

3/25/96 Judiciary

FILED FEB 29 1996

SENATE FILE 2377  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2022)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the arresting authority of peace officers  
2 outside the officers' jurisdiction.

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

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S.F. 2377

1 Section 1. Section 804.7, unnumbered paragraph 1, Code  
2 1995, is amended to read as follows:

3 A peace officer acting within the jurisdiction of the  
4 officer's employing agency or appointing authority, may make  
5 an arrest in obedience to a warrant delivered to the peace  
6 officer; ~~and~~ or make an arrest without a warrant under the  
7 following circumstances:

8 Sec. 2. NEW SECTION. 804.7B ARRESTS BY PEACE OFFICERS  
9 OUTSIDE EMPLOYING JURISDICTION.

10 1. A peace officer acting outside the jurisdiction of the  
11 officer's employing agency or appointing authority may make an  
12 arrest in the officer's official capacity under any of the  
13 following circumstances:

14 a. When confronted with the commission of a public offense  
15 in the peace officer's presence and the circumstances would  
16 justify the use of deadly force as authorized under section  
17 804.8.

18 b. Where the peace officer has reasonable grounds to  
19 believe that an indictable public offense has been committed  
20 and has reasonable grounds to believe that the person to be  
21 arrested has committed the offense and the circumstances would  
22 justify the use of deadly force as authorized under section  
23 804.8.

24 c. At the request of or rendering assistance to another  
25 peace officer who is within the jurisdiction of that officer's  
26 employing agency or appointing authority.

27 d. In an emergency situation when rendering assistance to  
28 another peace officer who is within the jurisdiction of that  
29 officer's employing agency or appointing authority.

30 e. At the request of or rendering assistance to another  
31 peace officer or special state agent of the department of  
32 public safety.

33 f. When acting pursuant to an agreement entered into under  
34 chapter 28E, provided the action is within the jurisdictional  
35 limitations and restrictions of the agreement.

1 2. a. A law enforcement agency in the jurisdiction where  
2 an arrest has occurred pursuant to this section is immune from  
3 liability for the acts or omissions of a peace officer making  
4 the arrest outside of the officer's jurisdiction.

5 b. A peace officer acting pursuant to this section shall  
6 have the same immunity from suit as the officer would have had  
7 when acting within the officer's employing agency's or  
8 appointing authority's jurisdiction.

9 3. A peace officer acting pursuant to subsection 1 shall  
10 immediately notify and cooperate with any law enforcement  
11 agency having jurisdiction where the arrest occurred.

12 4. This section shall not limit the authority of an  
13 employing agency or appointing authority to restrict the  
14 exercise of the power and authority conferred upon the  
15 agency's or authority's peace officers.

16 EXPLANATION

17 This bill allows a peace officer acting outside the  
18 officer's jurisdiction to make an arrest in the officer's  
19 official capacity if the circumstances would justify the use  
20 of deadly force and the officer either is confronted with the  
21 commission of a public offense or has reasonable grounds to  
22 believe that an indictable public offense has been committed  
23 and the person to be arrested has committed the offense. The  
24 bill also allows an officer to make an arrest in an emergency  
25 situation or when acting at the request of another peace  
26 officer, at the request of or rendering assistance to a peace  
27 officer or special state agent of the Iowa department of  
28 public safety, or when acting pursuant to a chapter 28E  
29 agreement.

30 The bill grants immunity to a law enforcement agency in the  
31 jurisdiction where an arrest has occurred for acts or  
32 omissions of a peace officer acting outside of the officer's  
33 jurisdiction and provides a peace officer the same immunity  
34 from suit that the officer would have if acting within the  
35 officer's jurisdiction.

1 The bill requires a peace officer to notify and cooperate  
2 with any law enforcement agency having jurisdiction where the  
3 peace officer made an independent arrest. The bill does not  
4 limit the authority of an employing agency or appointing  
5 authority to restrict the exercise of power and authority  
6 conferred upon the agency's or authority's peace officers.

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SENATE FILE 2377

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S-5533

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1 Amend Senate File 2377 as follows:

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2 1. Page 1, by inserting before line 1 the  
3 following:

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4 "Section 1. Section 80D.7, Code 1995, is amended  
5 to read as follows:

16

6 80D.7 CARRYING WEAPONS.

17

7 A member of a reserve force shall not carry a  
8 weapon in the line of duty until the member has been  
9 approved by the governing body and certified by the  
10 Iowa law enforcement academy council to carry weapons.  
11 After approval and certification, a reserve peace  
12 officer may carry a weapon ~~in-the-line-of-duty~~ only  
13 when authorized by the chief of police, sheriff, or  
14 commissioner of public safety or the commissioner's  
15 designee, as the case may be.

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16 Sec. \_\_\_\_ . NEW SECTION. 724.2A PEACE OFFICER  
17 DEFINED.

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18 As used in this chapter regarding the obtaining of  
19 a permit for, training for, and the carrying of  
20 weapons, "peace officer" includes a reserve peace  
21 officer as defined in section 80D.1A."

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22 2. Title page, by striking lines 1 and 2 and  
23 inserting the following: "An Act relating to peace  
24 officers and reserve peace officers, including the  
25 arresting authority of peace officers outside the  
26 officers' jurisdiction and reserve peace officers  
27 obtaining professional permits to carry weapons."

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28 3. By renumbering as necessary.

By RANDAL J. GIANNETTO

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S-5533 FILED MARCH 25, 1996

SSB-2022

Giannetto  
Vilsack  
Hammond  
Redfern  
Drake

Judiciary  
Succeeded By  
SF/HF 2377

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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7 BACKGROUND STATEMENT

8 SUBMITTED BY THE AGENCY

9 This bill addresses the situation in which a peace officer  
10 is outside the officer's jurisdiction and is in the presence  
11 of the commission of a crime which requires immediate action  
12 and where the use of deadly force would be justified. The  
13 current law enforcement community, in particular, peace  
14 officers and their agencies who are members of the Iowa Law  
15 Enforcement Intelligence Network (LEIN), face the dilemma that  
16 in many instances there is criminal activity that crosses  
17 jurisdictional boundaries and exceeds any one law enforcement  
18 agency's ability to effectively deal with the activity.  
19 Working together in a combined effort to deal with this  
20 activity has resulted in numerous arrests of criminals  
21 involved in residential and commercial burglaries, farm  
22 chemical theft, home improvement fraud, and weapons offenses.

23 While chapter 28E agreements serve well to coordinate long-  
24 term task force operations to deal with ongoing chapter 28E  
25 criminal activity such as narcotics trafficking, they do not  
26 facilitate a proactive rapid response to criminal activity  
27 that is transient in nature and of a shorter duration.  
28 Currently, peace officers working on these short-term task  
29 forces operate in and may effect an arrest in another  
30 jurisdiction; however, under current law there are no  
31 provisions to address these activities. The department of  
32 public safety believes that it is critical to address these  
33 issues and to provide sufficient guidelines for these officers  
34 and agencies to continue using these types of operations to  
35 combat the criminal element.