

# House Study Bill 145

SENATE/HOUSE FILE \_\_\_\_\_  
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 department of public safety by updating  
2 references, changing the names of divisions in the department,  
3 and changing practices and procedures.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1060DP 81  
6 jm/sh/8

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1 1 Section 1. NEW SECTION. 80.1A DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Commissioner" means the commissioner of public safety.  
1 5 2. "Controlled substance" means the same as defined in  
1 6 section 124.101.  
1 7 3. "Counterfeit substance" means the same as defined in  
1 8 section 124.101.  
1 9 4. "Department" means the department of public safety.  
1 10 5. "Peace officer" means a peace officer of the department  
1 11 as defined in section 97A.3.  
1 12 Sec. 2. Section 80.6, Code 2005, is amended to read as  
1 13 follows:  
1 14 80.6 IMPERSONATING PEACE OFFICER OR EMPLOYEE == UNIFORM.  
1 15 Any person who impersonates ~~a member of the Iowa state~~  
1 16 ~~patrol or other a peace officer or employee of the department,~~  
1 17 or wears a uniform likely to be confused with the official  
1 18 uniform of any such officer or employee, with intent to  
1 19 deceive anyone, shall be guilty of a simple misdemeanor.  
1 20 Sec. 3. Section 80.8, unnumbered paragraphs 1, 3, and 5,  
1 21 Code 2005, are amended to read as follows:  
1 22 ~~The commissioner of public safety, with the approval of the~~  
1 23 ~~governor, shall appoint such deputies, inspectors, officers,~~  
1 24 ~~clerical workers and other employees~~ employ personnel as may  
1 25 be required to properly discharge the duties of ~~this the~~  
1 26 department.  
1 27 The salaries of ~~all members~~ peace officers and employees of  
1 28 the department, ~~unless covered by a collective bargaining~~  
1 29 ~~agreement,~~ and the expenses of the department shall be  
1 30 provided for by ~~the a~~ legislative appropriation ~~therefor~~. The  
1 31 compensation of peace officers of the department shall be  
1 32 fixed according to grades as to rank and length of service by  
1 33 the commissioner with the approval of the ~~governor~~ department  
1 34 of administrative services. The peace officers shall be paid  
1 35 additional compensation in accordance with the following  
2 1 formula: When peace officers have served for a period of five  
2 2 years, their compensation then being paid shall be increased  
2 3 by the sum of twenty-five dollars per month beginning with the  
2 4 month succeeding the foregoing described five-year period;  
2 5 when peace officers have served for a period of ten years,  
2 6 their compensation then being paid shall be increased by the  
2 7 sum of twenty-five dollars per month beginning with the month  
2 8 succeeding the foregoing described ten-year period, such sums  
2 9 being in addition to the increase provided herein to be paid  
2 10 after five years of service; when peace officers have served  
2 11 for a period of fifteen years, their compensation then being  
2 12 paid shall be increased by the sum of twenty-five dollars per  
2 13 month beginning with the month succeeding the foregoing  
2 14 described fifteen-year period, such sums being in addition to  
2 15 the increases previously provided for herein; when peace  
2 16 officers have served for a period of twenty years, their  
2 17 compensation then being paid shall be increased by the sum of  
2 18 twenty-five dollars per month beginning with the month

2 19 succeeding the foregoing described twenty-year period, such  
2 20 sums being in addition to the increases previously provided  
2 21 for herein. While on active duty, each peace officer shall  
2 22 also receive a flat daily sum as fixed by the commissioner  
2 23 ~~with the approval of the governor~~ for meals unless the  
2 24 allowable daily sum is covered by a collective bargaining  
2 25 agreement.

2 26 ~~Peace officer members~~ officers of the department excluded  
2 27 from the provisions of chapter 20 who are injured in the line  
2 28 of duty shall receive paid time off in the same manner as  
2 29 provided to peace ~~officer members~~ officers of the department  
2 30 covered by a collective bargaining agreement entered into  
2 31 between the state and the employee organization representing  
2 32 such covered peace ~~officer members~~ officers under chapter 20.

2 33 Sec. 4. Section 80.9, unnumbered paragraph 1, Code 2005,  
2 34 is amended to read as follows:

2 35 It shall be the duty of the department ~~of public safety~~ to  
3 1 prevent crime, to detect and apprehend criminals and to  
3 2 enforce such other laws as are hereinafter specified. ~~The~~

~~3 3 members~~ A peace officer of the department ~~of public safety,~~  
~~3 4 except clerical workers therein,~~ when authorized by the  
3 5 commissioner ~~of public safety~~ shall have and exercise all the  
3 6 powers of any other peace officer of the state.

3 7 Sec. 5. Section 80.9, subsection 1, paragraph b, Code  
3 8 2005, is amended to read as follows:

3 9 b. When request is made by the mayor of any city, with the  
3 10 approval of the commissioner ~~of public safety;~~

3 11 Sec. 6. Section 80.9, subsection 1, unnumbered paragraph  
3 12 2, Code 2005, is amended to read as follows:

3 13 When ~~any member~~ a peace officer of the department ~~shall be~~  
3 14 is acting in cooperation with any other local peace officer,  
3 15 or county attorney in general criminal investigation work, or  
3 16 when acting on a special assignment by the commissioner, the  
3 17 ~~member's~~ jurisdiction ~~shall be of the peace officer is~~  
3 18 statewide.

3 19 Sec. 7. Section 80.9, subsection 4, Code 2005, is amended  
3 20 by striking the subsection and inserting in lieu thereof the  
3 21 following:

3 22 4. The state patrol is established in the department. The  
3 23 patrol shall be under the direction of the commissioner.

3 24 Sec. 8. Section 80.9, Code 2005, is amended by adding the  
3 25 following new subsection:

3 26 NEW SUBSECTION. 5. The department shall be primarily  
3 27 responsible for the enforcement of all laws and rules relating  
3 28 to any controlled substance or counterfeit substance, except  
3 29 for making accountability audits of the supply and inventory  
3 30 of controlled substances in the possession of pharmacists,  
3 31 physicians, hospitals, and health care facilities as defined  
3 32 in section 135C.1, as well as in the possession of any and all  
3 33 other individuals or institutions authorized to have  
3 34 possession of any controlled substances.

3 35 Sec. 9. Section 80.11, Code 2005, is amended to read as  
4 1 follows:

4 2 80.11 COURSE OF INSTRUCTION.

4 3 The course ~~or courses~~ of instruction for peace officers of  
~~4 4 the department shall include instruction in the following~~  
~~4 5 subjects and such others as shall be deemed advisable by the~~  
~~4 6 college of law and the commissioner of public safety:~~

4 7 1. ~~Criminal law.~~

4 8 2. ~~Identification of criminals and fingerprinting.~~

4 9 3. ~~Methods of criminal investigation.~~

4 10 4. ~~Rules of criminal evidence.~~

4 11 5. ~~Presentation of cases in court.~~

4 12 6. ~~Making of complaints and securing of criminal warrants.~~

4 13 7. ~~Securing and use of search warrants.~~

4 14 8. ~~How to secure extradition and return.~~

4 15 9. ~~Small arms instruction.~~

4 16 10. ~~Regulation of traffic.~~

4 17 11. ~~First aid., at a minimum, be equal to the course of~~

4 18 instruction required by the Iowa law enforcement academy

4 19 pursuant to chapter 80B.

4 20 Sec. 10. Section 80.13, Code 2005, is amended to read as  
4 21 follows:

4 22 80.13 TRAINING SCHOOLS.

4 23 The commissioner ~~of public safety is authorized to~~ may hold  
4 24 a training school for peace officer candidates ~~for or members~~  
4 25 for peace officers of the department ~~of public safety,~~ and may  
4 26 send to recognized training schools ~~such members~~ peace  
4 27 officers of the department as the commissioner may deem

4 28 advisable. The expenses of such school of training shall be  
4 29 paid in the same manner as other expenses ~~of the patrol~~ paid

4 30 by the department.

4 31 Sec. 11. Section 80.15, Code 2005, is amended to read as  
4 32 follows:

4 33 80.15 EXAMINATION == OATH == PROBATION == DISCIPLINE ==  
4 34 DISMISSAL.

4 35 An applicant ~~for membership to be a peace officer~~ in the  
5 1 department of public safety, ~~except clerical workers and~~  
5 2 ~~special agents appointed under section 80.7,~~ shall not be  
5 3 appointed as a ~~member~~ peace officer until the applicant has  
5 4 passed a satisfactory physical and mental examination. In  
5 5 addition, the applicant must be a citizen of the United States  
5 6 and be not less than twenty-two years of age. ~~However, an~~  
5 7 ~~applicant applying for assignment to provide protection and~~  
5 8 ~~security for persons and property on the grounds of the state~~  
5 9 ~~capitol complex or a peace officer candidate shall not be less~~  
5 10 ~~than eighteen years of age.~~ The mental examination shall be

5 11 conducted under the direction or supervision of the  
5 12 commissioner of public safety and may be oral or written or  
5 13 both. ~~Each~~ An applicant shall take an oath on becoming a  
5 14 ~~member peace officer of the force department,~~ to uphold the  
5 15 laws and Constitution of the United States and Constitution of  
5 16 the ~~state~~ State of Iowa. During the period of twelve months  
5 17 after appointment, ~~any member a peace officer of the~~  
5 18 ~~department of public safety, except members of the present~~  
5 19 ~~Iowa state patrol who have served more than six months,~~ is  
5 20 subject to dismissal at the will of the commissioner. After  
5 21 the twelve months' service, a ~~member~~ peace officer of the  
5 22 department, who was appointed after having passed the  
5 23 examinations, is not subject to dismissal, suspension,  
5 24 disciplinary demotion, or other disciplinary action resulting  
5 25 in the loss of pay unless charges have been filed with the  
5 26 department of inspections and appeals and a hearing held by  
5 27 the employment appeal board created by section 10A.601, if  
5 28 requested by the ~~member~~ peace officer, at which the ~~member~~  
5 29 peace officer has an opportunity to present a defense to the  
5 30 charges. The decision of the appeal board is final, subject  
5 31 to the right of judicial review in accordance with the terms  
5 32 of the Iowa administrative procedure Act, chapter 17A.

5 33 However, these procedures as to dismissal, suspension,  
5 34 demotion, or other discipline do not apply to a ~~member~~ peace  
5 35 officer who is covered by a collective bargaining agreement  
6 1 which provides otherwise ~~not~~ and do not apply to the demotion  
6 2 of a division head to the rank which the division head held at  
6 3 the time of appointment as division head, if any. A division  
6 4 head who is demoted has the right to return to the rank which  
6 5 the division head held at the time of appointment as division  
6 6 head, if any. All rules, except employment provisions  
6 7 negotiated pursuant to chapter 20, regarding the enlistment,  
6 8 appointment, and employment affecting the personnel of the  
6 9 department shall be established by the commissioner in  
6 10 consultation with the director of the department of  
6 11 administrative services, subject to approval by the governor.

6 12 Sec. 12. Section 80.17, Code 2005, is amended to read as  
6 13 follows:

6 14 80.17 GENERAL ALLOCATION OF DUTIES.

6 15 1. In general, the allocation of duties of the department  
6 16 of public safety shall be as follows:

6 17 1. a. Commissioner's office.  
6 18 2. b. Division of ~~statistics and records~~ administrative  
6 19 services.

6 20 3. c. Division of criminal investigation.

6 21 4. d. Division of ~~the Iowa~~ state patrol.

6 22 5. e. Division of state fire protection marshal.

6 23 6. f. Division of inspection narcotics enforcement.

6 24 7. Division of capitol police.

6 25 2. The commissioner may appoint a chief director, a first  
6 26 and second assistant to the director, and all other

6 27 supervisory officers in each division. All appointments and  
6 28 promotions shall be made on the basis of seniority and a merit  
6 29 examination.

6 30 3. Nothing in the The aforesaid allocation of duties shall  
6 31 not be interpreted to prevent flexibility in interdepartmental  
6 32 operations or to forbid other divisional allocations of duties  
6 33 in the discretion of the commissioner of public safety.

6 34 Sec. 13. Section 80.18, Code 2005, is amended to read as  
6 35 follows:

7 1 80.18 EXPENSES AND SUPPLIES == REIMBURSEMENT.

7 2 ~~it shall be the duty of the~~ The commissioner of public  
7 3 ~~safety to shall provide for the members~~ peace officers of the  
7 4 department when on duty, with suitable uniforms, subsistence,  
7 5 arms, equipment, quarters, and other necessary supplies, and

7 6 also the expense and means of travel and boarding ~~the members~~  
7 7 ~~of the department~~, according to rules ~~made~~ adopted by the  
7 8 commissioner, and as may be provided by appropriation.  
7 9 The department may expend moneys from the support  
7 10 allocation of the department as reimbursement for replacement  
7 11 or repair of personal items of the department's peace officers  
7 12 or employees damaged or destroyed during the a peace officer's  
7 13 or employee's tour of duty course of employment. However, the  
7 14 reimbursement shall not exceed one hundred fifty dollars or  
7 15 the amount agreed to under the collective bargaining agreement  
7 16 for each item. The department shall ~~establish~~ adopt rules in  
7 17 accordance with chapter 17A to ~~carry out the purpose of~~  
7 18 administer this paragraph.  
7 19 Sec. 14. Section 80.19, unnumbered paragraph 1, Code 2005,  
7 20 is amended to read as follows:  
7 21 The commissioner ~~of public safety~~ may ~~co-operate~~ cooperate  
7 22 with any recognized agency in the education of the public in  
7 23 highway safety.  
7 24 Sec. 15. Section 80.20, Code 2005, is amended to read as  
7 25 follows:  
7 26 80.20 DIVISIONAL HEADQUARTERS.  
7 27 The commissioner ~~of public safety~~ may, subject to the  
7 28 approval of the governor, establish divisional headquarters at  
7 29 various places in the state. Supervisory officers may be at  
7 30 all times on duty in each district headquarters.  
7 31 Sec. 16. Section 80.23, Code 2005, is amended to read as  
7 32 follows:  
7 33 80.23 SPECIAL STATE AGENTS == MEANING.  
7 34 ~~Whenever mention is made, in the Code, of If the term~~  
7 35 "special state agents" is used in the Code in connection with  
8 1 law enforcement, the ~~same term~~ shall be construed to mean  
8 2 members a peace officer of the state department of public  
8 3 safety.  
8 4 Sec. 17. Section 80.24, Code 2005, is amended to read as  
8 5 follows:  
8 6 80.24 MUNICIPAL AND INDUSTRIAL DISPUTES.  
8 7 ~~The police employees~~ A peace officer of the department  
8 8 shall not be used or called upon for service within any  
8 9 municipality or in any industrial dispute unless ~~actual a~~  
8 10 threat of imminent violence has occurred therein exists, and  
8 11 then only either by order of the governor or on the request of  
8 12 the chief executive officer of the municipality or the sheriff  
8 13 of the county ~~wherein where~~ the dispute has occurred threat of  
8 14 imminent violence exists if such request is approved by the  
8 15 governor.  
8 16 Sec. 18. Section 80.33, Code 2005, is amended to read as  
8 17 follows:  
8 18 80.33 ACCESS TO DRUG RECORDS BY ~~AGENTS~~ PEACE OFFICERS.  
8 19 ~~Every~~ A person required by law to keep records, and ~~any a~~  
8 20 carrier maintaining records with respect to any shipment  
8 21 containing any controlled or counterfeit substances shall,  
8 22 upon request of an authorized ~~agent~~ peace officer of the  
8 23 department ~~of public safety~~, designated by the commissioner ~~of~~  
8 24 public safety, permit such ~~agent~~ peace officer at reasonable  
8 25 times to have access to and copy such records. For the  
8 26 purpose of examining and verifying such records, an authorized  
8 27 ~~agents~~ peace officer of the department ~~of public safety~~,  
8 28 designated by the commissioner ~~of public safety~~, may enter at  
8 29 reasonable times any place or vehicle in which any controlled  
8 30 or counterfeit substance is held, manufactured, dispensed,  
8 31 compounded, processed, sold, delivered, or otherwise disposed  
8 32 of and inspect such place or vehicle, and the contents ~~thereof~~  
8 33 of such place or vehicle. For the purpose of enforcing laws  
8 34 relating to controlled or counterfeit substances, and upon  
8 35 good cause shown, ~~personnel of the division of drug law~~  
9 1 ~~enforcement in the peace officer of the department of public~~  
9 2 ~~safety shall be allowed to inspect audits and records in the~~  
9 3 ~~possession of the state board of pharmacy examiners.~~  
9 4 Sec. 19. Section 80.34, Code 2005, is amended to read as  
9 5 follows:  
9 6 80.34 ~~POWERS OF PEACE OFFICERS~~ PEACE OFFICER == AUTHORITY.  
9 7 ~~Any~~ An authorized ~~agent~~ peace officer of the department ~~of~~  
9 8 ~~public safety~~ designated to conduct examinations,  
9 9 investigations, or inspections and enforce the laws relating  
9 10 to controlled or counterfeit substances shall have all the  
9 11 ~~powers~~ authority of other peace officers and may arrest a  
9 12 person without warrant for offenses under this chapter  
9 13 committed in the ~~agent's~~ peace officer's presence or, in the  
9 14 case of a felony, if the ~~agent~~ peace officer has probable  
9 15 cause to believe that the person arrested has committed or is  
9 16 committing such offense. ~~Such officers~~ A peace officer of the

9 17 ~~department~~ shall have the same ~~powers~~ authority as other peace  
9 18 officers to seize controlled or counterfeit substances or  
9 19 articles used in the manufacture or sale of controlled or  
9 20 counterfeit substances which they have reasonable grounds to  
9 21 believe are in violation of law. Such controlled or  
9 22 counterfeit substances or articles shall be subject to  
9 23 condemnation.

9 24 Sec. 20. Section 80.36, Code 2005, is amended to read as  
9 25 follows:

9 26 80.36 MAXIMUM AGE.

9 27 A person shall not be employed as a peace officer in the  
9 28 department ~~of public safety~~ after attaining sixty-five years  
9 29 of age.

9 30 Sec. 21. Section 80.39, subsection 1, Code 2005, is  
9 31 amended to read as follows:

9 32 1. Personal property, except for motor vehicles subject to  
9 33 sale pursuant to section 321.89, and seizable property subject  
9 34 to disposition pursuant to chapter 809 or 809A, which personal  
9 35 property is found or seized by, turned in to, or otherwise  
10 1 lawfully comes into the possession of the department ~~of public~~  
10 2 ~~safety~~ or a local law enforcement agency and which the  
10 3 department or agency does not own, shall be disposed of  
10 4 pursuant to this section. If by examining the property the  
10 5 owner or lawful custodian of the property is known or can be  
10 6 readily ascertained, the department or agency shall notify the  
10 7 owner or custodian by certified mail directed to the owner's  
10 8 or custodian's last known address, as to the location of the  
10 9 property. If the identity or address of the owner cannot be  
10 10 determined, notice by one publication in a newspaper of  
10 11 general circulation in the area where the property was found  
10 12 is sufficient notice. A published notice may contain multiple  
10 13 items.

10 14 Sec. 22. Section 97A.1, subsection 13, Code 2005, is  
10 15 amended to read as follows:

10 16 13. "Peace officer" ~~or "peace officers"~~ shall mean all  
10 17 ~~members means a member of the divisions division of the Iowa~~  
10 18 ~~state patrol and or division of criminal investigation and~~  
10 19 ~~bureau of identification in the department of public safety,~~  
10 20 ~~except clerical workers, including but not limited to gaming~~  
10 21 ~~enforcement officers employed by the division of criminal~~  
10 22 ~~investigation for excursion boat gambling enforcement~~  
10 23 ~~activities, who have has passed a satisfactory physical and~~  
10 24 ~~mental examination and have has been duly appointed as members~~  
10 25 ~~a member of the state department of public safety in~~  
10 26 ~~accordance with section 80.15, and or a member of the division~~  
10 27 ~~of drug law enforcement, and arson investigators and narcotics~~  
10 28 ~~enforcement or division of state fire prevention inspector~~  
10 29 ~~peace officers marshal in the department of public safety,~~  
10 30 ~~except clerical workers, employees of the division of capitol~~  
10 31 ~~police, except clerical workers, and the division of beer and~~  
10 32 ~~liquor law enforcement of the department of public safety,~~  
10 33 ~~except clerical workers.~~

10 34 Sec. 23. Section 97A.3, subsection 1, Code 2005, is  
10 35 amended to read as follows:

11 1 1. All members of the division of highway safety,  
11 2 uniformed force, and radio communications and the division of  
11 3 criminal investigation ~~and bureau of identification~~ in the  
11 4 department of public safety, excepting the members of the  
11 5 clerical force, who are employed by the state of Iowa on July  
11 6 4, 1949, and all persons thereafter employed as members of  
11 7 such divisions in the department of public safety or division  
11 8 of ~~drug law narcotics~~ enforcement ~~and arson investigators or~~  
11 9 ~~division of state fire marshal~~, except the members of the  
11 10 clerical force, shall be members of this system, except as  
11 11 otherwise provided in subsection 3. Effective July 1, 1994,  
11 12 gaming enforcement officers employed by the division of  
11 13 criminal investigation for excursion boat gambling enforcement  
11 14 activities, and fire prevention inspector peace officers  
11 15 employed by the department of public safety, ~~and employees of~~  
11 16 ~~the division of capitol police, except clerical workers,~~ shall  
11 17 be members of this system, except as otherwise provided in  
11 18 subsection 3 or section 97B.42B. Such members shall not be  
11 19 required to make contributions under any other pension or  
11 20 retirement system of the state of Iowa, anything to the  
11 21 contrary notwithstanding.

11 22 Sec. 24. Section 97B.42B, subsection 1, paragraph c, Code  
11 23 2005, is amended by striking the paragraph.

11 24 Sec. 25. Section 100B.13, subsections 1 and 4, Code 2005,  
11 25 are amended to read as follows:

11 26 1. A volunteer fire fighter preparedness fund is created  
11 27 as a separate and distinct fund in the state treasury under

11 28 the control of the division of state fire protection marshal  
11 29 of the department of public safety.  
11 30 4. Moneys in the volunteer fire fighter preparedness fund  
11 31 are appropriated to the division of state fire protection  
11 32 marshal of the department of public safety to be used annually  
11 33 to pay the costs of providing volunteer fire fighter training  
11 34 around the state and to pay the costs of providing volunteer  
11 35 fire fighting equipment.

12 1 Sec. 26. Section 100C.9, Code 2005, is amended to read as  
12 2 follows:

12 3 100C.9 DEPOSIT AND USE OF MONEYS COLLECTED.

12 4 1. All fees assessed pursuant to this chapter shall be  
12 5 retained as repayment receipts by the division of state fire  
12 6 protection marshal in the department of public safety and such  
12 7 fees received shall be used exclusively to offset the costs of  
12 8 administering this chapter.

12 9 2. Notwithstanding section 8.33, fees collected by the  
12 10 division of state fire protection marshal that remain  
12 11 unencumbered or unobligated at the close of the fiscal year  
12 12 shall not revert but shall remain available for expenditure  
12 13 for the purposes designated until the close of the succeeding  
12 14 fiscal year.

12 15 Sec. 27. Section 100C.10, subsection 1, Code 2005, is  
12 16 amended to read as follows:

12 17 1. A fire extinguishing system contractors advisory board  
12 18 is established in the division of state fire protection  
12 19 marshal of the department of public safety and shall advise  
12 20 the ~~state fire marshal division~~ on matters pertaining to the  
12 21 application and certification of fire extinguishing system  
12 22 contractors pursuant to this chapter.

12 23 Sec. 28. Section 123.14, Code 2005, is amended to read as  
12 24 follows:

12 25 123.14 BEER, WINE, AND LIQUOR LAW ENFORCEMENT.

12 26 1. ~~The division of beer and liquor law enforcement of the~~  
12 27 ~~department of public safety, created pursuant to section~~  
12 28 ~~80.25,~~ is the primary beer, wine, and liquor law enforcement  
12 29 authority for this state.

12 30 2. ~~The other law enforcement divisions of the department~~  
12 31 ~~of public safety, the county attorney, the county sheriff and~~  
12 32 ~~the sheriff's deputies, and the police department of every~~  
12 33 ~~city, and the alcoholic beverages division of the department~~  
12 34 ~~of commerce, shall be supplementary aids to the division of~~  
12 35 ~~beer and liquor law enforcement department of public safety.~~

13 1 Any neglect, misfeasance, or malfeasance shown by any peace  
13 2 officer included in this section shall be sufficient cause for  
13 3 the peace officer's removal as provided by law. ~~Nothing in~~  
13 4 ~~this~~ This section shall not be construed to affect the duties  
13 5 and responsibilities of any county attorney or peace officer  
13 6 with respect to law enforcement.

13 7 3. ~~The division of beer and liquor law enforcement~~  
13 8 ~~department of public safety~~ shall have full access to all  
13 9 records, reports, audits, tax reports and all other documents  
13 10 and papers in the alcoholic beverages division pertaining to  
13 11 liquor licensees and wine and beer permittees and their  
13 12 business.

13 13 Sec. 29. Section 124.510, unnumbered paragraph 2, Code  
13 14 2005, is amended to read as follows:

13 15 This information is for the exclusive use of the division  
13 16 of narcotic ~~and drug~~ enforcement, in the department of public  
13 17 safety, and shall not be a matter of public record.

13 18 Sec. 30. Section 305.8, subsection 1, paragraph b, Code  
13 19 2005, is amended to read as follows:

13 20 b. In consultation with the homeland security and  
13 21 emergency management division of the department of public  
13 22 ~~safety defense~~, establish policies, standards, and guidelines  
13 23 for the identification, protection, and preservation of  
13 24 records essential for the continuity or reestablishment of  
13 25 governmental functions in the event of an emergency arising  
13 26 from a natural or other disaster.

13 27 Sec. 31. Section 690.1, Code 2005, is amended to read as  
13 28 follows:

13 29 690.1 CRIMINAL IDENTIFICATION.

13 30 The commissioner of public safety may provide in the  
13 31 department a bureau division of criminal identification. The  
13 32 commissioner may adopt rules for the same. The sheriff of  
13 33 each county and the chief of police of each city shall furnish  
13 34 to the department criminal identification records and other  
13 35 information as directed by the commissioner of public safety.

14 1 Sec. 32. CODE EDITOR DIRECTIVES.

14 2 1. The Code editor is directed to change the term "Iowa  
14 3 state patrol" to "state patrol" wherever that term appears in

14 4 the 2005 Code or in Acts enacted during a regular or  
14 5 extraordinary 2005 session of the general assembly, or in  
14 6 other Acts pending codification.

14 7 2. The Code editor is directed to change the term  
14 8 "division of criminal investigation and bureau of  
14 9 identification" to "division of criminal investigation"  
14 10 wherever the term appears in the 2005 Code or in Acts enacted  
14 11 during a regular or extraordinary 2005 session of the general  
14 12 assembly, or in other Acts pending codification.

14 13 Sec. 33. Sections 80.4, 80.5, 80.10, 80.12, 80.16, 80.25,  
14 14 80.27, 80.30, and 80.35, Code 2005, are repealed.

#### 14 15 EXPLANATION

14 16 This bill relates to the practices and procedures of the  
14 17 department of public safety.

14 18 The bill adds defined terms to Code chapter 80 to enhance  
14 19 the readability of the chapter. The bill strikes the term  
14 20 "member" from the chapter and defines "peace officer" to mean  
14 21 a peace officer member of the department as defined in Code  
14 22 section 97A.13, subsection 13.

14 23 Under the bill the commissioner of public safety shall  
14 24 employ the personnel necessary to properly discharge the  
14 25 duties of the department. Current law requires the  
14 26 commissioner to obtain the approval of the governor prior to  
14 27 hiring personnel.

14 28 The bill provides that all salaries of the peace officers  
14 29 and employees of the department shall be provided for by a  
14 30 legislative appropriation unless the salaries are covered by a  
14 31 collective bargaining agreement. The bill also provides that  
14 32 a peace officer of the department shall receive a flat daily  
14 33 sum for meals as set by the commissioner, unless the allowable  
14 34 daily sum is covered by a collective bargaining agreement.

14 35 The bill repeals the section establishing the state patrol  
15 1 in Code section 80.4 and establishes the state patrol in Code  
15 2 section 80.9. The bill also changes the name of the division  
15 3 of the Iowa state patrol to the division of state patrol.

15 4 The bill also transfers the controlled substance  
15 5 enforcement duties of the department from Code section 80.27  
15 6 to Code section 80.9, and repeals Code section 80.27.

15 7 The bill makes the course of instruction for peace officers  
15 8 of the department, at a minimum, the course of instruction  
15 9 required by the Iowa law enforcement academy.

15 10 The department, under the bill, shall pay the expenses for  
15 11 training in the same manner as other expenses paid by the  
15 12 department. Current law provides that payment be made in the  
15 13 same manner as other expenses of the state patrol.

15 14 The bill provides that an applicant for a peace officer  
15 15 position at the department must be at least 18 years of age if  
15 16 the applicant is applying for assignment to provide protection  
15 17 or security at the capitol complex or the applicant is  
15 18 applying to be a peace officer candidate. All other peace  
15 19 officer applicants for a position at the department must be at  
15 20 least 22 years of age.

15 21 The bill eliminates references to or changes the name of  
15 22 some of the divisions within the department.

15 23 The bill repeals Code section 80.5, and transfers a portion  
15 24 of the Code section to Code section 80.17, eliminating the  
15 25 restriction on the total number of supervisors within the  
15 26 state patrol.

15 27 The bill permits an employee who uses personal items during  
15 28 the course of employment to be reimbursed by the department  
15 29 for any damaged items under applicable provisions of a  
15 30 collective bargaining agreement. Current law only permits  
15 31 reimbursement of up to \$150 for damaged personal items used  
15 32 during the course of employment.

15 33 Under the bill, a peace officer of the department may be  
15 34 called to duty within a municipality or in any industrial  
15 35 dispute if there is a threat of imminent violence. Under  
16 1 current law, the peace officer may only be called to duty in  
16 2 an industrial dispute if there is actual violence.

16 3 The bill repeals Code sections 80.10 and 80.12, relating to  
16 4 the department utilizing, and peace officers or peace officer  
16 5 candidates attending, a short course of instruction at the  
16 6 university of Iowa.

16 7 The bill repeals Code section 80.16, requiring the separate  
16 8 bonding of special agents of the department.

16 9 The bill repeals Code section 80.25, establishing a  
16 10 division of beer and liquor law enforcement.

16 11 The bill repeals Code section 80.30, relating to exceptions  
16 12 to certain qualifications required of prospective employees of  
16 13 the department.

16 14 The bill repeals Code section 80.35, relating to the

16 15 transition of persons providing security at the capitol  
16 16 complex from the former department of general services to the  
16 17 department of public safety.  
16 18 LSB 1060DP 81  
16 19 jm:rj/sh/8.1