

COMMENTS FOR THE INTERIM COMMITTEE OF THE IOWA LEGISLATURE
ON LOCAL GOVERNMENT MANDATES

COMMENTS SUBMITTED ON BEHALF OF THE
IOWA STATE SHERIFFS & DEPUTIES ASSOCIATION

November 7, 2014

My name is Susan Cameron, representing the Iowa State Sheriffs and Deputies Association (ISSDA). Thank you for the opportunity to comment.

To best understand the increasing mandates on and duties of Iowa Sheriffs and Deputies, I encourage you to scan the duties of the Sheriff in Iowa Code Chapter 331.653. The duties of the Sheriff in Chapter 331 alone include 71 subsections, and new duties and mandates are added almost every year. Beyond these duties, you can review the responsibilities of the Sheriff as it relates to the Jail in Chapter 356.

That is not to say that Iowa Sheriffs oppose these duties. Quite the opposite. They take an oath to protect and serve the citizens of Iowa and to enforce state laws. But a glance at these duties will give you an idea why Iowa property taxpayers are feeling the increasing pressure of funding local public safety.

As Jamie Cashman of ISAC stated earlier today, significant financial pressures for Sheriffs' Offices continue to be in the areas of mental health transport, sex offender registry duties, patrol and traffic enforcement, jail administration, courthouse security, training, and civil process service, to name a few of the duties in Chapter 331.

In 2015, the Iowa State Sheriffs and Deputies Association will bring forward a legislative proposal to address the rising costs associated with the service of civil process, including warrants, writs, subpoenas and other official orders. User fees for these services, which are set in Iowa law, have not been increased for 14 years, yet the costs of service have increased substantially over the same period. If user fees do not fund a greater portion of these actual costs, all property taxpayers will continue to fund the increasing personnel and travel costs associated with service.

Also, ISSDA will be supporting proposals by ISAC and other organizations that will address rising medical costs for county jails and rising costs associated with transportation of involuntary mental health committals. We will be providing more specific data as the Legislative session draws nearer.

Thank you for holding this meeting to hear about the financial impact of state legislation on local governments and for allowing ISSDA to comment today.

331.653 General duties of the sheriff.

The sheriff shall:

1. Execute and return all writs and other legal process issued to the sheriff by legal authority. The sheriff shall execute and return any legal process in the sheriff's possession at the expiration of the sheriff's term of office and if a vacancy occurs in the office of sheriff, the sheriff's deputies shall execute and return the legal processes in their possession as if the sheriff had continued in office. The sheriff's successor or other officer authorized to discharge the duties of the office of sheriff may execute and return the legal processes on behalf of the outgoing sheriff and the sheriff's deputies, but the outgoing sheriff and the sheriff's deputies remain liable for the execution and return of the legal processes in their possession when the sheriff leaves office or the vacancy occurs.
2. Upon written order of the county attorney, make a special investigation of any alleged infraction of the law within the county and report the findings to the county attorney within a reasonable time. Upon completion of the investigation, the sheriff shall file with the auditor a detailed, sworn statement of the expenses of the investigation accompanied by the written order of the county attorney. The board shall audit and pay the reasonable and necessary expenses of the investigation.
3. Upon leaving office, deliver to the sheriff's successor and take the successor's receipt for all books and papers pertaining to the office except as provided in subsection 1, property attached and levied upon, and prisoners in the county jail. The receipt is sufficient indemnity to the outgoing sheriff.
4. Provide bailiff and other law enforcement service to the district judges, district associate judges, and associate juvenile judges, and judicial magistrates of the county upon request.
5. Serve as a member of the local emergency management commission as provided in section 29C.9.
6. Enforce the provisions of chapter 718A relating to the desecration of flags and insignia.
7. Carry out duties relating to election contests as provided in sections 57.6, 62.4, and 62.19.
8. Carry out duties relating to the seizure and disposition of illegal oil and gas supplies as provided in section 458A.15.
9. Serve a notice or subpoena received from a board of arbitration as provided in section 679B.10.
10. Cooperate with the division of labor services of the department of workforce development in the enforcement of child labor laws as provided in section 92.22.
11. Carry out duties relating to the seizure and forfeiture of cigarettes, vehicles, and other property used in violation of cigarette tax laws as provided in section 453A.32.
12. Observe and inspect any licensed premise for gambling devices and report findings to the license-issuing authority as provided in section 99A.4.
13. Carry out duties relating to the issuance of permits for the possession, transportation, and detonation of explosive materials as provided in sections 101A.3, 101A.5, 101A.7, and 101A.8.
14. Seize fish and game taken, possessed, or transported in violation of the state fish and game laws as provided in section 481A.12.
15. Carry out duties relating to the enforcement of state liquor and beer laws as provided in sections 123.14, 123.117, and 123.118.
16. Reserved.
17. Enforce the payment of the manufactured or mobile home tax as provided in section 435.24.
18. Carry out duties relating to the reporting of persons injured in the commission of a crime, either as perpetrators or victims, as provided in sections 147.111 and 147.112.
19. Carry out duties relating to the enforcement of livestock transportation laws as provided in chapter 172B.
20. Investigate disputes in the ownership or custody of branded animals as provided in section 169A.10.
21. Reserved.

22. Reserved.
23. Carry out duties relating to the involuntary hospitalization of persons with mental illness as provided in sections 229.7 and 229.11.
- 23A. Carry out duties related to service of a summons, notice, or subpoena pursuant to sections 232.35, 232.37, and 232.88.
24. Carry out duties relating to the assessment of reported child abuse cases and the protection of abused children as provided in section 232.71B.
25. Remove, upon court order, an indigent person to the county or state of the person's legal settlement as provided in section 252.18.
26. Reserved.
27. Give notice of the time and place of making an appraisal of unneeded school land as provided in sections 297.17 and 297.28.
28. Cooperate with the state department of transportation, the department of public safety, and other law enforcement agencies in the enforcement of local and state traffic laws and inspections as provided in sections 321.5 and 321.6.
29. Report the theft and recovery of a registered motor vehicle as provided in section 321.72.
30. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 to 321.135.
31. Reserved.
32. Enforce sections 321.372 to 321.379 relating to school buses.
33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while intoxicated as provided in chapter 321J.
34. Upon request, assist the department of revenue and the state department of transportation in the enforcement of motor fuel tax laws as provided in section 452A.76.
35. Have charge of the county jails in the county and custody of the prisoners committed to the jails as provided in chapter 356.
36. Reserved.
37. Reserved.
38. Notify the department of natural resources of hazardous conditions of which the sheriff is notified as provided in section 455B.386.
39. Carry out duties relating to condemnation of private property as provided under chapter 6B.
40. Carry out duties relating to the removal and disposition of abandoned motor vehicles as provided in section 556B.1.
41. Carry out duties relating to the determination of what is included in a homestead as provided in section 561.8.
42. Carry out duties relating to liens for services of animals as provided in chapter 580.
43. Carry out duties relating to the service of notice on a jury commissioner or jury manager as provided in section 607A.44.
44. Reserved.
45. Designate the newspapers in which notices pertaining to the sheriff's office are published as provided in section 618.7.
46. Carry out duties relating to the execution of judgments and orders of the court as provided in chapter 626.
47. Add the amount of an advancement made by the holder of the sheriff's sale certificate to the execution, upon verification by the clerk as provided by section 629.3.
48. Upon appointment of the court, serve as a receiver of property of a judgment debtor as provided in sections 630.7 and 630.9.
49. Carry out duties relating to the attachment of property as provided in chapters 639, 640, and 641.
50. Carry out duties relating to garnishment under chapter 642.
51. Carry out duties relating to an action of replevin as provided in chapter 643.
52. Carry out orders of the court or a judge relating to the service or execution of a writ of habeas corpus as provided under chapter 663.
53. Carry out duties relating to the disposition of lost property as provided in chapter 556F.

54. Carry out orders of the court requiring the sheriff to take custody and deposit or deliver trust funds as provided in section 636.30.
55. Carry out legal processes directed by an appellate court as provided in section 625A.14.
56. Furnish the division of criminal investigation with the criminal identification records and other information upon direction by the commissioner of public safety as provided in section 690.1.
57. Take the fingerprints of all persons specified under section 690.2 and forward the fingerprint records to the commissioner of public safety.
58. Report information on crimes committed and delinquent acts committed, which would be a serious or aggravated misdemeanor or felony if committed by an adult, and furnish disposition reports on persons arrested and juveniles taken into custody, for a delinquent act which would be a serious or aggravated misdemeanor or felony if committed by an adult, and criminal complaints or information or juvenile delinquency petitions, alleging a delinquent act which would be a serious or aggravated misdemeanor or felony if committed by an adult, filed in any court as provided in section 692.15.
59. Carry out duties relating to firearm training and the issuance and revocation of firearm permits as provided in chapter 724.
60. Accept custody of persons handed over to the sheriff by the department of public safety as provided in section 804.28.
61. Carry out duties relating to the forfeiture and judgment of bail as provided in section 811.6.
62. Resume custody of a defendant who is recommitted after bail by order of a magistrate as provided in section 811.7.
63. Carry out duties relating to the confinement of persons who are considered dangerous persons under section 811.1A or persons with a mental disorder as provided in chapter 812.
64. Release a defendant in custody upon receipt of a certificate of release as provided in section 814.14.
65. Upon call of the governor or attorney general, render assistance in the enforcement of the law as provided in section 817.2.
- 65A. Carry out the duties imposed under sections 915.11 and 915.16.
66. Upon court order, take an accused person into custody from the warden of a penal institution and convey the person to the place of trial as provided in rule of criminal procedure 2.7.
67. Receive and detain a defendant transferred from another county under a change of venue as provided in rule of criminal procedure 2.11(10).
68. Carry out duties relating to the execution of a judgment for confinement or other execution as provided in rule of criminal procedure 2.26.
69. Carry out duties relating to the return of service in civil cases as provided in rule of civil procedure 1.308.
70. Serve a writ of certiorari as provided in rule of civil procedure 1.1407.
71. Carry out other duties required by law and duties assigned pursuant to section 331.323.
1. [C51, §170, 177; R60, §383, 390, 3264; C73, §337, 344, 346; C97, §499, 504, 506; S13, §499-b; C24, 27, 31, 35, 39, §5183, 5188, 5190; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.3, 337.8, 337.10; S81, §331.653(1); 81 Acts, ch 117, §652]
2. [S13, §499-c; C24, 27, 31, 35, 39, §5184; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.4; S81, §331.653(2); 81 Acts, ch 117, §652]
3. [C51, §178; R60, §391; C73, §345; C97, §505; C24, 27, 31, 35, 39, §5189; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.9; S81, §331.653(3); 81 Acts, ch 117, §652]
4. [C51, §174; R60, §387; C73, §341; C97, §503; C24, 27, 31, 35, 39, §5187; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.7; S81, §331.653(4); 81 Acts, ch 117, §652]
- 5 – 71. [S81, §331.653(5 – 71); 81 Acts, ch 117, §652]
- 83 Acts, ch 101, §79; 83 Acts, ch 186, §10090, 10091, 10201; 85 Acts, ch 67, §41; 86 Acts, ch 1108, §5; 86 Acts, ch 1121, §2; 86 Acts, ch 1155, §7; 86 Acts, ch 1220, §39; 87 Acts, ch 115, §54; 90 Acts, ch 1230, §91; 91 Acts, ch 191, §14; 92 Acts, ch 1139, §28; 94 Acts, ch 1103, §3; 94 Acts, ch 1173, §27; 95 Acts, ch 67, §29; 95 Acts, ch 191, §24; 96 Acts, ch 1111, §1; 96 Acts,

ch 1129, §113; 96 Acts, ch 1186, §23; 97 Acts, ch 35, §23, 25; 97 Acts, ch 126, §41, 42; 98 Acts, ch 1090, §68, 84; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2003 Acts, ch 145, §286; 2003 Acts, ch 151, §27; 2004 Acts, ch 1084, §3; 2005 Acts, ch 167, §56, 66; 2006 Acts, ch 1034, §2; 2008 Acts, ch 1181, §37; 2009 Acts, ch 133, §126; 2012 Acts, ch 1021, §69; 2013 Acts, ch 90, §93

Referred to in §331.654
[T] Subsection 33 amended