassed Senate 4/28/80 (p. 1562)*

*38-6*

### A BILL FOR

1 An Act relating to the establishment of a force of reserve  
2 peace officers for a city, county or the state of Iowa.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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\_\_\_\_\_ House Amendments

1 Section 1. NEW SECTION. ESTABLISHMENT OF A FORCE OF  
2 RESERVE PEACE OFFICERS. The governing body of a city, county,  
3 or the state of Iowa may provide for the establishment of  
4 a force of reserve peace officers, and may limit the size  
5 of the reserve force. In the case of the state, the department  
6 of public safety shall act as the governing body. A reserve  
7 peace officer is a volunteer, nonregular, sworn member of  
8 a law enforcement agency who serves with or without  
9 compensation, has regular police powers while functioning  
10 as an agency's representative and participates on a regular  
11 basis in the agency's activities including those of crime  
12 prevention and control, preservation of the peace and  
13 enforcement of the law.

14 This Act constitutes the only procedure for appointing  
15 reserve peace officers.

16 Sec. 2. NEW SECTION. PERSONAL STANDARDS. The director  
17 of the law enforcement academy with the approval of the law  
18 enforcement academy council shall establish minimum standards  
19 of physical, educational, mental, and moral fitness for members  
20 of the reserve force.

21 Sec. 3. NEW SECTION. TRAINING STANDARDS. The Iowa law  
22 enforcement academy with the approval of the law enforcement  
23 academy council shall establish minimum training standards  
24 for members of the reserve force.

25 Sec. 4. NEW SECTION. TRAINING. Individuals appointed  
26 to the reserve force shall receive training approved by the  
27 Iowa law enforcement academy. Training may be obtained in  
28 a merged area school or any other facility selected by the  
29 individual if the merged area school or other facility is  
30 an approved law enforcement training school under the  
31 provisions of chapter eighty B (80B) of the Code. Upon  
32 satisfactory completion of training, the academy shall certify  
33 the individual as a reserve peace officer. Initial training  
34 shall be completed within one year from the date of  
35 appointment.

1 Sec. 5. NEW SECTION. NO EXEMPTIONS. There shall be no  
2 exemptions from the personal and training standards provided  
3 for in this Act except as provided in section seven (7) of  
4 this Act.

5 Sec. 6. NEW SECTION. STATUS OF RESERVE PEACE OFFICERS.  
6 Reserve peace officers shall serve as peace officers on the  
7 orders and at the discretion of the chief of police, sheriff,  
8 or commissioner of public safety or the commissioner's  
9 designee, as the case may be.

10 While in the actual performance of official duties, reserve  
11 peace officers shall be vested with the same rights,  
12 privileges, obligations, and duties as any other peace  
13 officers.

14 Sec. 7. NEW SECTION. CARRYING WEAPONS. A member of a  
15 reserve force shall not carry a weapon in the line of duty  
16 or otherwise act as a peace officer until he or she has been  
17 approved by the governing body and certified by the Iowa law  
18 enforcement academy council. Individuals serving as reserve  
19 peace officers as of July 1, 1980 are exempt from the  
20 certification requirements of this section pending completion  
21 of approved training or until one year from the effective  
22 date of this Act, whichever comes first. After approval and  
23 certification, a reserve peace officer may carry a weapon  
24 in the line of duty only when authorized by the chief of  
25 police, sheriff, or commissioner of public safety or the  
26 commissioner's designee, as the case may be.

27 Sec. 8. NEW SECTION. SUPPLEMENTARY CAPACITY. Reserve  
28 peace officers shall act only in a supplementary capacity  
29 to the regular force and shall not assume full-time duties  
30 of regular peace officers without first complying with all  
31 requirements for regular peace officers.

32 Sec. 9. NEW SECTION. SUPERVISION OF RESERVE PEACE  
33 OFFICERS. Reserve peace officers shall be subordinate to  
34 regular peace officers, shall not serve as peace officers  
35 unless under the direction of regular peace officers, and

1 shall wear a uniform prescribed by the chief of police,  
2 sheriff, or commissioner of public safety unless that superior  
3 officer designates alternate apparel for use when engaged  
4 in assignments involving special investigation, civil process,  
5 court duties, jail duties and the handling of mental patients.  
6 The reserve peace officer shall not wear an insignia of rank.

7 Each department for which a reserve force is established shall  
8 appoint a regular force peace officer as the reserve force  
9 coordinating and supervising officer. That regular peace  
10 officer shall report directly to the chief of police, sheriff,  
11 or commissioner of public safety or the commissioner's  
12 designee, as the case may be.

13 Sec. 10. NEW SECTION. NO REDUCTION OF REGULAR FORCE.  
14 The governing body shall not reduce the authorized size of  
15 a regular law enforcement department or office because of  
16 the establishment or utilization of reserve peace officers.

17 Sec. 11. NEW SECTION. EMPLOYEE--PAY. While performing  
18 official duties, each reserve peace officer shall be considered  
19 an employee of the governing body which he or she represents  
20 and shall be paid a minimum of one dollar per year. The  
21 governing body of a city, county, or the state may provide  
22 additional monetary assistance for the purchase and maintenance  
23 of uniforms and equipment used by reserve peace officers but  
24 not to exceed the allowance provided in section three hundred  
25 thirty-seven A point two (337A.2) of the Code.

26 Sec. 12. NEW SECTION. BENEFITS WHEN INJURED. Hospital  
27 and medical assistance and benefits as provided in chapter  
28 eighty-five (85) of the Code shall be provided by the governing  
29 body to members of the reserve force who sustain injury in  
30 the course of performing official duties.

31 Sec. 13. NEW SECTION. INSURANCE. Liability and false  
32 arrest insurance shall be provided by the governing body to  
33 members of the reserve force while performing official duties  
34 in the same manner as for a regular peace officer.

35 Sec. 14. NEW SECTION. NO PARTICIPATION IN A PENSION FUND

1 OR RETIREMENT SYSTEM. This Act shall not be construed to  
2 authorize or permit a reserve peace officer to become eligible  
3 for participation in a pension fund or retirement system  
4 created by the laws of this state of which regular peace  
5 officers may become members.

6 Sec. 15. Section eighty-five point thirty-six (85.36),  
7 subsection ten (10), paragraph "a", Code 1979, is amended  
8 to read as follows:

9 a. In computing the compensation to be allowed a volunteer  
10 fireman fire fighter or reserve peace officer, his or her  
11 earnings as a fireman fire fighter or reserve peace officer  
12 shall be disregarded and he or she shall be paid the maximum  
13 compensation allowable under the workers' compensation law.

14 Sec. 16. Section eighty-five point sixty-one (85.61),  
15 Code 1979, is amended by adding the following new subsection:

16 NEW SUBSECTION. The words "reserve peace officer" shall  
17 mean a person defined as such by section one (1) of this Act  
18 who is not a full-time member of a paid law enforcement agency.  
19 A person performing such services shall not be classified  
20 as a casual employee.

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HOUSE FILE 2443

S-5226

- 1 Amend House File 2443 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "force" the words "after the effective date of this
- 5 Act".
- 6 2. Page 2, line 3, by striking the word "section"
- 7 and inserting in lieu thereof the words and figure
- 8 "sections four (4) and".

S-5226 FILED  
FEBRUARY 27, 1980

BY JACK W. HESTER  
JOE BROWN

*Placed out of order 4/2 (p. 1255)*

HOUSE FILE 2443

S-5343

- 1 Amend House File 2443 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 18, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".
- 5 2. Page 1, by striking lines 21 through 23 and
- 6 inserting in lieu thereof the following:
- 7 "Sec. 3. NEW SECTION. TRAINING STANDARDS. The
- 8 chief of police, sheriff or commissioner of public
- 9 safety, as the case may be, may establish minimum
- 10 training standards".
- 11 3. Page 1, by striking lines 25 through 32 and
- 12 inserting in lieu thereof the following:
- 13 "Sec. 4. NEW SECTION. TRAINING. Training for
- 14 individuals appointed as reserve peace officers shall
- 15 be provided by that law enforcement agency, but may
- 16 be obtained in a merged area school or other facility
- 17 selected by the individual and approved by the law
- 18 enforcement agency. Upon satisfactory completion
- 19 of training, the chief of police, sheriff or
- 20 commissioner of public safety shall certify".
- 21 4. Page 2, line 3, by striking the words and
- 22 figure "section seven (7)" and inserting in lieu
- 23 thereof the words and figures "sections seven (7)
- 24 and fifteen (15)".
- 25 5. Page 4, by inserting after line 5 the following:
- 26 "Sec. 15. NEW SECTION. CIVIL DEFENSE AUXILIARY
- 27 POLICE EXEMPT. This Act does not apply to local civil
- 28 defense auxiliary police forces organized by local
- 29 civil defense officials and trained according to
- 30 standards established by the United States office
- 31 of civil defense and contained in the code of federal
- 32 regulations."
- 33 6. By renumbering the sections and correcting
- 34 cross-references to conform to this amendment.

S-5343 FILED  
MARCH 11, 1980

BY COMMITTEE ON STATE GOVERNMENT  
JOHN N. NYSTROM, CHAIRPERSON

*Adopted 4/2 (p. 1255)*

HOUSE FILE 2443

S-5370

- 1 Amend House File 2243 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 16, by striking the words "or
- 4 otherwise act as a peace officer".

S-5370 FILED

BY FORREST V. SCHWENGELS

MARCH 13, 1980

*Adopted 4/2 (p. 1255)*

SENATE AMENDMENT TO  
HOUSE FILE 2443

H-5900

- 1 Amend House File 2443 as amended, passed and  
2 reprinted by the House as follows:
- 3 1. Page 1, line 13, by striking the word "shall"  
4 and inserting in lieu thereof the word "may".
- 5 2. Page 1, by striking lines 21 through 23 and  
6 inserting in lieu thereof the following:  
7 "Sec. 3. NEW SECTION. TRAINING STANDARDS. The  
8 chief of police, sheriff or commissioner of public  
9 safety, as the case may be, may establish minimum  
10 training standards".
- 11 3. Page 1, by striking lines 25 through 32 and  
12 inserting in lieu thereof the following:  
13 "Sec. 4. NEW SECTION. TRAINING. Training for  
14 individuals appointed as reserve peace officers shall  
15 be provided by that law enforcement agency, but may  
16 be obtained in a merged area school or other facility  
17 selected by the individual and approved by the law  
18 enforcement agency. Upon satisfactory completion  
19 of training, the chief of police, sheriff or  
20 commissioner of public safety shall certify".
- 21 4. Page 2, line 3, by striking the words and  
22 figure "section seven (7)" and inserting in lieu  
23 thereof the words and figures "sections seven (7)  
24 and fifteen (15)".
- 25 5. Page 2, line 16, by striking the words "or  
26 otherwise act as a peace officer".
- 27 6. Page 4, by inserting after line 5 the following:  
28 "Sec. 15. NEW SECTION. CIVIL DEFENSE AUXILIARY  
29 POLICE EXEMPT. This Act does not apply to local civil  
30 defense auxiliary police forces organized by local  
31 civil defense officials and trained according to  
32 standards established by the United States office  
33 of civil defense and contained in the code of federal  
34 regulations."
- 35 7. Renumbering the sections and correcting cross-  
36 references to conform to this amendment.

H-5900 FILED APRIL 8, 1980

RECEIVED FROM THE SENATE

*House amended (610?) in Concurrence 4/10 (7-1709)*

HOUSE FILE 2443

H-6108

- 1 Amend the Senate amendment H-5900 to House File
- 2 2443 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 9, by striking the words "may establish"
- 5 and inserting in lieu thereof the words "shall establish".
- 6 2. Page 1, line 10, by inserting after the word
- 7 "standards" the words "requiring at least thirty hours
- 8 of instruction".

H-6108 FILED APRIL 16, 1980

BY CRAWFORD of Story

*Adopted 4/16/80*

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HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2443

S-5775

- 1 Amend the Senate amendment H-5900 to House File
- 2 2443 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 9, by striking the words "may
- 5 establish" and inserting in lieu thereof the words
- 6 "shall establish".
- 7 2. Page 1, line 10, by inserting after the word
- 8 "standards" the words "requiring at least thirty hours
- 9 of instruction".

S-5775 FILED  
APRIL 21, 1980

RECEIVED FROM THE HOUSE

*Senate amendment 4/22 (p. 1502)*

HOUSE FILE 2443

AN ACT

RELATING TO THE ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS FOR A CITY, COUNTY OR THE STATE OF IOWA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS. The governing body of a city, county, or the state of Iowa may provide for the establishment of a force of reserve peace officers, and may limit the size of the reserve force. In the case of the state, the department of public safety shall act as the governing body. A reserve peace officer is a volunteer, nonregular, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as an agency's representative and participates on a regular basis in the agency's activities including those of crime prevention and control, preservation of the peace and enforcement of the law.

This Act constitutes the only procedure for appointing reserve peace officers.

Sec. 2. NEW SECTION. PERSONAL STANDARDS. The director of the law enforcement academy with the approval of the law enforcement academy council may establish minimum standards of physical, educational, mental, and moral fitness for members of the reserve force.

Sec. 3. NEW SECTION. TRAINING STANDARDS. The chief of police, sheriff or commissioner of public safety, as the case may be, shall establish minimum training standards requiring at least thirty hours of instruction for members of the reserve force.

Sec. 4. NEW SECTION. TRAINING. Training for individuals appointed as reserve peace officers shall be provided by that law enforcement agency, but may be obtained in a merged area school or other facility selected by the individual and approved by the law enforcement agency. Upon satisfactory completion of training, the chief of police, sheriff or commissioner of public safety shall certify the individual as a reserve peace officer. Initial training shall be completed within one year from the date of appointment.

Sec. 5. NEW SECTION. NO EXEMPTIONS. There shall be no exemptions from the personal and training standards provided for in this Act except as provided in sections seven (7) and sixteen (16) of this Act.

Sec. 6. NEW SECTION. STATUS OF RESERVE PEACE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations, and duties as any other peace officers.

Sec. 7. NEW SECTION. CARRYING WEAPONS. A member of a reserve force shall not carry a weapon in the line of duty until he or she has been approved by the governing body and certified by the Iowa law enforcement academy council. Individuals serving as reserve peace officers as of July 1, 1980 are exempt from the certification requirements of this section pending completion of approved training or until one year from the effective date of this Act, whichever comes

first. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

Sec. 8. NEW SECTION. SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all requirements for regular peace officers.

Sec. 9. NEW SECTION. SUPERVISION OF RESERVE PEACE OFFICERS. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, or commissioner of public safety unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank. Each department for which a reserve force is established shall appoint a regular force peace officer as the reserve force coordinating and supervising officer. That regular peace officer shall report directly to the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

Sec. 10. NEW SECTION. NO REDUCTION OF REGULAR FORCE. The governing body shall not reduce the authorized size of a regular law enforcement department or office because of the establishment or utilization of reserve peace officers.

Sec. 11. NEW SECTION. EMPLOYEE--PAY. While performing official duties, each reserve peace officer shall be considered an employee of the governing body which he or she represents and shall be paid a minimum of one dollar per year. The governing body of a city, county, or the state may provide

additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers but not to exceed the allowance provided in section three hundred thirty-seven A point two (337A.2) of the Code.

Sec. 12. NEW SECTION. BENEFITS WHEN INJURED. Hospital and medical assistance and benefits as provided in chapter eighty-five (85) of the Code shall be provided by the governing body to members of the reserve force who sustain injury in the course of performing official duties.

Sec. 13. NEW SECTION. INSURANCE. Liability and false arrest insurance shall be provided by the governing body to members of the reserve force while performing official duties in the same manner as for a regular peace officer.

Sec. 14. NEW SECTION. NO PARTICIPATION IN A PENSION FUND OR RETIREMENT SYSTEM. This Act shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or retirement system created by the laws of this state of which regular peace officers may become members.

Sec. 15. NEW SECTION. CIVIL DEFENSE AUXILIARY POLICE EXEMPT. This Act does not apply to local civil defense auxiliary police forces organized by local civil defense officials and trained according to standards established by the United States office of civil defense and contained in the code of federal regulations.

Sec. 16. Section eighty-five point thirty-six (85.36), subsection ten (10), paragraph "a", Code 1979, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer fireman fire fighter or reserve peace officer, his or her earnings as a fireman fire fighter or reserve peace officer shall be disregarded and he or she shall be paid the maximum compensation allowable under the workers' compensation law.

Sec. 17. Section eighty-five point sixty-one (85.61), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The words "reserve peace officer" shall mean a person defined as such by section one (1) of this Act who is not a full-time member of a paid law enforcement agency. A person performing such services shall not be classified as a casual employee.

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WILLIAM H. HARBOR  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2443, Sixty-eighth General Assembly.

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BRUCE GRAHAM  
Assistant Chief Clerk of the House

Approved May 24, 1980

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ROBERT D. RAY  
Governor

H.F. 2443