

Senate File 456 - Introduced

SENATE FILE 456

BY SALMON

A BILL FOR

1 An Act requiring written permission from a county sheriff
2 before an arrest, search, or seizure may be conducted within
3 a county under the county sheriff's jurisdiction by any
4 federal or out-of-state law enforcement officer or agent and
5 any Iowa law enforcement officer or agent from outside the
6 county sheriff's jurisdiction.

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

1 Section 1. Section 331.652, subsection 1, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 The sheriff is the chief law enforcement officer of the
4 county in which the sheriff is elected and may call upon any
5 person for assistance to:

6 Sec. 2. NEW SECTION. 331.653A **Sheriff's permission for**
7 **arrests, searches, and seizures — exceptions — remedies.**

8 1. *a.* Except as provided in subsection 4, all federal and
9 out-of-state law enforcement officers or agents and all Iowa
10 law enforcement officers or agents outside a county sheriff's
11 jurisdiction must receive the written permission of the county
12 sheriff or the sheriff's designee prior to making an arrest
13 or conducting a search or seizure within the county under the
14 county sheriff's jurisdiction.

15 *b.* The request must be submitted in person and may be
16 in letter form, and must be signed by the county sheriff or
17 sheriff's designee to constitute valid permission.

18 *c.* Permission is valid for forty-eight hours after it is
19 signed.

20 *d.* A copy of the permission request shall be kept on file
21 by the sheriff.

22 2. The written request for permission shall contain all of
23 the following:

24 *a.* The name of the subject of the arrest, search, or
25 seizure.

26 *b.* A clear statement of probable cause for the arrest,
27 search, or seizure, or a federal warrant that contains a clear
28 statement of probable cause.

29 *c.* A description of specific assets, if any, to be searched
30 for or seized.

31 *d.* A statement of the date and time that the arrest, search,
32 or seizure is to occur.

33 *e.* The address or location where the intended arrest,
34 search, or seizure will be attempted.

35 3. The county sheriff or sheriff's designee may refuse

1 permission for any reason the county sheriff or designee
2 considers sufficient.

3 4. A law enforcement officer or other agent not designated
4 by state law as an Iowa peace officer may make an arrest,
5 search, or seizure in this state without the written permission
6 of the county sheriff or sheriff's designee of the county in
7 which the arrest, search, or seizure is to occur if any of the
8 following circumstances exist:

9 a. The arrest, search, or seizure will take place in a
10 federal enclave for which jurisdiction has been lawfully
11 ceded to the United States by state law. For purposes of
12 this paragraph, "*federal enclave*" means territory transferred
13 by a state through cession or consent to the United States
14 over which the federal government has acquired exclusive
15 jurisdiction.

16 b. The law enforcement officer or agent witnesses the
17 commission of a crime, the nature of which requires an
18 immediate arrest, as authorized by law.

19 c. The intended subject of the arrest, search, or seizure
20 is an employee of the county sheriff's office or is an elected
21 county or state officer, in which case written permission is
22 required by the state attorney general.

23 d. The intended subject of the arrest, search, or seizure
24 is the county sheriff that has been deputized by an outside
25 agency, in which case written permission is required by the
26 state attorney general.

27 e. The law enforcement officer or agent has probable
28 cause to believe that the subject of the arrest, search, or
29 seizure has close connections with the county sheriff, which
30 connections are likely to result in the subject being informed
31 of the impending arrest, search, or seizure, in which case
32 written permission is required by the state attorney general.

33 5. A federal or out-of-state law enforcement officer or
34 agent and an Iowa law enforcement officer or agent from outside
35 a county sheriff's jurisdiction who conducts an arrest, search,

1 or seizure or attempted arrest, search, or seizure in violation
2 of subsection 1 shall be charged with and prosecuted for the
3 following offenses by the applicable county attorney:

4 a. Kidnapping, if an arrest or attempted arrest occurs.

5 b. Trespass, if a search or attempted search occurs.

6 c. Theft, if a seizure or attempted seizure occurs.

7 d. Homicide, if loss of life occurs.

8 e. Any other applicable criminal offense.

9 6. A county sheriff; county attorney; the governor; the
10 lieutenant governor; the attorney general; the United States
11 department of justice; the federal bureau of investigation; the
12 federal bureau of alcohol, tobacco, firearms and explosives;
13 and any other appropriate agency or department shall be
14 provided copies of the provisions contained in this section.

15

EXPLANATION

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

18 This bill requires written permission from a county sheriff
19 before an arrest, search, or seizure may be conducted within a
20 county under the county sheriff's jurisdiction by any federal
21 or out-of-state law enforcement officer or agent and any Iowa
22 law enforcement officer or agent from outside the county
23 sheriff's jurisdiction.

24 The bill provides that the county sheriff is the chief
25 law enforcement officer of the county in which the sheriff
26 is elected. Except as otherwise provided, all federal and
27 out-of-state law enforcement officers or agents and all Iowa
28 law enforcement officers and agents from outside a county
29 sheriff's jurisdiction must receive the written permission of
30 the county sheriff or the sheriff's designee prior to making
31 an arrest or conducting a search or seizure within the county
32 under the county sheriff's jurisdiction. The bill specifies
33 the information that must be contained in the written request.
34 The request must be submitted in person and must be signed by
35 the county sheriff or sheriff's designee to constitute valid

1 permission. Permission is valid for 48 hours after it is
2 signed.

3 The bill provides that a law enforcement officer or other
4 agent not designated by state law as an Iowa peace officer may
5 make an arrest, search, or seizure in this state without the
6 written permission of the county sheriff or sheriff's designee
7 of the county in which the arrest, search, or seizure is to
8 occur if any of the following circumstances exist: the arrest,
9 search, or seizure will take place in a federal enclave for
10 which jurisdiction has been lawfully ceded to the United States
11 by state law; the law enforcement officer or agent witnesses
12 the commission of a crime, the nature of which requires an
13 immediate arrest, as authorized by law; the intended subject
14 of the arrest, search, or seizure is an employee of the county
15 sheriff's office or is an elected county or state officer, in
16 which case written permission is required by the state attorney
17 general; the intended subject of the arrest, search, or seizure
18 is the county sheriff that has been deputized by an outside
19 agency, in which case written permission is required by the
20 state attorney general; or the law enforcement officer or agent
21 has probable cause to believe that the subject of the arrest,
22 search, or seizure has close connections with the county
23 sheriff, which connections are likely to result in the subject
24 being informed of the impending arrest, search, or seizure, in
25 which case written permission is required by the state attorney
26 general.

27 The bill provides that a federal or out-of-state law
28 enforcement officer or agent and an Iowa law enforcement
29 officer or agent from outside a county sheriff's jurisdiction
30 who conducts an arrest, search, or seizure or attempted arrest,
31 search, or seizure in violation of the bill shall be charged
32 with and prosecuted for the following offenses by the county
33 attorney: kidnapping, if an arrest or attempted arrest occurs;
34 trespass, if a search or attempted search occurs; theft, if a
35 seizure or attempted seizure occurs; homicide, if loss of life

1 occurs; or any other applicable criminal offense.

2 The bill specifies that a county sheriff; county attorney;
3 the governor; the lieutenant governor; the state attorney
4 general; the United States department of justice; the federal
5 bureau of investigation; the federal bureau of alcohol,
6 tobacco, firearms and explosives; and any other appropriate
7 agency or department shall be provided copies of the provisions
8 contained in the bill.