

Senate File 463 - Introduced

SENATE FILE 463

BY DRISCOLL

A BILL FOR

1 An Act relating to the review of an officer-involved shooting
2 case by a county attorney, and the jurisdiction of a peace
3 officer to make an arrest in the state.

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

1 Section 1. Section 331.756, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 76. *a.* In the case of an officer-involved
4 shooting resulting in the death or serious bodily injury of a
5 person, review the evidence and render a written opinion and
6 charging decision, convene a grand jury, or refer the case to
7 the attorney general for independent review and a charging
8 decision.

9 *b.* The results of the review shall be provided promptly to
10 the officer involved or the officer's legal counsel and the
11 officer's employing agency.

12 *c.* If the case presents a conflict of interest, the review
13 shall be referred to an independent county attorney, the
14 attorney general, or a special prosecutor.

15 *d.* For the purposes of this subsection, "officer" means the
16 same as defined in section 801.4, subsection 11.

17 Sec. 2. Section 804.7, Code 2023, is amended to read as
18 follows:

19 **804.7 Arrests by peace officers.**

20 1. A peace officer may make an arrest in obedience to a
21 warrant delivered to the peace officer; ~~and without a warrant~~
22 under any of the following circumstances:

23 ~~1-~~ a. For a public offense committed or attempted in the
24 peace officer's presence.

25 ~~2-~~ b. Where a public offense has in fact been committed,
26 and the peace officer has reasonable ~~ground~~ grounds for
27 believing that the person to be arrested has committed it.

28 ~~3-~~ c. Where the peace officer has reasonable ~~ground~~ grounds
29 for believing that an indictable public offense has been
30 committed and has reasonable ~~ground~~ grounds for believing that
31 the person to be arrested has committed it.

32 ~~4-~~ d. Where the peace officer has received from the
33 department of public safety, or from any other peace officer of
34 this state or any other state or the United States an official
35 communication by bulletin, radio, telegraph, telephone, or

1 otherwise, informing the peace officer that a warrant has been
2 issued and is being held for the arrest of the person to be
3 arrested on a designated charge.

4 ~~5.~~ e. If the peace officer has reasonable grounds for
5 believing that domestic abuse, as defined in [section 236.2](#),
6 has occurred and has reasonable grounds for believing that the
7 person to be arrested has committed it.

8 ~~6.~~ f. As required by [section 236.12, subsection 2](#).

9 2. The authority of a peace officer to make an arrest as
10 provided in subsection 1 extends to any location in the state.

11 Sec. 3. Section 804.7A, subsection 2, unnumbered paragraph
12 1, Code 2023, is amended to read as follows:

13 A federal law enforcement officer has the same authority,
14 as provided in [section 804.7, subsection 3 1, paragraph "c"](#),
15 and has the same immunity from suit in this state as a peace
16 officer, as defined in [section 801.4, subsection 11](#), when
17 making an arrest in this state for a nonfederal crime if either
18 of the following exists:

19 EXPLANATION

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

22 This bill relates to the review of an officer-involved
23 shooting case by a county attorney, and the jurisdiction of a
24 peace officer to make an arrest in the state.

25 The bill provides that in the case of an officer-involved
26 shooting resulting in the death or serious bodily injury of
27 a person, the county attorney shall review the evidence and
28 render a written opinion and charging decision, convene a grand
29 jury, or refer the case to the attorney general for independent
30 review and a charging decision. The results of the review
31 shall promptly be provided to the officer involved or the
32 officer's legal counsel and the officer's employing agency.
33 If the case presents a conflict of interest, the review shall
34 be referred to an independent county attorney, the attorney
35 general, or a special prosecutor.

1 The bill provides that the authority of a peace officer to
2 make an arrest under the following conditions extends to any
3 location in the state: a public offense committed or attempted
4 in the peace officer's presence; where a public offense has
5 in fact been committed, and the peace officer has reasonable
6 grounds for believing that the person to be arrested has
7 committed it; where the peace officer has reasonable grounds
8 for believing that an indictable public offense has been
9 committed and that the person to be arrested has committed it;
10 where the peace officer has received an official communication
11 by bulletin, radio, telegraph, telephone, or otherwise,
12 informing the peace officer that a warrant has been issued
13 and is being held for the arrest of the person to be arrested
14 on a designated charge; the peace officer has reasonable
15 grounds for believing that domestic abuse has occurred and has
16 reasonable grounds for believing that the person to be arrested
17 has committed it; or as required by Code section 236.12(2)
18 (domestic abuse).