

**House File 2012 - Introduced**

HOUSE FILE 2012  
BY SALMON

**A BILL FOR**

- 1 An Act relating to search warrants issued in the investigation
- 2 of operating-while-intoxicated violations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. Section 321J.10, subsection 1, Code 2018, is  
2 amended to read as follows:

3       1. Refusal to consent to a test under section 321J.6 does  
4 not prohibit the withdrawal of a specimen for chemical testing  
5 pursuant to a search warrant issued in the investigation of  
6 a suspected violation of section 707.5 or 707.6A 321J.2 or  
7 321J.2A if all of the following grounds exist:

8       a. A traffic accident has resulted in a death or personal  
9 injury reasonably likely to cause death.

10       b. There there are reasonable grounds to believe that one or  
11 more of the persons whose driving may have been the proximate  
12 cause of the accident a person was violating section 321J.2 at  
13 the time of the accident or 321J.2A.

14 Sec. 2. Section 321J.10, subsection 3, paragraph c, Code  
15 2018, is amended to read as follows:

16       c. The oral application testimony shall set forth facts and  
17 information tending to establish the existence of the grounds  
18 for the warrant and shall describe with a reasonable degree of  
19 specificity the person or persons whose driving is believed to  
20 have been the proximate cause of the accident and from whom a  
21 specimen is to be withdrawn in violation of section 321J.2 or  
22 321J.2A and the location where the withdrawal of the specimen  
23 or specimens is to take place.

## EXPLANATION

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

Under current law, Code section 321J.10 allows the issuance of a search warrant for the withdrawal of a specimen of breath, urine, or blood for chemical testing based upon sworn oral testimony communicated by telephone to a magistrate in cases involving a traffic accident resulting in a death, or personal injury reasonably likely to cause death, where there are reasonable grounds to believe the person whose driving may have been the proximate cause of the accident was operating the vehicle while intoxicated.

1 This bill expands the provision to allow the issuance of such  
2 a search warrant in any case where there are reasonable grounds  
3 to believe a person was operating a vehicle while intoxicated.

4 Under current law, the act of knowingly resisting or  
5 obstructing the withdrawal of a specimen pursuant to a  
6 search warrant issued under Code section 321J.10 constitutes  
7 a contempt punishable by a fine not exceeding \$1,000 or  
8 imprisonment in a county jail not exceeding one year, or both.