

5 - 3/12/98 Do Pass

FEB 13 1998
Place On Calendar

HOUSE FILE 2262
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2079)

Passed House, ^(p.305) Date 2/19/98 Passed Senate, Date 3/23/98 (p.822)
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0
Approved April 22, 1998

(p.1237)

Passed 4/3/98
Vote 95-0

A BILL FOR

1 An Act to permit out-of-state peace officers to act within this
2 state pursuant to agreements between state or local
3 authorities.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 2262

1 Section 1. NEW SECTION. 804.7B ARRESTS BY OUT-OF-STATE
2 PEACE OFFICERS.

3 1. For purposes of this section, "out-of-state peace
4 officer" means a person employed full time as a peace officer
5 by a state other than Iowa or a political subdivision of a
6 state other than Iowa who is empowered to effect an arrest
7 with or without a warrant under the laws of that jurisdiction,
8 who is authorized to carry a firearm in the performance of the
9 person's duties, and who is certified or licensed as a regular
10 peace officer in the jurisdiction in which the person's
11 employing agency or appointing authority is located.

12 2. a. An out-of-state peace officer may make arrests and
13 conduct other law enforcement activities in this state
14 pursuant to an agreement entered into under chapter 28E by the
15 peace officer's employing agency or appointing authority and
16 the state of Iowa or a political subdivision of the state of
17 Iowa. Any arrests made or activities conducted by an out-of-
18 state peace officer shall be in accordance with any conditions
19 and specifications contained in the agreement and shall be in
20 accordance with Iowa law. An out-of-state peace officer who
21 makes an arrest or conducts an activity in this state shall
22 immediately contact and cooperate with a law enforcement
23 agency having jurisdiction over the area in which the
24 activities have occurred. An out-of-state peace officer who
25 acts in accordance with an agreement entered into pursuant to
26 this section and Iowa law has the same immunity from suit in
27 this state as a peace officer, as defined in section 801.4.

28 b. Out-of-state peace officers making arrests or
29 conducting law enforcement activities in this state pursuant
30 to a 28E agreement are not employees or agents of the state of
31 Iowa or any political subdivision of the state of Iowa. To
32 the extent permitted by law, the employing agency or
33 appointing agency of the out-of-state peace officer and the
34 out-of-state peace officer are liable for any acts or
35 omissions which arise out of the arrests or law enforcement

1 activities of the out-of-state peace officer.

2 c. Agreements made under this section shall not exceed any
3 jurisdictional limitations to which the state or the political
4 subdivision of this state are subject. Agreements made under
5 this section shall not permit out-of-state peace officers to
6 perform regularly scheduled or routine patrol functions. This
7 section shall not be construed to limit the authority of an
8 employing agency or appointing authority to restrict the
9 exercise of power or authority of peace officers who are
10 employed by or are the agents of the agency or authority.

11 EXPLANATION

12 This bill provides a procedure for agreements under which
13 out-of-state peace officers may engage in law enforcement
14 activities in this state. An out-of-state peace officer is a
15 certified or licensed full-time regular peace officer from
16 another state who is empowered to make arrests and who is
17 authorized to carry a firearm in the performance of the
18 person's duties. Under the bill, out-of-state peace officers
19 will be authorized to come into this state and make arrests
20 and engage in law enforcement activities pursuant to
21 agreements entered into under Code chapter 28E.

22 Any arrests made and activities engaged in are subject to
23 Iowa law and any conditions or specifications contained in the
24 agreement. An out-of-state peace officer acting pursuant to a
25 28E agreement under the bill is covered by the same immunity
26 that applies to peace officers in this state. The state of
27 Iowa or any political subdivision of the state is not liable
28 for any acts or omissions which occur while the out-of-state
29 peace officer is engaged in activities pursuant to the
30 agreement and the out-of-state peace officer is not an
31 employee or agent of the state or a political subdivision of
32 the state while acting pursuant to the agreement. An out-of-
33 state peace officer's appointing or employing agency or
34 authority retains any liability permitted by law.

35 The bill does not limit an appointing authority or

1 employing agency to regulate the conduct of those peace
2 officers who are the agents or employees of the authority or
3 agency.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

S-5296

1 Amend House File 2262, as passed by the House, as
2 follows:
3 1. Page 1, line 11, by inserting after the word
4 "located." the following: "Notwithstanding section
5 804.7A, for purposes of this section "out-of-state
6 peace officer" also means a person employed full-time
7 by the United States government who is empowered to
8 effect an arrest with or without a warrant for a
9 violation of the United States Code and who is
10 authorized to carry a firearm in the performance of
11 the person's duties as a federal law enforcement
12 officer."

13 2. Title page, line 2, by striking the word
14 "between" and inserting the following: "with".

By DENNIS H. BLACK

S-5296 FILED MARCH 23, 1998

ADOPTED (p. 822)

SENATE AMENDMENT TO HOUSE FILE 2262

H-8599

1 Amend House File 2262, as passed by the House, as
2 follows:

3 1. Page 1, line 11, by inserting after the word
4 "located." the following: "Notwithstanding section
5 804.7A, for purposes of this section "out-of-state
6 peace officer" also means a person employed full-time
7 by the United States government who is empowered to
8 effect an arrest with or without a warrant for a
9 violation of the United States Code and who is
10 authorized to carry a firearm in the performance of
11 the person's duties as a federal law enforcement
12 officer."

13 2. Title page, line 2, by striking the word
14 "between" and inserting the following: "with".

RECEIVED FROM THE SENATE

H-8599 FILED MARCH 24, 1998

House Concurred 4-3-98 (p. 1237)

HOUSE FILE 2262

AN ACT

TO PERMIT OUT-OF-STATE PEACE OFFICERS TO ACT WITHIN THIS STATE
PURSUANT TO AGREEMENTS WITH STATE OR LOCAL AUTHORITIES.

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

Section 1. NEW SECTION. 804.7B ARRESTS BY OUT-OF-STATE
PEACE OFFICERS.

1. For purposes of this section, "out-of-state peace officer" means a person employed full time as a peace officer by a state other than Iowa or a political subdivision of a state other than Iowa who is empowered to effect an arrest with or without a warrant under the laws of that jurisdiction, who is authorized to carry a firearm in the performance of the person's duties, and who is certified or licensed as a regular peace officer in the jurisdiction in which the person's employing agency or appointing authority is located.

Notwithstanding section 804.7A, for purposes of this section "out-of-state peace officer" also means a person employed full-time by the United States government who is empowered to effect an arrest with or without a warrant for a violation of

the United States Code and who is authorized to carry a firearm in the performance of the person's duties as a federal law enforcement officer.

2. a. An out-of-state peace officer may make arrests and conduct other law enforcement activities in this state pursuant to an agreement entered into under chapter 28E by the peace officer's employing agency or appointing authority and the state of Iowa or a political subdivision of the state of Iowa. Any arrests made or activities conducted by an out-of-state peace officer shall be in accordance with any conditions and specifications contained in the agreement and shall be in accordance with Iowa law. An out-of-state peace officer who makes an arrest or conducts an activity in this state shall immediately contact and cooperate with a law enforcement agency having jurisdiction over the area in which the activities have occurred. An out-of-state peace officer who acts in accordance with an agreement entered into pursuant to this section and Iowa law has the same immunity from suit in this state as a peace officer, as defined in section 801.4.

b. Out-of-state peace officers making arrests or conducting law enforcement activities in this state pursuant to a 28E agreement are not employees or agents of the state of Iowa or any political subdivision of the state of Iowa. To the extent permitted by law, the employing agency or appointing agency of the out-of-state peace officer and the out-of-state peace officer are liable for any acts or omissions which arise out of the arrests or law enforcement activities of the out-of-state peace officer.

c. Agreements made under this section shall not exceed any jurisdictional limitations to which the state or the political subdivision of this state are subject. Agreements made under this section shall not permit out-of-state peace officers to perform regularly scheduled or routine patrol functions. This section shall not be construed to limit the authority of an employing agency or appointing authority to restrict the

exercise of power or authority of peace officers who are employed by or are the agents of the agency or authority.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2262, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 22, 1998

TERRY E. BRANSTAD
Governor