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JUDICIARY

HOUSE FILE 427

BY DOLECHECK

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

A BILL FOR

1 An Act requiring a peace officer to administer a preliminary  
 2 screening test for alcohol and drugs under certain  
 3 circumstances.

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

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HF 427

1 Section 1. Section 321J.5, Code 1997, is amended to read  
2 as follows:

3 321J.5 PRELIMINARY SCREENING TEST.

4 1. When a peace officer has reasonable grounds to believe  
5 that either of the following ~~have~~ has occurred, the peace  
6 officer ~~may~~ shall request that the operator provide a sample  
7 of the operator's breath for a preliminary screening test  
8 using a device approved by the commissioner of public safety  
9 for that purpose:

10 a. A The motor vehicle operator may be violating or has  
11 violated section 321J.2 or 321J.2A.

12 b. The operator has been involved in a motor vehicle  
13 collision resulting in injury or death.

14 2. When a peace officer has reasonable grounds to believe  
15 that either of the following has occurred, the peace officer  
16 shall request a urine specimen for testing even if a  
17 preliminary screening test has already been administered under  
18 subsection 1:

19 a. The motor vehicle operator may be violating or has  
20 violated section 321J.2 because the person was under the  
21 influence of a drug other than alcohol or a combination of  
22 alcohol and another drug.

23 b. The operator has been involved in a motor vehicle  
24 collision resulting in injury or death.

25 ~~2-~~ 3. a. The results of this a preliminary screening test  
26 under subsection 1 may be used for the purpose of deciding  
27 whether an arrest should be made or whether to request a  
28 ~~chemical~~ further test authorized in this chapter, but shall  
29 not be used in any court action except to prove that a  
30 chemical test was properly requested of a person pursuant to  
31 this chapter.

32 b. The results of a test performed on a specimen collected  
33 pursuant to subsection 2 may be used for any lawful purpose  
34 under this chapter. Refusal to submit to a chemical test of  
35 urine under subsection 2 is deemed a refusal to submit, and

1 section 321J.9 applies.

2 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
3 3, shall not apply to this Act.

4 EXPLANATION

5 This bill amends Code section 321J.5 to require automatic  
6 preliminary testing for the presence of alcohol any time a  
7 motor vehicle operator is involved in an accident resulting in  
8 injury or death, or is suspected of violating Code sections  
9 321J.2 (operating a motor vehicle while intoxicated) or  
10 321J.2A (person under the age of 21 operating a motor vehicle  
11 with an alcohol concentration level at or above .02). The  
12 test result, or a refusal to test, may then be used as a basis  
13 for a further chemical test pursuant to Code section 321J.6,  
14 the implied consent section.

15 The bill also amends Code section 321J.5 to provide that a  
16 urine test shall be requested if the peace officer has  
17 reasonable grounds to believe the operator of the motor  
18 vehicle is either under the influence of a drug other than  
19 alcohol or of alcohol and another drug, or that the operator  
20 has been involved in a motor vehicle collision resulting in  
21 injury or death. A specimen collected pursuant to this  
22 provision may be used for any lawful purpose under the  
23 chapter, and a refusal to submit to such a test is treated as  
24 a refusal to submit pursuant to Code section 321J.9.

25 This bill may include a state mandate as defined in Code  
26 section 25B.3. This bill makes inapplicable Code section  
27 25B.2, subsection 3, which would relieve a political  
28 subdivision from complying with a state mandate if funding for  
29 the cost of the state mandate is not provided or specified.  
30 Therefore, political subdivisions are required to comply with  
31 any state mandate included in this bill.

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