

House File 2237 - Introduced

HOUSE FILE 2237

BY WOLFE and HITE

A BILL FOR

1 An Act relating to communications by arrested persons and
2 making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.20, Code 2022, is amended to read as
2 follows:

3 **804.20 Communications by arrested persons.**

4 Any peace officer or other person having custody of any
5 person arrested or restrained of the person's liberty for
6 any reason whatever, shall permit that person, without
7 unnecessary delay after arrival at the place of detention, to
8 call, consult, and see a member of the person's family or an
9 attorney of the person's choice, or both. Such person shall
10 be permitted to make a reasonable number of telephone calls as
11 may be required to secure an attorney. If a call is made, it
12 shall be made in the presence of the person having custody of
13 the one arrested or restrained. A person who has been placed
14 under arrest for a violation of section 321J.2 shall be allowed
15 to have a private, unrecorded telephone call with an attorney
16 for the purpose of determining whether the person will consent
17 or refuse to provide a chemical breath test sample as requested
18 by a peace officer. If such person is intoxicated, or a person
19 under eighteen years of age, the call may be made by the person
20 having custody. An attorney shall be permitted to see and
21 consult confidentially with such person alone and in private
22 at the jail or other place of custody without unreasonable
23 delay. A violation of **this section** shall constitute a simple
24 misdemeanor.

25

EXPLANATION

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

28 This bill relates to communications by arrested persons.

29 The bill provides that a person who has been placed under
30 arrest for a violation of Code section 321J.2 (operating while
31 under the influence of alcohol or a drug) shall be allowed to
32 have a private, unrecorded telephone call with an attorney for
33 the purpose of determining whether the person will consent or
34 refuse to provide a chemical breath test sample as requested by
35 a peace officer. Current law provides that if a call is made,

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1 it shall be made in the presence of the person having custody
2 of the person arrested or restrained, and an attorney shall be
3 permitted to see and consult confidentially with such person
4 alone and in private at the jail or other place of custody
5 without unreasonable delay.

6 A simple misdemeanor is punishable by confinement for no
7 more than 30 days and a fine of at least \$105 but not more than
8 \$855.