

# House File 2169 - Introduced

HOUSE FILE \_\_\_\_\_  
BY R. OLSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to communications made by a person under arrest  
2 or in custody.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6386HH 82  
5 jm/nh/8

PAG LIN

1 1 Section 1. Section 804.20, Code 2007, is amended to read  
1 2 as follows:  
1 3 804.20 COMMUNICATIONS BY ARRESTED PERSONS.  
1 4 1. For purposes of this section, "member of the person's  
1 5 family" includes a friend or acquaintance.  
1 6 2. Any peace officer or other person having custody of any  
1 7 person arrested or restrained of the person's liberty for any  
1 8 reason whatever, shall permit that person, without unnecessary  
1 9 delay after arrival at the place of detention, to call,  
1 10 consult, and see a member of the person's family or an  
1 11 attorney of the person's choice, or both. Such person shall  
1 12 be permitted to make a reasonable number of telephone calls as  
1 13 may be required to secure an attorney. If a call is made, it  
1 14 shall be made in the presence of the person having custody of  
1 15 the one arrested or restrained. If such person is  
1 16 intoxicated, or a person under eighteen years of age, the call  
1 17 may be made by the person having custody. An attorney shall  
1 18 be permitted to see and consult confidentially with such  
1 19 person alone and in private at the jail or other place of  
1 20 custody without unreasonable delay.  
1 21 3. A violation of this section shall constitute a simple  
1 22 misdemeanor.

### EXPLANATION

1 24 This bill relates to communications made by a person under  
1 25 arrest or in custody.  
1 26 The bill provides that a peace officer shall, after  
1 27 arriving at the place of detention, permit a person under  
1 28 arrest or in custody to call, consult, and see a member of the  
1 29 person's family, including a friend or acquaintance, or an  
1 30 attorney, or both. Current law provides that a peace officer  
1 31 shall, after arriving at the place of detention, permit a  
1 32 person under arrest or in custody to call, consult, and see a  
1 33 member of the person's family or an attorney, or both.  
1 34 LSB 6386HH 82  
1 35 jm/nh/8