

FILED MAR 1 1999

SENATE FILE 250

BY BLACK

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the authority and immunity of federal law
2 enforcement officers in making arrests for nontederal crimes.

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

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SF 250 JUDICIARY

1 Section 1. Section 804.7A, subsection 2, 1999, is amended
2 to read as follows:

3 2. A federal law enforcement officer has the same
4 authority, as provided in section 804.7~~7~~-~~subsection-37~~ and has
5 the same immunity from suit in this state as a peace officer,
6 as defined in section 801.4, ~~subsection-117~~, when making an
7 arrest in this state for a nonfederal crime ~~if-either-of-the~~
8 ~~following-exists:~~

9 ~~a.---The-federal-law-enforcement-officer-has-reasonable~~
10 ~~grounds-for-believing-that-an-indictable-public-offense-has~~
11 ~~been-committed-and-has-reasonable-grounds-for-believing-that~~
12 ~~the-person-to-be-arrested-has-committed-it.~~

13 ~~b.---The-federal-law-enforcement-officer-is-rendering~~
14 ~~assistance-to-a-peace-officer-of-this-state-in-an-emergency-or~~
15 ~~at-the-request-of-the-peace-officer.~~

16 EXPLANATION

17 This bill expands the authority of federal officers to make
18 an arrest for a nonfederal crime. The bill also expands the
19 immunity for acts to include acts within the expanded
20 authority. Under current law, federal law enforcement
21 officers may only make an arrest for an indictable public
22 offense, where the officer has reasonable grounds for
23 believing that the offense was committed and that the arrested
24 person committed the offense, and in certain situations where
25 the officer is rendering assistance to a state peace officer.
26 The bill eliminates the requirement that the offense be an
27 indictable offense and eliminates the requirements that are
28 placed on the rendering of assistance to state peace officers.
29 Nonindictable offenses which would be included in the expanded
30 federal law enforcement authority would include simple
31 misdemeanors and offenses which are scheduled violations under
32 Code section 805.8.

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