

Angelo
Hansen
McKean

SSB-1005
Judiciary
Succeeded By
SENATE/HOUSE FILE SE/HE 83

BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

A BILL FOR

1 An Act relating to the verification of a uniform citation and
2 complaint issued by a law enforcement agency.

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

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1 Section 1. Section 805.6, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. The uniform citation and complaint shall contain a
4 place for the verification of the officer issuing the
5 complaint. The complaint may be verified ~~in accordance with~~
6 section-6227 before the chief officer of the law enforcement
7 agency, or the chief officer's designee. The chief officer of
8 each law enforcement agency of the state may designate
9 specific individuals to administer oaths and certify
10 verifications.

11 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
12 3, shall not apply to this Act.

13 EXPLANATION

14 This bill amends Code section 805.6 relating to the
15 issuance of a uniform citation and complaint.

16 The bill requires a uniform citation and complaint to be
17 issued under oath and certified by the chief officer of a law
18 enforcement agency issuing the citation or the chief officer's
19 designee. Under current law, which was ruled unconstitutional
20 under Article I, section 11, of the Iowa Constitution, the
21 issuance of a uniform citation and complaint may be made by an
22 unsworn written statement if the person making the statement
23 certifies the matter is true under penalty of perjury.

24 A uniform citation and complaint is generally used for
25 charging traffic violations under state law or local
26 ordinance, and for charging misdemeanors designated as
27 scheduled violations.

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

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Substitute for HF 245
2-28-01
(P.537)

FILED JAN 25 '01

SENATE FILE 83
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1005)

Passed Senate, ^(P.334) Date 2/14/01 Passed House, ^{P.537} Date 2-28-01
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0
Approved 3/2/01

A BILL FOR

1 An Act relating to the verification of a uniform citation and
2 complaint issued by a law enforcement agency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 83

1 Section 1. Section 805.6, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. The uniform citation and complaint shall contain a
4 place for the verification of the officer issuing the
5 complaint. The complaint may be verified ~~in accordance with~~
6 section-622.1 before the chief officer of the law enforcement
7 agency, or the chief officer's designee. The chief officer of
8 each law enforcement agency of the state may designate
9 specific individuals to administer oaths and certify
10 verifications.

11 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
12 3, shall not apply to this Act.

13 EXPLANATION

14 This bill amends Code section 805.6 relating to the
15 issuance of a uniform citation and complaint.

16 The bill requires a uniform citation and complaint to be
17 issued under oath and certified by the chief officer of a law
18 enforcement agency issuing the citation or the chief officer's
19 designee. Under current law, which was ruled unconstitutional
20 under Article I, section 11, of the Iowa Constitution, the
21 issuance of a uniform citation and complaint may be made by an
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25 charging traffic violations under state law or local
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27 scheduled violations.

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

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

SENATE FILE 83

AN ACT

RELATING TO THE VERIFICATION OF A UNIFORM CITATION AND COMPLAINT ISSUED BY A LAW ENFORCEMENT AGENCY.

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

Section 1. Section 805.6, subsection 5, Code 2001, is amended to read as follows:

5. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified ~~in accordance with section-622-1~~ before the chief officer of the law enforcement agency, or the chief officer's designee. The chief officer of each law enforcement agency of the state may designate specific individuals to administer oaths and certify verifications.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 83, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/2/01, 2001

THOMAS J. VILSACK
Governor