

hundred nine (2409), inclusive, of this division have been satisfied. However, the training program requirements in section two thousand four hundred seven (2407) of this division may be waived for renewal permits. The issuing officer shall collect a fee of ~~three~~ five dollars, except from a duly appointed peace officer, for each permit issued. Renewal permits shall be issued for a fee of ~~one-dollar~~ two dollars. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to two dollars for each permit issued and one dollar for each renewal permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering this division. Any unspent balance as of June thirtieth of each year shall revert to the general fund as provided by section eight point thirty-three (8.33) of the Code.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 8, 1977

CHAPTER 152
CRIMINAL ARREST

S. F. 355

AN ACT changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section four hundred eleven (411), unnumbered paragraph one (1), is amended to read as follows:

A peace officer, while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the ~~peace-officer-is-justified-in-using-deadly-force-only-when-he-or-she-reasonably-believes-that-such-force-is~~

~~necessary-to-prevent-death-or-serious-injury-to-any-person,~~
~~or-when-the-peace-officer-reasonably-believes-that-the-per-~~
~~son-being-arrested-has-committed-a-felony~~ use of deadly force
is only justified when a person cannot be captured any other
way and either

1. The person has used or threatened to use deadly force
in committing a felony or

2. The peace officer reasonably believes the person would
use deadly force against any person unless immediately appre-
hended.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 13, 1977
