

Shey, Chair
Baudler
Tremmel

HSB 63

JUDICIARY

House File 3229
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act relating to judicial district departments of correctional
2 services by providing for a restitution lien for supervision
3 fees, for the establishment of a reserve peace officer force,
4 and for authorization for the sixth judicial district to
5 extend a lease-purchase agreement, and providing an effective
6 date.

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

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1 Section 1. Section 80D.1, Code 2001, is amended to read as
2 follows:

3 80D.1 ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS.

4 The governing body of a city, a county, or the state of
5 Iowa, or a judicial district department of correctional
6 services may provide, either separately or collectively
7 through a chapter 28E agreement, for the establishment of a
8 force of reserve peace officers, and may limit the size of the
9 reserve force. In the case of the state, the department of
10 public safety shall act as the governing body.

11 This chapter constitutes the only procedure for appointing
12 reserve peace officers.

13 Sec. 2. Section 80D.4, Code 2001, is amended to read as
14 follows:

15 80D.4 TRAINING.

16 Training for individuals appointed as reserve peace
17 officers shall be provided by that law enforcement agency, but
18 may be obtained in a community college or other facility
19 selected by the individual and approved by the law enforcement
20 agency. Upon satisfactory completion of training required by
21 the Iowa law enforcement academy, the chief of police,
22 sheriff, or commissioner of public safety, or director of the
23 judicial district department of correctional services shall
24 certify the individual as a reserve peace officer.

25 Sec. 3. Section 80D.6, Code 2001, is amended to read as
26 follows:

27 80D.6 STATUS OF RESERVE PEACE OFFICERS.

28 Reserve peace officers shall serve as peace officers on the
29 orders and at the discretion of the chief of police, sheriff,
30 or commissioner of public safety or the commissioner's
31 designee, or director of the judicial district department of
32 correctional services or the director's designee, as the case
33 may be.

34 While in the actual performance of official duties, reserve
35 peace officers shall be vested with the same rights,

1 privileges, obligations, and duties as any other peace
2 officers.

3 Sec. 4. Section 80D.7, Code 2001, is amended to read as
4 follows:

5 80D.7 CARRYING WEAPONS.

6 A member of a reserve force shall not carry a weapon in the
7 line of duty until the member has been approved by the
8 governing body and certified by the Iowa law enforcement
9 academy council to carry weapons. After approval and
10 certification, a reserve peace officer may carry a weapon in
11 the line of duty only when authorized by the chief of police,
12 sheriff, or commissioner of public safety or the
13 commissioner's designee, or director of the judicial district
14 department of correctional services or the director's
15 designee, as the case may be.

16 Sec. 5. Section 80D.9, Code 2001, is amended to read as
17 follows:

18 80D.9 SUPERVISION OF RESERVE PEACE OFFICERS.

19 Reserve peace officers shall be subordinate to regular
20 peace officers, shall not serve as peace officers unless under
21 the direction of regular peace officers, and shall wear a
22 uniform prescribed by the chief of police, sheriff, or
23 commissioner of public safety, or director of the judicial
24 district department of correctional services unless that
25 superior officer designates alternate apparel for use when
26 engaged in assignments involving special investigation, civil
27 process, court duties, jail duties and the handling of mental
28 patients. The reserve peace officer shall not wear an
29 insignia of rank. Each department for which a reserve force
30 is established shall appoint a ~~regular-force~~ certified peace
31 officer as the reserve force co-ordinating and supervising
32 officer. That ~~regular~~ certified peace officer shall report
33 directly to the chief of police, sheriff, or commissioner of
34 public safety or the commissioner's designee, or director of
35 the judicial district department of correctional services or

1 the director's designee, as the case may be.

2 Sec. 6. Section 80D.11, Code 2001, is amended to read as
3 follows:

4 80D.11 EMPLOYEE -- PAY.

5 While performing official duties, each reserve peace
6 officer shall be considered an employee of the governing body
7 which the officer represents and shall be paid a minimum of
8 one dollar per year. The governing body of a city, a county,
9 or the state, or a judicial district department of
10 correctional services may provide additional monetary
11 assistance for the purchase and maintenance of uniforms and
12 equipment used by reserve peace officers.

13 Sec. 7. Section 905.4, Code 2001, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 11. Have authority to establish a force
16 of reserve peace officers, either separately or collectively
17 through a chapter 28E agreement, as provided in chapter 80D.

18 Sec. 8. Section 905.6, subsection 3, Code 2001, is amended
19 to read as follows:

20 3. Employ, with approval of the district board, and
21 supervise the employees of the district department, including
22 reserve peace officers, if a force of reserve peace officers
23 has been established.

24 Sec. 9. Section 910.1, subsection 4, Code 2001, is amended
25 to read as follows:

26 4. "Restitution" means payment of pecuniary damages to a
27 victim in an amount and in the manner provided by the
28 offender's plan of restitution. "Restitution" also includes
29 fines, penalties, and surcharges, the contribution of funds to
30 a local anticrime organization which provided assistance to
31 law enforcement in an offender's case, the payment of crime
32 victim compensation program reimbursements, payment of
33 restitution to public agencies pursuant to section 321J.2,
34 subsection 9, paragraph "b", payment of fees pursuant to
35 section 905.14, court costs including correctional fees

1 approved pursuant to section 356.7, court-appointed attorney's
 2 attorney fees, or the expense of a public defender, and the
 3 performance of a public service by an offender in an amount
 4 set by the court when the offender cannot reasonably pay all
 5 or part of the court costs including correctional fees
 6 approved pursuant to section 356.7, court-appointed attorney's
 7 attorney fees, or the expense of a public defender.

8 Sec. 10. Section 910.3, Code 2001, is amended to read as
 9 Follows:

10 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

11 The county attorney shall prepare a statement of pecuniary
 12 damages to victims of the defendant and, if applicable, any
 13 award by the crime victim compensation program and expenses
 14 incurred by public agencies pursuant to section 321J.2,
 15 subsection 9, paragraph "b", and shall provide the statement
 16 to the presentence investigator or submit the statement to the
 17 court at the time of sentencing. The clerk of court shall
 18 prepare a statement of court-appointed attorney's attorney
 19 fees, the expense of a public defender, and court costs
 20 including correctional fees claimed by a sheriff pursuant to
 21 section 356.7, which shall be provided to the presentence
 22 investigator or submitted to the court at the time of
 23 sentencing. If these statements are provided to the
 24 presentence investigator, they shall become a part of the
 25 presentence report. If pecuniary damage amounts are not
 26 available at the time of sentencing, the county attorney shall
 27 provide a statement of pecuniary damages incurred up to that
 28 time to the clerk of court. The statement shall be provided
 29 no later than thirty days after sentencing. If a defendant
 30 believes no person suffered pecuniary damages, the defendant
 31 shall so state. If the defendant has any mental or physical
 32 impairment which would limit or prohibit the performance of a
 33 public service, the defendant shall so state. The court may
 34 order a mental or physical examination, or both, of the
 35 defendant to determine a proper course of action. At the time

1 of sentencing or at a later date to be determined by the
2 court, the court shall set out the amount of restitution
3 including fees that may be incurred pursuant to section
4 905.14, and the amount of public service to be performed as
5 restitution and the persons to whom restitution must be paid.
6 If the full amount of restitution cannot be determined at the
7 time of sentencing, the court shall issue a temporary order
8 determining a reasonable amount for restitution identified up
9 to that time. At a later date as determined by the court, the
10 court shall issue a permanent, supplemental order, setting the
11 full amount of restitution. The court shall enter further
12 supplemental orders, if necessary. These court orders shall
13 be known as the plan of restitution.

14 Sec. 11. Section 910.9, unnumbered paragraph 3, Code 2001,
15 is amended to read as follows:

16 Fines, penalties, and surcharges, crime victim compensation
17 program reimbursement, public agency restitution, court costs
18 including correctional fees claimed by a sheriff pursuant to
19 section 356.7, fees incurred pursuant to section 905.14,
20 court-appointed ~~attorney's~~ attorney fees, and expenses for
21 public defenders, shall not be withheld by the clerk of court
22 until all victims have been paid in full. Payments to victims
23 shall be made by the clerk of court at least quarterly.
24 Payments by a clerk of court shall be made no later than the
25 last business day of the quarter, but may be made more often
26 at the discretion of the clerk of court. The clerk of court
27 receiving final payment from an offender shall notify all
28 victims that full restitution has been made. Each office or
29 individual charged with supervising an offender who is
30 required to perform community service as full or partial
31 restitution shall keep records to assure compliance with the
32 portions of the plan of restitution and restitution plan of
33 payment relating to community service and, when the offender
34 has complied fully with the community service requirement,
35 notify the sentencing court.

1 Sec. 12. AUTHORIZATION BY GENERAL ASSEMBLY FOR EXTENSION
2 OF A LEASE PURCHASE AGREEMENT. The general assembly pursuant
3 to Code section 905.4, subsection 5, authorizes the sixth
4 judicial district department of correctional services to
5 extend for a period of two years, from June 1, 2006, through
6 June 1, 2008, the lease-purchase agreement entered into with
7 Merchants National Bank of Cedar Rapids on April 1, 1991, and
8 assigned to Firststar Bank of Milwaukee. The general assembly
9 acknowledges that the sixth judicial district department of
10 correctional services has adequate funding to meet the
11 extension of the lease-purchase agreement and that no state
12 general fund appropriations need to be made to extend the
13 lease-purchase agreement.

14 Sec. 13. EFFECTIVE DATE. Section 11 of this Act, being
15 deemed of immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill relates to judicial district departments of
18 correctional services by providing for a restitution lien for
19 supervision fees, for the establishment of a reserve peace
20 officer force, and for authorization for the sixth judicial
21 district to extend a lease purchase.

22 The bill permits the district board of a judicial district
23 department of correctional services to create a force of
24 reserve peace officers. The board may establish the force by
25 entering into a Code chapter 28E agreement or may create its
26 own force within the judicial district. The applicable
27 director of the judicial district department of correctional
28 services is given supervisory authority over the reserve
29 officers, subject to the standards of the Iowa law enforcement
30 academy. The bill also provides that if a reserve force is
31 established, the department shall appoint a certified police
32 officer as supervising officer. Under current law a regular
33 force officer must serve as supervising officer.

34 A reserve peace officer is a volunteer, nonregular, sworn
35 law enforcement officer, who serves at a minimum compensation

1 rate of \$1 per year, and has regular police powers.

2 Under current law and the bill a judicial district shall
3 assess a \$250 supervision fee against a defendant who has been
4 assigned to a judicial district. The bill provides that the
5 fee shall become part of a defendant's restitution plan, which
6 allows the state or any person entitled to restitution under
7 that plan to file a lien against any of the defendant's
8 property.

9 The bill authorizes the sixth judicial district department
10 of correctional services to extend a lease-purchase agreement.
11 The bill provides that the sixth judicial district department
12 of correctional services may extend a lease-purchase agreement
13 entered into with Firststar Bank of Milwaukee to allow for the
14 purchase of approximately 10 acres of land adjacent to the
15 community-based correctional facility in Cedar Rapids. The
16 bill states that the sixth judicial district has obtained
17 adequate funding to extend the lease-purchase agreement and
18 that no general fund moneys need to be appropriated. This
19 provision takes effect upon enactment.

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FEB 8 2001
Place On Calendar

REPRINTED

HOUSE FILE 229
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 63)

Passed House, Date ^(P. 524) 2/28/01 Passed Senate, Date ^(P. 1153) 4-17-01
Vote: Ayes 99 Nays 0 Vote: Ayes 50 Nays 0
Approved May 2, 2001

^(P. 1411) Repassed 4/23/01
Vote 97-0

A BILL FOR

1 An Act relating to judicial district departments of correctional
2 services by providing for a judgment lien for supervision fees
3 and for the establishment of a reserve peace officer force.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 229

1 Section 1. Section 80D.1, Code 2001, is amended to read as
2 follows:

3 80D.1 ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS.

4 The governing body of a city, a county, or the state of
5 Iowa, or a judicial district department of correctional
6 services may provide, either separately or collectively
7 through a chapter 28E agreement, for the establishment of a
8 force of reserve peace officers, and may limit the size of the
9 reserve force. In the case of the state, the department of
10 public safety shall act as the governing body.

11 This chapter constitutes the only procedure for appointing
12 reserve peace officers.

13 Sec. 2. Section 80D.4, Code 2001, is amended to read as
14 follows:

15 80D.4 TRAINING.

16 Training for individuals appointed as reserve peace
17 officers shall be provided by that law enforcement agency, but
18 may be obtained in a community college or other facility
19 selected by the individual and approved by the law enforcement
20 agency. Upon satisfactory completion of training required by
21 the Iowa law enforcement academy, the chief of police,
22 sheriff, or commissioner of public safety, or director of the
23 judicial district department of correctional services shall
24 certify the individual as a reserve peace officer.

25 Sec. 3. Section 80D.6, Code 2001, is amended to read as
26 follows:

27 80D.6 STATUS OF RESERVE PEACE OFFICERS.

28 Reserve peace officers shall serve as peace officers on the
29 orders and at the discretion of the chief of police, sheriff,
30 or commissioner of public safety or the commissioner's
31 designee, or director of the judicial district department of
32 correctional services or the director's designee, as the case
33 may be.

34 While in the actual performance of official duties, reserve
35 peace officers shall be vested with the same rights,

1 privileges, obligations, and duties as any other peace
2 officers.

3 Sec. 4. Section 80D.7, Code 2001, is amended to read as
4 follows:

5 80D.7 CARRYING WEAPONS.

6 A member of a reserve force shall not carry a weapon in the
7 line of duty until the member has been approved by the
8 governing body and certified by the Iowa law enforcement
9 academy council to carry weapons. After approval and
10 certification, a reserve peace officer may carry a weapon in
11 the line of duty only when authorized by the chief of police,
12 sheriff, or commissioner of public safety or the
13 commissioner's designee, or director of the judicial district
14 department of correctional services or the director's
15 designee, as the case may be.

16 Sec. 5. Section 80D.9, Code 2001, is amended to read as
17 follows:

18 80D.9 SUPERVISION OF RESERVE PEACE OFFICERS.

19 Reserve peace officers shall be subordinate to regular
20 peace officers, shall not serve as peace officers unless under
21 the direction of regular peace officers, and shall wear a
22 uniform prescribed by the chief of police, sheriff, or
23 commissioner of public safety, or director of the judicial
24 district department of correctional services unless that
25 superior officer designates alternate apparel for use when
26 engaged in assignments involving special investigation, civil
27 process, court duties, jail duties and the handling of mental
28 patients. The reserve peace officer shall not wear an
29 insignia of rank. Each department for which a reserve force
30 is established shall appoint a ~~regular-force~~ certified peace
31 officer as the reserve force co-ordinating and supervising
32 officer. A reserve peace officer force established in a
33 judicial district department of correctional services must be
34 directly supervised by a certified peace officer who is on
35 duty. That ~~regular~~ certified peace officer shall report

1 directly to the chief of police, sheriff, or commissioner of
2 public safety or the commissioner's designee, or director of
3 the judicial district department of correctional services or
4 the director's designee, as the case may be.

5 Sec. 6. Section 80D.11, Code 2001, is amended to read as
6 follows:

7 80D.11 EMPLOYEE -- PAY.

8 While performing official duties, each reserve peace
9 officer shall be considered an employee of the governing body
10 which the officer represents and shall be paid a minimum of
11 one dollar per year. The governing body of a city, a county,
12 or the state, or a judicial district department of
13 correctional services may provide additional monetary
14 assistance for the purchase and maintenance of uniforms and
15 equipment used by reserve peace officers.

16 Sec. 7. Section 905.4, Code 2001, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 11. Have authority to establish a force
19 of reserve peace officers, either separately or collectively
20 through a chapter 28E agreement, as provided in chapter 80D.

21 Sec. 8. Section 905.6, subsection 3, Code 2001, is amended
22 to read as follows:

23 3. Employ, with approval of the district board, and
24 supervise the employees of the district department, including
25 reserve peace officers, if a force of reserve peace officers
26 has been established.

27 Sec. 9. Section 905.14, Code 2001, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 2A. An order requiring a person to pay
30 the fee under this section constitutes a judgment and lien
31 against all real or personal property of the person for the
32 amount of the fee the person is obligated to pay under the
33 order and may be recorded in any office for the filing of
34 liens against real or personal property. The judgment may be
35 enforced by the district department responsible for

1 supervising the person in the same manner as a civil judgment.

2 EXPLANATION

3 This bill relates to judicial district departments of
4 correctional services by providing for a judgment lien for
5 supervision fees, for the establishment of a reserve peace
6 officer force, and for authorization for the sixth judicial
7 district to extend a lease-purchase.

8 The bill permits the district board of a judicial district
9 department of correctional services to create a force of
10 reserve peace officers. The board may establish the force by
11 entering into a Code chapter 28E agreement or may create its
12 own force within the judicial district. The applicable
13 director of the judicial district department of correctional
14 services is given supervisory authority over the reserve
15 officers, subject to the standards of the Iowa law enforcement
16 academy. The bill also provides that if a reserve force is
17 established, the department shall appoint a certified police
18 officer as supervising officer. The reserve police force must
19 be directly supervised by a certified police officer who is on
20 duty. Under current law a regular force officer must serve as
21 supervising officer.

22 A reserve peace officer is a volunteer, nonregular, sworn
23 law enforcement officer, who serves at a minimum compensation
24 rate of \$1 per year, and has regular police powers.

25 Under current law and the bill a judicial district shall
26 assess a \$250 supervision fee against a defendant who has been
27 assigned to a judicial district. The bill provides that the
28 fee is a judgment lien against the real or personal property
29 of the defendant for the amount of the fee. The bill provides
30 that the judgment may be enforced by the judicial district in
31 the same manner as a civil judgment.

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HOUSE FILE 229

H-1061

1 Amend House File 229 as follows:

2 1. By striking page 3, line 27, through page 4,
3 line 1, and inserting the following:

4 "Sec. ____ . Section 910.1, subsection 4, Code 2001,
5 is amended to read as follows:

6 4. "Restitution" means payment of pecuniary
7 damages to a victim in an amount and in the manner
8 provided by the offender's plan of restitution.

9 "Restitution" also includes fines, penalties, and
10 surcharges, the contribution of funds to a local
11 anticrime organization which provided assistance to
12 law enforcement in an offender's case, the payment of
13 crime victim compensation program reimbursements,
14 payment of restitution to public agencies pursuant to
15 section 321J.2, subsection 9, paragraph "b", payment
16 of fees pursuant to section 905.14, court costs
17 including correctional fees approved pursuant to
18 section 356.7, court-appointed ~~attorney's~~ attorney
19 fees, or the expense of a public defender, and the
20 performance of a public service by an offender in an
21 amount set by the court when the offender cannot
22 reasonably pay all or part of the court costs
23 including correctional fees approved pursuant to
24 section 356.7, court-appointed ~~attorney's~~ attorney
25 fees, or the expense of a public defender.

26 Sec. ____ . Section 910.2, Code 2001, is amended to
27 read as follows:

28 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
29 ORDERED BY SENTENCING COURT.

30 In all criminal cases in which there is a plea of
31 guilty, verdict of guilty, or special verdict upon
32 which a judgment of conviction is rendered, the
33 sentencing court shall order that restitution be made
34 by each offender to the victims of the offender's
35 criminal activities, to the clerk of court for fines,
36 penalties, surcharges, and, to the extent that the
37 offender is reasonably able to pay, for crime victim
38 assistance reimbursement, restitution to public
39 agencies pursuant to section 321J.2, subsection 9,
40 paragraph "b", fees pursuant to section 905.14, court
41 costs including correctional fees approved pursuant to
42 section 356.7, court-appointed attorney's fees ordered
43 pursuant to section 815.9 including the expense of a
44 public defender when applicable, or contribution to a
45 local anticrime organization. However, victims shall
46 be paid in full before fines, penalties, and
47 surcharges, crime victim compensation program
48 reimbursement, public agencies, fees pursuant to
49 section 905.14, court costs including correctional
50 fees approved pursuant to section 356.7, court-

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1 appointed attorney's fees, the expenses of a public
2 defender, or contributions to a local anticrime
3 organization are paid. In structuring a plan of
4 restitution, the court shall provide for payments in
5 the following order of priority: victim, fines,
6 penalties, and surcharges, crime victim compensation
7 program reimbursement, public agencies, fees pursuant
8 to section 905.14, court costs including correctional
9 fees approved pursuant to section 356.7, court-
10 appointed attorney's fees, or the expense of a public
11 defender, and contribution to a local anticrime
12 organization.

13 When the offender is not reasonably able to pay all
14 or a part of the crime victim compensation program
15 reimbursement, public agency restitution, fees
16 pursuant to section 905.14, court costs including
17 correctional fees approved pursuant to section 356.7,
18 court-appointed attorney's fees, the expense of a
19 public defender, or contribution to a local anticrime
20 organization, the court may require the offender in
21 lieu of that portion of the crime victim compensation
22 program reimbursement, public agency restitution, fees
23 pursuant to section 905.14, court costs including
24 correctional fees approved pursuant to section 356.7,
25 court-appointed attorney's fees, expense of a public
26 defender, or contribution to a local anticrime
27 organization for which the offender is not reasonably
28 able to pay, to perform a needed public service for a
29 governmental agency or for a private nonprofit agency
30 which provides a service to the youth, elderly, or
31 poor of the community. When community service is
32 ordered, the court shall set a specific number of
33 hours of service to be performed by the offender
34 which, for payment of court-appointed attorney's fees
35 or expenses of a public defender, shall be
36 approximately equivalent in value to those costs. The
37 judicial district department of correctional services
38 shall provide for the assignment of the offender to a
39 public agency or private nonprofit agency to perform
40 the required service.

41 Sec. _____. Section 910.3, Code 2001, is amended to
42 read as Follows:

43 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

44 The county attorney shall prepare a statement of
45 pecuniary damages to victims of the defendant and, if
46 applicable, any award by the crime victim compensation
47 program and expenses incurred by public agencies
48 pursuant to section 321J.2, subsection 9, paragraph
49 "b", and shall provide the statement to the
50 presentence investigator or submit the statement to

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1 the court at the time of sentencing. The clerk of
2 court shall prepare a statement of court-appointed
3 ~~attorney's~~ attorney fees, the expense of a public
4 defender, and court costs including correctional fees
5 claimed by a sheriff pursuant to section 356.7, which
6 shall be provided to the presentence investigator or
7 submitted to the court at the time of sentencing. If
8 these statements are provided to the presentence
9 investigator, they shall become a part of the
10 presentence report. If pecuniary damage amounts are
11 not available at the time of sentencing, the county
12 attorney shall provide a statement of pecuniary
13 damages incurred up to that time to the clerk of
14 court. The statement shall be provided no later than
15 thirty days after sentencing. If a defendant believes
16 no person suffered pecuniary damages, the defendant
17 shall so state. If the defendant has any mental or
18 physical impairment which would limit or prohibit the
19 performance of a public service, the defendant shall
20 so state. The court may order a mental or physical
21 examination, or both, of the defendant to determine a
22 proper course of action. At the time of sentencing or
23 at a later date to be determined by the court, the
24 court shall set out the amount of restitution
25 including fees that may be incurred pursuant to
26 section 905.14, and the amount of public service to be
27 performed as restitution and the persons to whom
28 restitution must be paid. If the full amount of
29 restitution cannot be determined at the time of
30 sentencing, the court shall issue a temporary order
31 determining a reasonable amount for restitution
32 identified up to that time. At a later date as
33 determined by the court, the court shall issue a
34 permanent, supplemental order, setting the full amount
35 of restitution. The court shall enter further
36 supplemental orders, if necessary. These court orders
37 shall be known as the plan of restitution.

38 Sec. ____ . Section 910.9, unnumbered paragraph 3,
39 Code 2001, is amended to read as follows:

40 Fines, penalties, and surcharges, crime victim
41 compensation program reimbursement, public agency
42 restitution, court costs including correctional fees
43 claimed by a sheriff pursuant to section 356.7, fees
44 incurred pursuant to section 905.14, court-appointed
45 attorney's attorney fees, and expenses for public
46 defenders, shall not be withheld by the clerk of court
47 until all victims have been paid in full. Payments to
48 victims shall be made by the clerk of court at least
49 quarterly. Payments by a clerk of court shall be made
50 no later than the last business day of the quarter,

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1 but may be made more often at the discretion of the
2 clerk of court. The clerk of court receiving final
3 payment from an offender shall notify all victims that
4 full restitution has been made. Each office or
5 individual charged with supervising an offender who is
6 required to perform community service as full or
7 partial restitution shall keep records to assure
8 compliance with the portions of the plan of
9 restitution and restitution plan of payment relating
10 to community service and, when the offender has
11 complied fully with the community service requirement,
12 notify the sentencing court."

13 2. Title page, line 2, by striking the word
14 "judgment" and inserting the following:
15 "restitution".

By LARSON of Linn
KREIMAN of Davis
TREMMELE of Wapello

H-1061 FILED FEBRUARY 21, 2001

H-1084

1 Amend House File 229 as follows:

2 1. By striking page 3, line 27, through page 4,
3 line 1, and inserting the following:

4 "Sec. ____ . Section 905.14, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 4. Upon the discharge of a person
7 from probation or parole any unpaid fees shall become
8 part of the person's restitution plan. The district
9 department may petition the court, pursuant to section
10 910.7, to modify the plan of restitution.

11 Sec. ____ . Section 910.1, subsection 4, Code 2001,
12 is amended to read as follows:

13 4. "Restitution" means payment of pecuniary
14 damages to a victim in an amount and in the manner
15 provided by the offender's plan of restitution.
16 "Restitution" also includes fines, penalties, and
17 surcharges, the contribution of funds to a local
18 anticrime organization which provided assistance to
19 law enforcement in an offender's case, the payment of
20 crime victim compensation program reimbursements,
21 payment of restitution to public agencies pursuant to
22 section 321J.2, subsection 9, paragraph "b", payment
23 of unpaid fees pursuant to section 905.14, subsection
24 4, court costs including correctional fees approved
25 pursuant to section 356.7, court-appointed attorney's
26 attorney fees, or the expense of a public defender,
27 and the performance of a public service by an offender
28 in an amount set by the court when the offender cannot
29 reasonably pay all or part of the court costs
30 including correctional fees approved pursuant to
31 section 356.7, court-appointed attorney's attorney
32 fees, or the expense of a public defender.

33 Sec. ____ . Section 910.2, unnumbered paragraph 1,
34 Code 2001, is amended to read as follows:

35 In all criminal cases in which there is a plea of
36 guilty, verdict of guilty, or special verdict upon
37 which a judgment of conviction is rendered, the
38 sentencing court shall order that restitution be made
39 by each offender to the victims of the offender's
40 criminal activities, to the clerk of court for fines,
41 penalties, surcharges, and, to the extent that the
42 offender is reasonably able to pay, for crime victim
43 assistance reimbursement, restitution to public
44 agencies pursuant to section 321J.2, subsection 9,
45 paragraph "b", unpaid fees pursuant to section 905.14,
46 subsection 4, court costs including correctional fees
47 approved pursuant to section 356.7, court-appointed
48 attorney's fees ordered pursuant to section 815.9
49 including the expense of a public defender when
50 applicable, or contribution to a local anticrime

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1 organization. However, victims shall be paid in full
2 before fines, penalties, and surcharges, crime victim
3 compensation program reimbursement, public agencies,
4 unpaid fees pursuant to section 905.14, subsection 4,
5 court costs including correctional fees approved
6 pursuant to section 356.7, court-appointed attorney's
7 fees, the expenses of a public defender, or
8 contributions to a local anticrime organization are
9 paid. In structuring a plan of restitution, the court
10 shall provide for payments in the following order of
11 priority: victim, after modification of the plan
12 under section 910.7 unpaid fees incurred pursuant to
13 section 905.14, subsection 4, fines, penalties, and
14 surcharges, crime victim compensation program
15 reimbursement, public agencies, court costs including
16 correctional fees approved pursuant to section 356.7,
17 court-appointed attorney's fees, or the expense of a
18 public defender, and contribution to a local anticrime
19 organization.

20 Sec. _____. Section 910.3, Code 2001, is amended to
21 read as follows:

22 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

23 The county attorney shall prepare a statement of
24 pecuniary damages to victims of the defendant and, if
25 applicable, any award by the crime victim compensation
26 program and expenses incurred by public agencies
27 pursuant to section 321J.2, subsection 9, paragraph
28 "b", and shall provide the statement to the
29 presentence investigator or submit the statement to
30 the court at the time of sentencing. The clerk of
31 court shall prepare a statement of court-appointed
32 ~~attorney's~~ attorney fees, the expense of a public
33 defender, and court costs including correctional fees
34 claimed by a sheriff pursuant to section 356.7, which
35 shall be provided to the presentence investigator or
36 submitted to the court at the time of sentencing. If
37 these statements are provided to the presentence
38 investigator, they shall become a part of the
39 presentence report. If pecuniary damage amounts are
40 not available at the time of sentencing, the county
41 attorney shall provide a statement of pecuniary
42 damages incurred up to that time to the clerk of
43 court. The statement shall be provided no later than
44 thirty days after sentencing. If a defendant believes
45 no person suffered pecuniary damages, the defendant
46 shall so state. If the defendant has any mental or
47 physical impairment which would limit or prohibit the
48 performance of a public service, the defendant shall
49 so state. The court may order a mental or physical
50 examination, or both, of the defendant to determine a

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1 proper course of action. At the time of sentencing or
2 at a later date to be determined by the court, the
3 court shall set out the amount of restitution
4 including the amount of public service to be performed
5 as restitution and the persons to whom restitution
6 must be paid. If the full amount of restitution
7 cannot be determined at the time of sentencing, the
8 court shall issue a temporary order determining a
9 reasonable amount for restitution identified up to
10 that time. At a later date as determined by the
11 court, the court shall issue a permanent, supplemental
12 order, setting the full amount of restitution. The
13 court shall enter further supplemental orders, if
14 necessary. These court orders shall be known as the
15 plan of restitution.

16 Sec. _____. Section 910.7, Code 2001, is amended to
17 read as follows:

18 910.7 PETITION FOR HEARING.

19 1. At any time during the period of probation,
20 parole, or incarceration, the offender or the office
21 or individual who prepared the offender's restitution
22 plan may petition the court on any matter related to
23 the plan of restitution or restitution plan of payment
24 and the court shall grant a hearing if on the face of
25 the petition it appears that a hearing is warranted,
26 except as provided in subsection 2. The court, at any
27 time prior to the expiration of the offender's
28 sentence, may modify the plan of restitution or the
29 restitution plan of payment, or both, and may extend
30 the period of time for the completion of restitution.

31 2. A petition to modify the plan of restitution
32 for unpaid fees under section 905.14, subsection 4,
33 shall be without hearing unless the offender, after
34 being notified, objects to the amount of unpaid fees.

35 Sec. _____. Section 910.9, unnumbered paragraph 3,
36 Code 2001, is amended to read as follows:

37 Fines, penalties, and surcharges, crime victim
38 compensation program reimbursement, public agency
39 restitution, unpaid fees incurred pursuant to section
40 905.14, subsection 4, court costs including
41 correctional fees claimed by a sheriff pursuant to
42 section 356.7, court-appointed attorney's attorney
43 fees, and expenses for public defenders, shall not be
44 withheld by the clerk of court until all victims have
45 been paid in full. Payments to victims shall be made
46 by the clerk of court at least quarterly. Payments by
47 a clerk of court shall be made no later than the last
48 business day of the quarter, but may be made more
49 often at the discretion of the clerk of court. The
50 clerk of court receiving final payment from an

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1 offender shall notify all victims that full
2 restitution has been made. Each office or individual
3 charged with supervising an offender who is required
4 to perform community service as full or partial
5 restitution shall keep records to assure compliance
6 with the portions of the plan of restitution and
7 restitution plan of payment relating to community
8 service and, when the offender has complied fully with
9 the community service requirement, notify the
10 sentencing court."

11 2. Title page, line 2, by striking the word
12 "judgment" and inserting the following:
13 "restitution".

By LARSON of Linn
KREIMAN of Davis
TREMMELE of Wapello

H-1084 FILED FEBRUARY 27, 2001

adopted
2/28/01
(P. 524)

HOUSE FILE 229
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 63)

(As Amended and Passed by the House February 28, 2001)

Passed House, ^(P.1411) Date 4-23-01 Passed Senate, ^(P.1153) Date 4-17-01
Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0
Approved May 2, 2001

A BILL FOR

1 An Act relating to judicial district departments of correctional
2 services by providing for a restitution lien for supervision
3 fees and for the establishment of a reserve peace officer
4 force.

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

6

7

House Amendments _____

8

9

HOUSE FILE 229

S-3305

10

1 Amend House File 229, as amended, passed, and
2 reprinted by the House, as follows:

11

3 1. By striking page 3, line 27, through page 7,
4 line 25.

12

5 2. Title page, lines 2 and 3, by striking the
6 words "a restitution lien for supervision fees and
7 for".

13

14

15

By COMMITTEE ON JUDICIARY
O. GENE MADDOX, Chairperson

16

Adopted 4-17-01

17

S-3305 FILED ^(P.1153) APRIL 5, 2001

18

19

20

21

1 Section 1. Section 80D.1, Code 2001, is amended to read as
2 follows:

3 80D.1 ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS.

4 The governing body of a city, a county, or the state of
5 Iowa, or a judicial district department of correctional
6 services may provide, either separately or collectively
7 through a chapter 28E agreement, for the establishment of a
8 force of reserve peace officers, and may limit the size of the
9 reserve force. In the case of the state, the department of
10 public safety shall act as the governing body.

11 This chapter constitutes the only procedure for appointing
12 reserve peace officers.

13 Sec. 2. Section 80D.4, Code 2001, is amended to read as
14 follows:

15 80D.4 TRAINING.

16 Training for individuals appointed as reserve peace
17 officers shall be provided by that law enforcement agency, but
18 may be obtained in a community college or other facility
19 selected by the individual and approved by the law enforcement
20 agency. Upon satisfactory completion of training required by
21 the Iowa law enforcement academy, the chief of police,
22 sheriff, or commissioner of public safety, or director of the
23 judicial district department of correctional services shall
24 certify the individual as a reserve peace officer.

25 Sec. 3. Section 80D.6, Code 2001, is amended to read as
26 follows:

27 80D.6 STATUS OF RESERVE PEACE OFFICERS.

28 Reserve peace officers shall serve as peace officers on the
29 orders and at the discretion of the chief of police, sheriff,
30 ~~or~~ commissioner of public safety or the commissioner's
31 designee, or director of the judicial district department of
32 correctional services or the director's designee, as the case
33 may be.

34 While in the actual performance of official duties, reserve
35 peace officers shall be vested with the same rights,

1 privileges, obligations, and duties as any other peace
2 officers.

3 Sec. 4. Section 80D.7, Code 2001, is amended to read as
4 follows:

5 80D.7 CARRYING WEAPONS.

6 A member of a reserve force shall not carry a weapon in the
7 line of duty until the member has been approved by the
8 governing body and certified by the Iowa law enforcement
9 academy council to carry weapons. After approval and
10 certification, a reserve peace officer may carry a weapon in
11 the line of duty only when authorized by the chief of police,
12 sheriff, ~~or~~ commissioner of public safety or the
13 commissioner's designee, or director of the judicial district
14 department of correctional services or the director's
15 designee, as the case may be.

16 Sec. 5. Section 80D.9, Code 2001, is amended to read as
17 follows:

18 80D.9 SUPERVISION OF RESERVE PEACE OFFICERS.

19 Reserve peace officers shall be subordinate to regular
20 peace officers, shall not serve as peace officers unless under
21 the direction of regular peace officers, and shall wear a
22 uniform prescribed by the chief of police, sheriff, ~~or~~
23 commissioner of public safety, or director of the judicial
24 district department of correctional services unless that
25 superior officer designates alternate apparel for use when
26 engaged in assignments involving special investigation, civil
27 process, court duties, jail duties and the handling of mental
28 patients. The reserve peace officer shall not wear an
29 insignia of rank. Each department for which a reserve force
30 is established shall appoint a ~~regular-force~~ certified peace
31 officer as the reserve force co-ordinating and supervising
32 officer. A reserve peace officer force established in a
33 judicial district department of correctional services must be
34 directly supervised by a certified peace officer who is on
35 duty. That ~~regular~~ certified peace officer shall report

1 directly to the chief of police, sheriff, or commissioner of
2 public safety or the commissioner's designee, or director of
3 the judicial district department of correctional services or
4 the director's designee, as the case may be.

5 Sec. 6. Section 80D.11, Code 2001, is amended to read as
6 follows:

7 80D.11 EMPLOYEE -- PAY.

8 While performing official duties, each reserve peace
9 officer shall be considered an employee of the governing body
10 which the officer represents and shall be paid a minimum of
11 one dollar per year. The governing body of a city, a county,
12 or the state, or a judicial district department of
13 correctional services may provide additional monetary
14 assistance for the purchase and maintenance of uniforms and
15 equipment used by reserve peace officers.

16 Sec. 7. Section 905.4, Code 2001, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 11. Have authority to establish a force
19 of reserve peace officers, either separately or collectively
20 through a chapter 28E agreement, as provided in chapter 80D.

21 Sec. 8. Section 905.6, subsection 3, Code 2001, is amended
22 to read as follows:

23 3. Employ, with approval of the district board, and
24 supervise the employees of the district department, including
25 reserve peace officers, if a force of reserve peace officers
26 has been established.

27 Sec. 9. Section 905.14, Code 2001, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 4. Upon the discharge of a person from
30 probation or parole any unpaid fees shall become part of the
31 person's restitution plan. The district department may
32 petition the court, pursuant to section 910.7, to modify the
33 plan of restitution.

34 Sec. 10. Section 910.1, subsection 4, Code 2001, is
35 amended to read as follows:

1 4. "Restitution" means payment of pecuniary damages to a
2 victim in an amount and in the manner provided by the
3 offender's plan of restitution. "Restitution" also includes
4 finances, penalties, and surcharges, the contribution of funds to
5 a local anticrime organization which provided assistance to
6 law enforcement in an offender's case, the payment of crime
7 victim compensation program reimbursements, payment of
8 restitution to public agencies pursuant to section 321J.2,
9 subsection 9, paragraph "b", payment of unpaid fees pursuant
10 to section 905.14, subsection 4, court costs including
11 correctional fees approved pursuant to section 356.7, court-
12 appointed attorney's attorney fees, or the expense of a public
13 defender, and the performance of a public service by an
14 offender in an amount set by the court when the offender
15 cannot reasonably pay all or part of the court costs including
16 correctional fees approved pursuant to section 356.7, court-
17 appointed attorney's attorney fees, or the expense of a public
18 defender.

19 Sec. 11. Section 910.2, unnumbered paragraph 1, Code 2001,
20 is amended to read as follows:

21 In all criminal cases in which there is a plea of guilty,
22 verdict of guilty, or special verdict upon which a judgment of
23 conviction is rendered, the sentencing court shall order that
24 restitution be made by each offender to the victims of the
25 offender's criminal activities, to the clerk of court for
26 finances, penalties, surcharges, and, to the extent that the
27 offender is reasonably able to pay, for crime victim
28 assistance reimbursement, restitution to public agencies
29 pursuant to section 321J.2, subsection 9, paragraph "b",
30 unpaid fees pursuant to section 905.14, subsection 4, court
31 costs including correctional fees approved pursuant to section
32 356.7, court-appointed attorney's fees ordered pursuant to
33 section 815.9 including the expense of a public defender when
34 applicable, or contribution to a local anticrime organization.
35 However, victims shall be paid in full before fines,

1 penalties, and surcharges, crime victim compensation program
2 reimbursement, public agencies, unpaid fees pursuant to
3 section 905.14, subsection 4, court costs including
4 correctional fees approved pursuant to section 356.7, court-
5 appointed attorney's fees, the expenses of a public defender,
6 or contributions to a local anticrime organization are paid.
7 In structuring a plan of restitution, the court shall provide
8 for payments in the following order of priority: victim,
9 after modification of the plan under section 910.7 unpaid fees
10 incurred pursuant to section 905.14, subsection 4, fines,
11 penalties, and surcharges, crime victim compensation program
12 reimbursement, public agencies, court costs including
13 correctional fees approved pursuant to section 356.7, court-
14 appointed attorney's fees, or the expense of a public
15 defender, and contribution to a local anticrime organization.

16 Sec. 12. Section 910.3, Code 2001, is amended to read as
17 follows:

18 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

19 The county attorney shall prepare a statement of pecuniary
20 damages to victims of the defendant and, if applicable, any
21 award by the crime victim compensation program and expenses
22 incurred by public agencies pursuant to section 321J.2,
23 subsection 9, paragraph "b", and shall provide the statement
24 to the presentence investigator or submit the statement to the
25 court at the time of sentencing. The clerk of court shall
26 prepare a statement of court-appointed attorney's attorney
27 fees, the expense of a public defender, and court costs
28 including correctional fees claimed by a sheriff pursuant to
29 section 356.7, which shall be provided to the presentence
30 investigator or submitted to the court at the time of
31 sentencing. If these statements are provided to the
32 presentence investigator, they shall become a part of the
33 presentence report. If pecuniary damage amounts are not
34 available at the time of sentencing, the county attorney shall
35 provide a statement of pecuniary damages incurred up to that

1 time to the clerk of court. The statement shall be provided
2 no later than thirty days after sentencing. If a defendant
3 believes no person suffered pecuniary damages, the defendant
4 shall so state. If the defendant has any mental or physical
5 impairment which would limit or prohibit the performance of a
6 public service, the defendant shall so state. The court may
7 order a mental or physical examination, or both, of the
8 defendant to determine a proper course of action. At the time
9 of sentencing or at a later date to be determined by the
10 court, the court shall set out the amount of restitution
11 including the amount of public service to be performed as
12 restitution and the persons to whom restitution must be paid.
13 If the full amount of restitution cannot be determined at the
14 time of sentencing, the court shall issue a temporary order
15 determining a reasonable amount for restitution identified up
16 to that time. At a later date as determined by the court, the
17 court shall issue a permanent, supplemental order, setting the
18 full amount of restitution. The court shall enter further
19 supplemental orders, if necessary. These court orders shall
20 be known as the plan of restitution.

21 Sec. 13. Section 910.7, Code 2001, is amended to read as
22 follows:

23 910.7 PETITION FOR HEARING.

24 1. At any time during the period of probation, parole, or
25 incarceration, the offender or the office or individual who
26 prepared the offender's restitution plan may petition the
27 court on any matter related to the plan of restitution or
28 restitution plan of payment and the court shall grant a
29 hearing if on the face of the petition it appears that a
30 hearing is warranted, except as provided in subsection 2. The
31 court, at any time prior to the expiration of the offender's
32 sentence, may modify the plan of restitution or the
33 restitution plan of payment, or both, and may extend the
34 period of time for the completion of restitution.

35 2. A petition to modify the plan of restitution for unpaid

1 fees under section 905.14, subsection 4, shall be without
2 hearing unless the offender, after being notified, objects to
3 the amount of unpaid fees.

4 Sec. 14. Section 910.9, unnumbered paragraph 3, Code 2001,
5 is amended to read as follows:

6 Fines, penalties, and surcharges, crime victim compensation
7 program reimbursement, public agency restitution, unpaid fees
8 incurred pursuant to section 905.14, subsection 4, court costs
9 including correctional fees claimed by a sheriff pursuant to
10 section 356.7, court-appointed attorney's attorney fees, and
11 expenses for public defenders, shall not be withheld by the
12 clerk of court until all victims have been paid in full.

13 Payments to victims shall be made by the clerk of court at
14 least quarterly. Payments by a clerk of court shall be made
15 no later than the last business day of the quarter, but may be
16 made more often at the discretion of the clerk of court. The
17 clerk of court receiving final payment from an offender shall
18 notify all victims that full restitution has been made. Each
19 office or individual charged with supervising an offender who
20 is required to perform community service as full or partial
21 restitution shall keep records to assure compliance with the
22 portions of the plan of restitution and restitution plan of
23 payment relating to community service and, when the offender
24 has complied fully with the community service requirement,
25 notify the sentencing court.

26
27 **SENATE AMENDMENT TO HOUSE FILE 229**

28 **H-1575**

- 29 1 Amend House File 229, as amended, passed, and
30 2 reprinted by the House, as follows:
31 3 1. By striking page 3, line 27, through page 7,
32 4 line 25.
33 5 2. Title page, lines 2 and 3, by striking the
34 6 words "a restitution lien for supervision fees and
35 7 for".

RECEIVED FROM THE SENATE

H-1575 FILED APRIL 17, 2001

House Concurred 4/23/01 (p. 1410)

HF 229

jm/es/25

HOUSE FILE 229

AN ACT

RELATING TO JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES BY PROVIDING FOR THE ESTABLISHMENT OF A RESERVE PEACE OFFICER FORCE.

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

Section 1. Section 80D.1, Code 2001, is amended to read as follows:

80D.1 ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS.

The governing body of a city, a county, or the state of Iowa, or a judicial district department of correctional services may provide, either separately or collectively through a chapter 28E agreement, for the establishment of a force of reserve peace officers, and may limit the size of the reserve force. In the case of the state, the department of public safety shall act as the governing body.

This chapter constitutes the only procedure for appointing reserve peace officers.

Sec. 2. Section 80D.4, Code 2001, is amended to read as follows:

80D.4 TRAINING.

Training for individuals appointed as reserve peace officers shall be provided by that law enforcement agency, but may be obtained in a community college or other facility selected by the individual and approved by the law enforcement agency. Upon satisfactory completion of training required by the Iowa law enforcement academy, the chief of police, sheriff, or commissioner of public safety, or director of the judicial district department of correctional services shall certify the individual as a reserve peace officer.

Sec. 3. Section 80D.6, Code 2001, is amended to read as follows:

80D.6 STATUS OF RESERVE PEACE OFFICERS.

Reserve peace officers shall serve as peace officers on the orders and at the discretion of the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations, and duties as any other peace officers.

Sec. 4. Section 80D.7, Code 2001, is amended to read as follows:

80D.7 CARRYING WEAPONS.

A member of a reserve force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the Iowa law enforcement academy council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

Sec. 5. Section 80D.9, Code 2001, is amended to read as follows:

80D.9 SUPERVISION OF RESERVE PEACE OFFICERS.

Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, or commissioner of public safety, or director of the judicial district department of correctional services unless that

superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank. Each department for which a reserve force is established shall appoint a regular-force certified peace officer as the reserve force co-ordinating and supervising officer. A reserve peace officer force established in a judicial district department of correctional services must be directly supervised by a certified peace officer who is on duty. That regular certified peace officer shall report directly to the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

Sec. 6. Section 80D.11, Code 2001, is amended to read as follows:

80D.11 EMPLOYEE -- PAY.

While performing official duties, each reserve peace officer shall be considered an employee of the governing body which the officer represents and shall be paid a minimum of one dollar per year. The governing body of a city, a county, or the state, or a judicial district department of correctional services may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers.

Sec. 7. Section 905.4, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Have authority to establish a force of reserve peace officers, either separately or collectively through a chapter 28E agreement, as provided in chapter 80D.

Sec. 8. Section 905.6, subsection 3, Code 2001, is amended to read as follows:

3. Employ, with approval of the district board, and supervise the employees of the district department, including

reserve peace officers, if a force of reserve peace officers has been established.

BRENT SIEGRIST
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 229, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved May 2, 2001

THOMAS J. VILSACK
Governor