

# House Study Bill 636 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

## A BILL FOR

1 An Act relating to communications by an arrested person in a  
2 jail or other detention facility.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.20, Code 2014, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 **804.20 Communications by an arrested person.**

4 1. As soon as practicable after booking into a jail or  
5 other detention facility, an arrested person has the right to  
6 make at least three completed telephone calls to any of the  
7 following, at no expense, if the telephone calls are completed  
8 to telephone numbers within the local calling area:

9 a. A call to an attorney of the person's choice.

10 b. A call to an insurance company doing business under the  
11 provisions of section 515.48, subsection 2.

12 c. A call to a relative or other person for legal  
13 representation, undertaking of bail, or making arrangements for  
14 employment, child care, or other personal matters.

15 2. A person who has been booked into a jail or other  
16 detention facility may request a consultation in person with an  
17 attorney in a private confidential setting.

18 **EXPLANATION**

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill strikes Code section 804.20 and inserts new  
22 language specifying that an arrested person, as soon as  
23 practicable after booking into a jail or other detention  
24 facility, has the right to make three completed telephone  
25 calls, at no expense, if the calls are completed to telephone  
26 numbers within the local calling area. The bill further  
27 specifies that the calls may be limited to an attorney,  
28 an insurance company doing business relating to bail bonds  
29 under Code section 515.48(2), and a relative or other person  
30 for legal representation, undertaking of bail, or making  
31 arrangements for employment, child care, or other personal  
32 matters.

33 The bill also provides that a person who has been booked into  
34 the jail or other detention facility may request a consultation  
35 in person with an attorney in a private confidential setting.

1     The bill does not provide for any criminal penalties for  
2 violations of the bill.

3     Current law provides that any peace officer or other  
4 person having custody of any person arrested or restrained  
5 of the person's liberty, shall permit that person, without  
6 unnecessary delay after arrival at the place of detention,  
7 to call, consult, and see a member of the person's family or  
8 an attorney, or both. Current law specifies that the person  
9 must be permitted to make a reasonable number of telephone  
10 calls as may be required to secure an attorney. Current law  
11 also specifies that an attorney shall be permitted to see and  
12 consult confidentially with such person alone and in private  
13 without unreasonable delay.  
14     Current law provides that a violation of Code section 804.20  
15 is a simple misdemeanor.