

House File 227 - Reprinted

HOUSE FILE 227
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 33)

(As Amended and Passed by the House March 24, 2015)

A BILL FOR

1 An Act relating to strip searches of persons at a jail or
2 municipal holding facility.

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

1 Section 1. NEW SECTION. 702.24 Visual strip search.

2 A "*visual strip search*" means having a person remove or
3 arrange some or all of the person's clothing so as to permit
4 a visual inspection of the genitalia, buttocks, anus, female
5 breasts, or undergarments of that person.

6 Sec. 2. Section 804.30, Code 2015, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **804.30 Strip searches and visual strip searches of persons**
9 **arrested for scheduled violations or simple misdemeanors.**

10 1. *a.* A person arrested for a scheduled violation or a
11 simple misdemeanor who is housed in the general population of a
12 county jail or municipal holding facility may be subject to a
13 visual strip search. Such a person may be subject to a strip
14 search if there is probable cause to believe that the person is
15 concealing a weapon or contraband and written authorization of
16 the supervisor on duty is obtained.

17 *b.* A person arrested for a scheduled violation or a simple
18 misdemeanor who is not housed in the general population of
19 a county jail or municipal holding facility shall not be
20 subjected to either a strip search or a visual strip search
21 unless there is probable cause to believe that the person is
22 concealing a weapon or contraband and written authorization of
23 the supervisor on duty is obtained.

24 *c.* A strip search conducted pursuant to this section that
25 involves the physical probing of a body cavity, other than the
26 mouth, ears, or nose, shall require a search warrant and shall
27 only be performed by a licensed physician unless voluntarily
28 waived in writing by the arrested person.

29 2. Any person arrested for a scheduled violation or a simple
30 misdemeanor may be subjected to a search probing the mouth,
31 ears, or nose.

32 3. All searches conducted pursuant to this section shall be
33 performed under sanitary conditions.

34 4. All searches conducted pursuant to this section, except
35 for the probing of the mouth, ears, or nose, shall be conducted

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1 in a place where the search cannot be observed by persons not
2 conducting the search.

3 5. All searches conducted pursuant to this section shall be
4 conducted by a person of the same sex as the arrested person,
5 except for the probing of the mouth, ears, or nose, unless the
6 search is conducted by a physician.

7 6. Subsequent to a strip search pursuant to this section,
8 a written report shall be prepared which includes the written
9 authorization required by this section, the name of the person
10 subjected to the search, the names of the persons conducting
11 the search, the time, date, and place of the search, and a copy
12 of the search warrant, if applicable authorizing the search. A
13 copy of the report shall be provided to the person searched.