

# Senate Study Bill 1005

## Bill Text

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1 1 Section 1. Section [805.6](#), subsection 5, Code 2001, is  
1 2 amended to read as follows:

1 3 5. The uniform citation and complaint shall contain a  
1 4 place for the verification of the officer issuing the  
1 5 complaint. The complaint may be verified

~~in accordance with~~

1 6

~~section 622.1~~

~~before the chief officer of the law enforcement~~

1 7 agency, or the chief officer's designee. The chief officer of  
1 8 each law enforcement agency of the state may designate  
1 9 specific individuals to administer oaths and certify  
1 10 verifications.

1 11 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 12 3, shall not apply to this Act.

1 13 EXPLANATION

1 14 This bill amends Code section 805.6 relating to the  
1 15 issuance of a uniform citation and complaint.

1 16 The bill requires a uniform citation and complaint to be  
1 17 issued under oath and certified by the chief officer of a law  
1 18 enforcement agency issuing the citation or the chief officer's  
1 19 designee. Under current law, which was ruled unconstitutional  
1 20 under Article I, section 11, of the Iowa Constitution, the  
1 21 issuance of a uniform citation and complaint may be made by an  
1 22 unsworn written statement if the person making the statement  
1 23 certifies the matter is true under penalty of perjury.

1 24 A uniform citation and complaint is generally used for  
1 25 charging traffic violations under state law or local  
1 26 ordinance, and for charging misdemeanors designated as  
1 27 scheduled violations.

1 28 The bill may include a state mandate as defined in Code  
1 29 section 25B.3. This bill makes inapplicable Code section  
1 30 25B.2, subsection 3, which would relieve a political  
1 31 subdivision from complying with a state mandate if funding for  
1 32 the cost of the state mandate is not provided or specified.  
1 33 Therefore, political subdivisions are required to comply with  
1 34 any state mandate included in this bill.

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