

FEB 28 1997

TRANSPORTATION

HOUSE FILE 396  
BY RICHARDSON

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting the possession or use of radar detectors and  
2 providing a penalty.

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

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*HF 396*

1 Section 1. NEW SECTION. 321.232A RADAR OR OTHER SPEED-  
2 MEASURING DEVICE DETECTORS -- POSSESSION, USE, OR SALE  
3 PROHIBITED.

4 1. A person commits a simple misdemeanor by doing either  
5 of the following:

6 a. Operating a vehicle on a highway of this state while  
7 using or possessing a device designed to detect emissions from  
8 a radar, laser, or other speed-measuring device and signal the  
9 existence of those emissions.

10 b. Offering for sale or selling in this state a device  
11 designed to detect emissions from a radar, laser, or other  
12 speed-measuring device and signal the existence of those  
13 emissions.

14 2. It is an affirmative defense to a charge of violating  
15 subsection 1 that the device, at the time of the alleged  
16 offense, had no power source and was not readily accessible  
17 for use by the driver or an occupant of the vehicle.

18 3. A device prohibited by this section may be seized as  
19 evidence under chapter 809 and shall be disposed of or  
20 returned to the person from whom it was seized in accordance  
21 with section 809.5. Upon request and payment of the costs of  
22 shipment, the seizing agency shall ship the device to an  
23 address specified by the person from whom the device was  
24 seized.

25 4. This section does not apply to the following:

26 a. A device designed exclusively to receive radio signals  
27 on frequencies lawfully licensed by a state or federal agency.

28 b. A device used by a peace officer in the performance of  
29 the official duties of the peace officer.

30 EXPLANATION

31 This bill prohibits the use or possession while operating a  
32 vehicle on a highway in this state, the offer for sale, or the  
33 sale of radar or laser detectors or similar devices designed  
34 to detect and warn of the use of speed-measuring devices. A  
35 violation of these provisions is a simple misdemeanor.

1 The bill provides that a prohibited device may be seized  
2 for use as evidence but cannot be forfeited. Upon payment of  
3 shipping costs, a person may have a seized device shipped to  
4 the person.

5 The bill also provides that it is an affirmative defense to  
6 a charge of violating the provisions contained in this bill  
7 that the device had no power source at the time of the alleged  
8 offense and was not readily accessible for use by the driver  
9 or an occupant of the vehicle in which the device was located.

10 In addition, the bill exempts radios and detection devices  
11 used by peace officers in the line of duty.

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