

Senate Study Bill 2022

Conference Committee Text

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1 1 Section 1. Section 804.7, unnumbered paragraph 1, Code
1 2 1995, is amended to read as follows:
1 3 A peace officer acting within the jurisdiction of the
1 4 officer's employing agency or appointing authority, may make
1 5 an arrest in obedience to a warrant delivered to the peace
1 6 officer

~~;~~ and

- or make an arrest without a warrant under the

1 7 following circumstances:

1 8 Sec. 2. NEW SECTION. 804.7B ARRESTS BY PEACE OFFICERS
1 9 OUTSIDE EMPLOYING JURISDICTION.

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

1 14 a. When confronted with the commission of a public offense
1 15 in the peace officer's presence and the circumstances would
1 16 justify the use of deadly force as authorized under section
1 17 804.8.

1 18 b. Where the peace officer has reasonable grounds to
1 19 believe that an indictable public offense has been committed
1 20 and has reasonable grounds to believe that the person to be
1 21 arrested has committed the offense and the circumstances would
1 22 justify the use of deadly force as authorized under section
1 23 804.8.

1 24 c. At the request of or rendering assistance to another
1 25 peace officer who is within the jurisdiction of that officer's
1 26 employing agency or appointing authority.

1 27 d. In an emergency situation when rendering assistance to
1 28 another peace officer who is within the jurisdiction of that
1 29 officer's employing agency or appointing authority.

1 30 e. At the request of or rendering assistance to another
1 31 peace officer or special state agent of the department of
1 32 public safety.

1 33 f. When acting pursuant to an agreement entered into under
1 34 chapter 28E, provided the action is within the jurisdictional
1 35 limitations and restrictions of the agreement.

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

2 5 b. A peace officer acting pursuant to this section shall
2 6 have the same immunity from suit as the officer would have had
2 7 when acting within the officer's employing agency's or
2 8 appointing authority's jurisdiction.

2 9 3. A peace officer acting pursuant to subsection 1 shall
2 10 immediately notify and cooperate with any law enforcement
2 11 agency having jurisdiction where the arrest occurred.

2 12 4. This section shall not limit the authority of an
2 13 employing agency or appointing authority to restrict the
2 14 exercise of the power and authority conferred upon the
2 15 agency's or authority's peace officers.

2 16 EXPLANATION

2 17 This bill allows a peace officer acting outside the
2 18 officer's jurisdiction to make an arrest in the officer's

2 19 official capacity if the circumstances would justify the use
2 20 of deadly force and the officer either is confronted with the
2 21 commission of a public offense or has reasonable grounds to
2 22 believe that an indictable public offense has been committed
2 23 and the person to be arrested has committed the offense. The
2 24 bill also allows an officer to make an arrest in an emergency
2 25 situation or when acting at the request of another peace
2 26 officer, at the request of or rendering assistance to a peace
2 27 officer or special state agent of the Iowa department of
2 28 public safety, or when acting pursuant to a chapter 28E
2 29 agreement.

2 30 The bill grants immunity to a law enforcement agency in the
2 31 jurisdiction where an arrest has occurred for acts or
2 32 omissions of a peace officer acting outside of the officer's
2 33 jurisdiction and provides a peace officer the same immunity
2 34 from suit that the officer would have if acting within the
2 35 officer's jurisdiction.

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

3 7 BACKGROUND STATEMENT
3 8 SUBMITTED BY THE AGENCY

3 9 This bill addresses the situation in which a peace officer
3 10 is outside the officer's jurisdiction and is in the presence
3 11 of the commission of a crime which requires immediate action
3 12 and where the use of deadly force would be justified. The
3 13 current law enforcement community, in particular, peace
3 14 officers and their agencies who are members of the Iowa Law
3 15 Enforcement Intelligence Network (LEIN), face the dilemma that
3 16 in many instances there is criminal activity that crosses
3 17 jurisdictional boundaries and exceeds any one law enforcement
3 18 agency's ability to effectively deal with the activity.
3 19 Working together in a combined effort to deal with this
3 20 activity has resulted in numerous arrests of criminals
3 21 involved in residential and commercial burglaries, farm
3 22 chemical theft, home improvement fraud, and weapons offenses.

3 23 While chapter 28E agreements serve well to coordinate long-
3 24 term task force operations to deal with ongoing chapter 28E
3 25 criminal activity such as narcotics trafficking, they do not
3 26 facilitate a proactive rapid response to criminal activity
3 27 that is transient in nature and of a shorter duration.
3 28 Currently, peace officers working on these short-term task
3 29 forces operate in and may effect an arrest in another
3 30 jurisdiction; however, under current law there are no
3 31 provisions to address these activities. The department of
3 32 public safety believes that it is critical to address these
3 33 issues and to provide sufficient guidelines for these officers
3 34 and agencies to continue using these types of operations to
3 35 combat the criminal element.