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FILED JAN 21 1997
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SENATE FILE

40

BY RENSINK

(p.628)
Passed Senate, Date 3-17-97 Passed House, Date _____
Vote: Ayes 48 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting the use of official law enforcement warning
2 devices or signals in the attempt or commission of a public
3 offense, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 40

S-3033

1 Amend Senate File 40 as follows:

1 2 1. Page 1, line 4, by inserting after the word
1 3 "signal" the following: "or uses a device or signal
1 4 that looks or sounds like an official law enforcement
1 5 warning device or signal".

By RICHARD F. DRAKE
WILMER RENSINK
STEVE KING

Adopted 3/17/97
(p.629)
S-3033 FILED FEBRUARY 4, 1997

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TLSB 1105XS 77

lh/jw/5

1 Section 1. NEW SECTION. 718.2A OFFICIAL LAW ENFORCEMENT
2 WARNING DEVICES USED TO COMMIT PUBLIC OFFENSE -- PENALTY.

3 1. A person who uses an official law enforcement warning
4 device or signal while committing, or attempting to commit, a
5 public offense commits an aggravated misdemeanor.

6 2. For purposes of this section an "official law
7 enforcement warning device or signal" means lights, sirens,
8 bells, insignia, public address systems, or other warning
9 devices or signals which are used as equipment in or as
10 markers on authorized emergency vehicles operated by peace
11 officers in the performance of official duties. "Official law
12 enforcement warning device or signal" includes, but is not
13 limited to, red lights under section 321.422, flashing lights
14 authorized for police vehicles under section 321.423, sirens
15 or bells under section 321.433, peace officer magnetic patrol
16 plates, and the insignia of a law enforcement agency upon a
17 motor vehicle.

18 EXPLANATION

19 This bill creates the new aggravated misdemeanor offense of
20 use of official law enforcement warning devices or signals
21 while committing or attempting to commit a public offense.
22 The term "official law enforcement warning device or signal"
23 is defined to mean lights, sirens, bells, insignia, public
24 address systems, or other warning devices or signals which are
25 used as equipment in or as markers on authorized emergency
26 vehicles operated by peace officers in the performance of
27 official duties.

28 Persons convicted of the offense may be sentenced to a
29 penalty of a maximum of two years imprisonment and a fine of
30 at least \$500 but not more than \$5,000.

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The estimate for Senate File 40 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 40 makes it an aggravated misdemeanor to use official law enforcement warning devices or signals while committing or attempting to commit a public offense.

ASSUMPTIONS

1. The offenses covered under the Bill are currently simple misdemeanors.
2. It is assumed that persons using these devices to commit crimes are already being charged and prosecuted for those crimes, rather than the traffic offense.

CORRECTIONAL IMPACT

Because the Bill defines a new aggravated misdemeanor, there is potential for an impact on the correctional system. However, it is not expected to have a significant correctional impact.

FISCAL IMPACT

This Bill is not expected to have a significant fiscal impact.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Department of Public Safety (LSB 1105XS, MDF)

FILED FEBRUARY 5, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 40
BY RENSINK

_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

1 An Act prohibiting the use of official law enforcement warning
2 devices or signals in the attempt or commission of a public
3 offense, and providing penalties.

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

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U.F. 40

1 Section 1. NEW SECTION. 718.2A OFFICIAL LAW ENFORCEMENT
2 WARNING DEVICES USED TO COMMIT PUBLIC OFFENSE -- PENALTY.

3 1. A person who uses an official law enforcement warning
4 device or signal or uses a device or signal that looks or
5 sounds like an official law enforcement warning device or
6 signal while committing, or attempting to commit, a public
7 offense commits an aggravated misdemeanor.

8 2. For purposes of this section an "official law
9 enforcement warning device or signal" means lights, sirens,
10 bells, insignia, public address systems, or other warning
11 devices or signals which are used as equipment in or as
12 markers on authorized emergency vehicles operated by peace
13 officers in the performance of official duties. "Official law
14 enforcement warning device or signal" includes, but is not
15 limited to, red lights under section 321.422, flashing lights
16 authorized for police vehicles under section 321.423, sirens
17 or bells under section 321.433, peace officer magnetic patrol
18 plates, and the insignia of a law enforcement agency upon a
19 motor vehicle.

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H-1750

1 Amend Senate File 40, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 2, by striking the words "TO
4 COMMIT A PUBLIC OFFENSE" and inserting the following:
5 "BY PRIVATE PERSON TO STOP MOTOR VEHICLE".

6 2. Page 1, by striking lines 3 through 7 and
7 inserting the following:

8 "1. A private person who does not meet the
9 requirements of section 804.9 for making an arrest
10 commits an aggravated misdemeanor if the person uses
11 an official law enforcement warning device or signal,
12 or a device or signal that looks or sounds like an
13 official law enforcement warning device or signal, for
14 purposes of causing the operator of a motor vehicle to
15 stop that motor vehicle."

16 3. Title page, lines 2 and 3, by striking the
17 words "in the attempt or commission of a public
18 offense" and inserting the following: "by private
19 persons to unlawfully stop a motor vehicle".

By HOLVECK of Polk

H-1750 FILED APRIL 15, 1997

SENATE FILE 40

H-1751

1 Amend Senate File 40, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 2, by striking the words "TO
4 COMMIT A PUBLIC OFFENSE" and inserting the following:
5 "BY PRIVATE PERSON TO STOP MOTOR VEHICLE".

6 2. Page 1, by striking lines 3 through 7 and
7 inserting the following:

8 "1. A private person who does not meet the
9 requirements of section 804.9 for making an arrest
10 commits a serious misdemeanor if the person uses an
11 official law enforcement warning device or signal, or
12 a device or signal that looks or sounds like an
13 official law enforcement warning device or signal, for
14 purposes of causing the operator of a motor vehicle to
15 stop that motor vehicle."

16 3. Title page, lines 2 and 3, by striking the
17 words "in the attempt or commission of a public
18 offense" and inserting the following: "by private
19 persons to unlawfully stop a motor vehicle".

By HOLVECK of Polk

H-1751 FILED APRIL 15, 1997

SENATE FILE 40

H-1757

1 Amend the amendment, H-1751, to Senate File 40, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 9, by inserting after the word
5 "arrest" the following: "or is not attempting to warn
6 against a current or impending dangerous condition,
7 use, structure, or activity".

By HOLVECK of Polk

H-1757 FILED APRIL 16, 1997

SENATE FILE 40

H-1588

1 Amend Senate File 40, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 321.229, Code 1997, is amended
6 to read as follows:

7 321.229 OBEDIENCE TO PEACE OFFICERS.

8 No person shall willfully fail or refuse to comply
9 with any lawful order or direction of any peace
10 officer invested by law with authority to direct,
11 control, or regulate traffic. However, a person shall
12 not be deemed to have willfully failed or refused to
13 comply with a lawful order or direction of a peace
14 officer if all of the following apply:

15 1. The order or direction was given at a time when
16 display of lighted head lamps is required for motor
17 vehicles under section 321.384.

18 2. At the time that the order or direction was
19 given, the motor vehicle was located on a street or
20 highway which is located outside the corporate limits
21 of any city or the limits of any benefited street
22 lighting district.

23 3. The person in the motor vehicle who has been
24 given the order or direction by the peace officer
25 acknowledges the order or direction by initiating a
26 continuous signal, which may include, but is not
27 limited to, initiation of use of the vehicle's
28 emergency signal lamps.

29 4. The person in the motor vehicle who has been
30 given the order or direction immediately proceeds, at
31 the applicable speed limits, to a lighted area which
32 is reasonably proximate to the location at which the
33 order or direction was given."

34 2. Title page, line 1, by striking the word
35 "prohibiting" and inserting the following: "relating
36 to".

37 3. Title page, line 2, by striking the word "in"
38 and inserting the following: "and".

By DODERER of Johnson
MILLAGE of Scott

H-1588 FILED APRIL 8, 1997