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SENATE FILE 283
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1108)

Passed Senate, Date 3-29-05 Passed House, Date 4-12-05
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0
Approved 4-19-05

A BILL FOR

1 An Act relating to the department of public safety by updating
2 references, changing the names of divisions in the department,
3 and changing practices and procedures.

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

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SC 283

1 Section 1. NEW SECTION. 80.1A DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Commissioner" means the commissioner of public safety.

5 2. "Controlled substance" means the same as defined in
6 section 124.101.

7 3. "Counterfeit substance" means the same as defined in
8 section 124.101.

9 4. "Department" means the department of public safety.

10 5. "Peace officer" means a peace officer of the department
11 as defined in section 97A.1.

12 Sec. 2. Section 80.6, Code 2005, is amended to read as
13 follows:

14 80.6 IMPERSONATING PEACE OFFICER OR EMPLOYEE -- UNIFORM.

15 Any person who impersonates ~~a member of the Iowa state~~
16 ~~patrol or other~~ a peace officer or employee of the department,
17 or wears a uniform likely to be confused with the official
18 uniform of any such officer or employee, with intent to
19 deceive anyone, shall be guilty of a simple misdemeanor.

20 Sec. 3. Section 80.8, unnumbered paragraphs 1, 3, and 5,
21 Code 2005, are amended to read as follows:

22 The commissioner ~~of public safety, with the approval of the~~
23 ~~governor,~~ shall ~~appoint such deputies, inspectors, officers,~~
24 ~~clerical workers and other employees~~ employ personnel as may
25 be required to properly discharge the duties of this the
26 department.

27 The salaries of ~~all members~~ peace officers and employees of
28 the department and the expenses of the department shall be
29 provided for by the a legislative appropriation ~~therefor~~. The
30 compensation of peace officers of the department shall be
31 fixed according to grades as to rank and length of service by
32 the commissioner with the approval of the governor department
33 of administrative services, unless covered by a collective
34 bargaining agreement that provides otherwise. The peace
35 officers shall be paid additional compensation in accordance

1 with the following formula: When peace officers have served
2 for a period of five years, their compensation then being paid
3 shall be increased by the sum of twenty-five dollars per month
4 beginning with the month succeeding the foregoing described
5 five-year period; when peace officers have served for a period
6 of ten years, their compensation then being paid shall be
7 increased by the sum of twenty-five dollars per month
8 beginning with the month succeeding the foregoing described
9 ten-year period, such sums being in addition to the increase
10 provided herein to be paid after five years of service; when
11 peace officers have served for a period of fifteen years,
12 their compensation then being paid shall be increased by the
13 sum of twenty-five dollars per month beginning with the month
14 succeeding the foregoing described fifteen-year period, such
15 sums being in addition to the increases previously provided
16 for herein; when peace officers have served for a period of
17 twenty years, their compensation then being paid shall be
18 increased by the sum of twenty-five dollars per month
19 beginning with the month succeeding the foregoing described
20 twenty-year period, such sums being in addition to the
21 increases previously provided for herein. While on active
22 duty, each peace officer shall also receive a flat daily sum
23 as fixed by the commissioner ~~with the approval of the governor~~
24 for meals unless the amount of the flat daily sum is covered
25 by a collective bargaining agreement that provides otherwise.

26 ~~Peace officer-members~~ officers of the department excluded
27 from the provisions of chapter 20 who are injured in the line
28 of duty shall receive paid time off in the same manner as
29 provided to ~~peace officer-members~~ officers of the department
30 covered by a collective bargaining agreement entered into
31 between the state and the employee organization representing
32 such covered ~~peace officer-members~~ officers under chapter 20.

33 Sec. 4. Section 80.9, unnumbered paragraph 1, Code 2005,
34 is amended to read as follows:

35 It shall be the duty of the department ~~of public safety~~ to

1 prevent crime, to detect and apprehend criminals and to
2 enforce such other laws as are hereinafter specified. ~~The~~
3 ~~members~~ A peace officer of the department ~~of-public-safety,~~
4 ~~except-clerical-workers-therein,~~ when authorized by the
5 commissioner ~~of-public-safety~~ shall have and exercise all the
6 powers of any other peace officer of the state.

7 Sec. 5. Section 80.9, subsection 1, paragraph b, Code
8 2005, is amended to read as follows:

9 b. When request is made by the mayor of any city, with the
10 approval of the commissioner ~~of-public-safety;~~

11 Sec. 6. Section 80.9, subsection 1, unnumbered paragraph
12 2, Code 2005, is amended to read as follows:

13 When ~~any-member~~ a peace officer of the department ~~shall-be~~
14 is acting in cooperation with any other local peace officer,
15 or county attorney in general criminal investigation work, or
16 when acting on a special assignment by the commissioner, the
17 ~~member's~~ jurisdiction ~~shall-be~~ of the peace officer is
18 statewide.

19 Sec. 7. Section 80.9, subsection 4, Code 2005, is amended
20 by striking the subsection and inserting in lieu thereof the
21 following:

22 4. The state patrol is established in the department. The
23 patrol shall be under the direction of the commissioner. The
24 number of supervisory officers shall be in proportion to the
25 membership of the state patrol.

26 Sec. 8. Section 80.9, Code 2005, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 5. The department shall be primarily
29 responsible for the enforcement of all laws and rules relating
30 to any controlled substance or counterfeit substance, except
31 for making accountability audits of the supply and inventory
32 of controlled substances in the possession of pharmacists,
33 physicians, hospitals, and health care facilities as defined
34 in section 135C.1, as well as in the possession of any and all
35 other individuals or institutions authorized to have

1 possession of any controlled substances.

2 Sec. 9. Section 80.11, Code 2005, is amended to read as
3 follows:

4 80.11 COURSE OF INSTRUCTION.

5 The course ~~or courses~~ of instruction for peace officers of
6 the department shall ~~include instruction in the following~~
7 ~~subjects and such others as shall be deemed advisable by the~~
8 ~~college of law and the commissioner of public safety:~~

9 ~~1.--Criminal law.~~

10 ~~2.--Identification of criminals and fingerprinting.~~

11 ~~3.--Methods of criminal investigation.~~

12 ~~4.--Rules of criminal evidence.~~

13 ~~5.--Presentation of cases in court.~~

14 ~~6.--Making of complaints and securing of criminal warrants.~~

15 ~~7.--Securing and use of search warrants.~~

16 ~~8.--How to secure extradition and return.~~

17 ~~9.--Small arms instruction.~~

18 ~~10.--Regulation of traffic.~~

19 ~~11.--First aid.~~, at a minimum, be equal to the course of

20 instruction required by the Iowa law enforcement academy

21 pursuant to chapter 80B.

22 Sec. 10. Section 80.13, Code 2005, is amended to read as
23 follows:

24 80.13 TRAINING SCHOOLS.

25 The commissioner ~~of public safety is authorized to~~ may hold
26 a training school for peace officer candidates ~~for or members~~
27 for peace officers of the department ~~of public safety~~, and may
28 send to recognized training schools ~~such members~~ peace
29 officers of the department as the commissioner may deem
30 advisable. The expenses of such school of training shall be
31 paid in the same manner as other expenses ~~of the patrol~~ paid
32 by the department.

33 Sec. 11. Section 80.15, Code 2005, is amended to read as
34 follows:

35 80.15 EXAMINATION -- OATH -- PROBATION -- DISCIPLINE --

1 DISMISSAL.

2 An applicant ~~for-membership to be a peace officer~~ in the
3 department ~~of-public-safety,--except-clerical-workers-and~~
4 ~~special-agents-appointed-under-section-80-7,~~ shall not be
5 appointed as a member peace officer until the applicant has
6 passed a satisfactory physical and mental examination. In
7 addition, the applicant must be a citizen of the United States
8 and be not less than twenty-two years of age. However, an
9 applicant applying for assignment to provide protection and
10 security for persons and property on the grounds of the state
11 capitol complex or a peace officer candidate shall not be less
12 than eighteen years of age. The mental examination shall be
13 conducted under the direction or supervision of the
14 commissioner ~~of-public-safety~~ and may be oral or written or
15 both. ~~Each~~ An applicant shall take an oath on becoming a
16 member peace officer of the ~~force~~ department, to uphold the
17 laws and Constitution of the United States and Constitution of
18 the ~~state~~ State of Iowa. During the period of twelve months
19 after appointment, ~~any-member~~ a peace officer of the
20 department ~~of-public-safety,--except-members-of-the-present~~
21 ~~Iowa-state-patrol-who-have-served-more-than-six-months,~~ is
22 subject to dismissal at the will of the commissioner. After
23 the twelve months' service, a member peace officer of the
24 department, who was appointed after having passed the
25 examinations, is not subject to dismissal, suspension,
26 disciplinary demotion, or other disciplinary action resulting
27 in the loss of pay unless charges have been filed with the
28 department of inspections and appeals and a hearing held by
29 the employment appeal board created by section 10A.601, if
30 requested by the member peace officer, at which the member
31 peace officer has an opportunity to present a defense to the
32 charges. The decision of the appeal board is final, subject
33 to the right of judicial review in accordance with the terms
34 of the Iowa administrative procedure Act, chapter 17A.
35 However, these procedures as to dismissal, suspension,

1 demotion, or other discipline do not apply to a member peace
 2 officer who is covered by a collective bargaining agreement
 3 which provides otherwise ~~nor~~ and do not apply to the demotion
 4 of a division head to the rank which the division head held at
 5 the time of appointment as division head, if any. A division
 6 head who is demoted has the right to return to the rank which
 7 the division head held at the time of appointment as division
 8 head, if any. All rules, except employment provisions
 9 negotiated pursuant to chapter 20, regarding the enlistment,
 10 appointment, and employment affecting the personnel of the
 11 department shall be established by the commissioner in
 12 consultation with the director of the department of
 13 administrative services, subject to approval by the governor.
 14 Sec. 12. Section 80.17, Code 2005, is amended to read as
 15 follows:

16 80.17 GENERAL ALLOCATION OF DUTIES.

17 1. In general, the allocation of duties of the department
 18 ~~of-public-safety~~ shall be as follows:

19 ~~1-~~ a. Commissioner's office.

20 ~~2-~~ b. Division of ~~statistics-and-records~~ administrative
 21 services.

22 ~~3-~~ c. Division of criminal investigation.

23 ~~4-~~ d. Division of ~~the-Iowa~~ state patrol.

24 ~~5-~~ e. Division of state fire protection marshal.

25 ~~6-~~ f. Division of inspection narcotics enforcement.

26 ~~7--Division-of-capitol-police-~~

27 2. The commissioner may appoint a chief, director, a first
 28 and second assistant to the director, and all other
 29 supervisory officers in each division. All appointments and
 30 promotions shall be made on the basis of seniority and a merit
 31 examination.

32 ~~3.~~ Nothing-in-the The aforesaid allocation of duties shall
 33 not be interpreted to prevent flexibility in interdepartmental
 34 operations or to forbid other divisional allocations of duties
 35 in the discretion of the commissioner ~~of-public-safety.~~

1 Sec. 13. Section 80.18, Code 2005, is amended to read as
2 follows:

3 80.18 EXPENSES AND SUPPLIES -- REIMBURSEMENT.

4 ~~It shall be the duty of the~~ The commissioner ~~of public~~
5 ~~safety to~~ shall provide ~~for the members~~ peace officers of the
6 department when on duty, with suitable uniforms, subsistence,
7 arms, equipment, quarters, and other necessary supplies, and
8 also the expense and means of travel and boarding ~~the members~~
9 ~~of the department~~, according to rules ~~made~~ adopted by the
10 commissioner, and as may be provided by appropriation.

11 The department may expend moneys from the support
12 allocation of the department as reimbursement for replacement
13 or repair of personal items of the department's peace officers
14 or employees damaged or destroyed during ~~the~~ a peace officer's
15 or employee's ~~tour-of-duty~~ course of employment. However, the
16 reimbursement shall not exceed the greater of one hundred
17 fifty dollars or the amount agreed to under the collective
18 bargaining agreement for each item. The department shall
19 ~~establish~~ adopt rules in accordance with chapter 17A to ~~carry~~
20 ~~out the purpose of~~ administer this paragraph.

21 Sec. 14. Section 80.19, unnumbered paragraph 1, Code 2005,
22 is amended to read as follows:

23 The commissioner ~~of public safety~~ may ~~co-operate~~ cooperate
24 with any recognized agency in the education of the public in
25 highway safety.

26 Sec. 15. Section 80.20, Code 2005, is amended to read as
27 follows:

28 80.20 DIVISIONAL HEADQUARTERS.

29 The commissioner ~~of public safety~~ may, subject to the
30 approval of the governor, establish divisional headquarters at
31 various places in the state. Supervisory officers may be at
32 all times on duty in each district headquarters.

33 Sec. 16. Section 80.23, Code 2005, is amended to read as
34 follows:

35 80.23 SPECIAL STATE AGENTS -- MEANING.

1 ~~Whenever mention is made in the Code of~~ If the term
2 "special state agents" is used in the Code in connection with
3 law enforcement, the ~~same term~~ shall be construed to mean
4 ~~members a peace officer~~ of the state department ~~of public~~
5 ~~safety~~.

6 Sec. 17. Section 80.24, Code 2005, is amended to read as
7 follows:

8 80.24 MUNICIPAL AND INDUSTRIAL DISPUTES.

9 ~~The police employees~~ A peace officer of the department
10 shall not be used or called upon for service within any
11 municipality or in any industrial dispute unless ~~actual a~~
12 threat of imminent violence has occurred therein exists, and
13 then only either by order of the governor or on the request of
14 the chief executive officer of the municipality or the sheriff
15 of the county ~~wherein where~~ the ~~dispute has occurred~~ threat of
16 imminent violence exists if such request is approved by the
17 governor.

18 Sec. 18. Section 80.33, Code 2005, is amended to read as
19 follows:

20 80.33 ACCESS TO DRUG RECORDS BY AGENTS PEACE OFFICERS.

21 ~~Every~~ A person required by law to keep records, and ~~any a~~
22 carrier maintaining records with respect to any shipment
23 containing any controlled or counterfeit substances shall,
24 upon request of an authorized ~~agent~~ peace officer of the
25 department ~~of public safety~~, designated by the commissioner of
26 ~~public safety~~, permit such ~~agent~~ peace officer at reasonable
27 times to have access to and copy such records. For the
28 purpose of examining and verifying such records, an authorized
29 ~~agents~~ peace officer of the department ~~of public safety~~,
30 designated by the commissioner ~~of public safety~~, may enter at
31 reasonable times any place or vehicle in which any controlled
32 or counterfeit substance is held, manufactured, dispensed,
33 compounded, processed, sold, delivered, or otherwise disposed
34 of and inspect such place or vehicle, and the contents ~~thereof~~
35 of such place or vehicle. For the purpose of enforcing laws

1 relating to controlled or counterfeit substances, and upon
2 good cause shown, ~~personnel-of-the-division-of-drug-law~~
3 ~~enforcement-in~~ the peace officer of the department of ~~public~~
4 ~~safety~~ shall be allowed to inspect audits and records in the
5 possession of the state board of pharmacy examiners.

6 Sec. 19. Section 80.34, Code 2005, is amended to read as
7 follows:

8 80.34 ~~POWERS-OF-PEACE-OFFICERS~~ PEACE OFFICER -- AUTHORITY.

9 Any An authorized ~~agent~~ peace officer of the department of
10 ~~public-safety~~ designated to conduct examinations,
11 investigations, or inspections and enforce the laws relating
12 to controlled or counterfeit substances shall have all the
13 ~~powers~~ authority of other peace officers and may arrest a
14 person without warrant for offenses under this chapter
15 committed in the ~~agent's~~ peace officer's presence or, in the
16 case of a felony, if the ~~agent~~ peace officer has probable
17 cause to believe that the person arrested has committed or is
18 committing such offense. ~~Such-officers~~ A peace officer of the
19 department shall have the same ~~powers~~ authority as other peace
20 officers to seize controlled or counterfeit substances or
21 articles used in the manufacture or sale of controlled or
22 counterfeit substances which they have reasonable grounds to
23 believe are in violation of law. Such controlled or
24 counterfeit substances or articles shall be subject to
25 condemnation.

26 Sec. 20. Section 80.36, Code 2005, is amended to read as
27 follows:

28 80.36 MAXIMUM AGE.

29 A person shall not be employed as a peace officer in the
30 department of ~~public-safety~~ after attaining sixty-five years
31 of age.

32 Sec. 21. Section 80.39, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. Personal property, except for motor vehicles subject to
35 sale pursuant to section 321.89, and seizable property subject

1 to disposition pursuant to chapter 809 or 809A, which personal
2 property is found or seized by, turned in to, or otherwise
3 lawfully comes into the possession of the department ~~of public~~
4 ~~safety~~ or a local law enforcement agency and which the
5 department or agency does not own, shall be disposed of
6 pursuant to this section. If by examining the property the
7 owner or lawful custodian of the property is known or can be
8 readily ascertained, the department or agency shall notify the
9 owner or custodian by certified mail directed to the owner's
10 or custodian's last known address, as to the location of the
11 property. If the identity or address of the owner cannot be
12 determined, notice by one publication in a newspaper of
13 general circulation in the area where the property was found
14 is sufficient notice. A published notice may contain multiple
15 items.

16 Sec. 22. Section 97A.1, subsection 13, Code 2005, is
17 amended by striking the subsection and inserting in lieu
18 thereof the following:

19 13. "Peace officer" means a member, except a non-peace
20 officer member, of the division of state patrol, narcotics
21 enforcement, state fire marshal, or criminal investigation,
22 including but not limited to a gaming enforcement officer, who
23 has passed a satisfactory physical and mental examination and
24 has been duly appointed as a member of the department of
25 public safety in accordance with section 80.15.

26 Sec. 23. Section 97A.3, subsection 1, Code 2005, is
27 amended to read as follows:

28 1. All peace officer members of the division of highway
29 ~~safety, uniformed force, and radio communications~~ state patrol
30 and the division of criminal investigation ~~and bureau of~~
31 ~~identification~~ in the department of public safety, excepting
32 the members of the clerical force, who are employed by the
33 state of Iowa on July 4, 1949, and all persons thereafter
34 employed as members of such divisions in the department of
35 public safety or division of ~~drug law~~ narcotics enforcement

1 ~~and-arson-investigators~~ or division of state fire marshal,
2 except the members of the clerical force, shall be members of
3 this system, except as otherwise provided in subsection 3.
4 Effective July 1, 1994, gaming enforcement officers employed
5 by the division of criminal investigation for excursion boat
6 gambling enforcement activities, and fire prevention inspector
7 peace officers employed by the department of public safety,
8 ~~and-employees-of-the-division-of-capitol-police, except~~
9 ~~clerical-workers,~~ shall be members of this system, except as
10 otherwise provided in subsection 3 or section 97B.42B. Such
11 members shall not be required to make contributions under any
12 other pension or retirement system of the state of Iowa,
13 anything to the contrary notwithstanding.

14 Sec. 24. Section 97B.42B, subsection 1, paragraph c, Code
15 2005, is amended by striking the paragraph.

16 Sec. 25. Section 100B.13, subsections 1 and 4, Code 2005,
17 are amended to read as follows:

18 1. A volunteer fire fighter preparedness fund is created
19 as a separate and distinct fund in the state treasury under
20 the control of the division of state fire protection marshal
21 of the department of public safety.

22 4. Moneys in the volunteer fire fighter preparedness fund
23 are appropriated to the division of state fire protection
24 marshal of the department of public safety to be used annually
25 to pay the costs of providing volunteer fire fighter training
26 around the state and to pay the costs of providing volunteer
27 fire fighting equipment.

28 Sec. 26. Section 100C.9, Code 2005, is amended to read as
29 follows:

30 100C.9 DEPOSIT AND USE OF MONEYS COLLECTED.

31 1. All fees assessed pursuant to this chapter shall be
32 retained as repayment receipts by the division of state fire
33 protection marshal in the department of public safety and such
34 fees received shall be used exclusively to offset the costs of
35 administering this chapter.

1 2. Notwithstanding section 8.33, fees collected by the
2 division of state fire protection marshal that remain
3 unencumbered or unobligated at the close of the fiscal year
4 shall not revert but shall remain available for expenditure
5 for the purposes designated until the close of the succeeding
6 fiscal year.

7 Sec. 27. Section 100C.10, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. A fire extinguishing system contractors advisory board
10 is established in the division of state fire protection
11 marshal of the department of public safety and shall advise
12 the ~~state-fire-marshal~~ division on matters pertaining to the
13 application and certification of fire extinguishing system
14 contractors pursuant to this chapter.

15 Sec. 28. Section 123.14, Code 2005, is amended to read as
16 follows:

17 123.14 BEER, WINE, AND LIQUOR LAW ENFORCEMENT.

18 1. The ~~division-of-beer-and-liquor-law-enforcement-of-the~~
19 department of public safety, ~~created-pursuant-to-section~~
20 80-25, is the primary beer, wine, and liquor law enforcement
21 authority for this state.

22 2. The ~~other-law-enforcement-divisions-of-the-department~~
23 ~~of-public-safety,~~ the county attorney, the county sheriff and
24 the sheriff's deputies, and the police department of every
25 city, and the alcoholic beverages division of the department
26 of commerce, shall be supplementary aids to the ~~division-of~~
27 ~~beer-and-liquor-law-enforcement~~ department of public safety.
28 Any neglect, misfeasance, or malfeasance shown by any peace
29 officer included in this section shall be sufficient cause for
30 the peace officer's removal as provided by law. ~~Nothing-in~~
31 ~~this~~ This section shall not be construed to affect the duties
32 and responsibilities of any county attorney or peace officer
33 with respect to law enforcement.

34 3. The ~~division-of-beer-and-liquor-law-enforcement~~
35 department of public safety shall have full access to all

1 records, reports, audits, tax reports and all other documents
2 and papers in the alcoholic beverages division pertaining to
3 liquor licensees and wine and beer permittees and their
4 business.

5 Sec. 29. Section 124.510, unnumbered paragraph 2, Code
6 2005, is amended to read as follows:

7 This information is for the exclusive use of the division
8 of narcotic ~~and-drug~~ enforcement, in the department of public
9 safety, and shall not be a matter of public record.

10 Sec. 30. Section 305.8, subsection 1, paragraph b, Code
11 2005, is amended to read as follows:

12 b. In consultation with the homeland security and
13 emergency management division of the department of public
14 safety defense, establish policies, standards, and guidelines
15 for the identification, protection, and preservation of
16 records essential for the continuity or reestablishment of
17 governmental functions in the event of an emergency arising
18 from a natural or other disaster.

19 Sec. 31. CODE EDITOR DIRECTIVES.

20 1. The Code editor is directed to change the term "Iowa
21 state patrol" to "state patrol" wherever that term appears in
22 the 2005 Code or in Acts enacted during a regular or
23 extraordinary 2005 session of the general assembly, or in
24 other Acts pending codification.

25 2. The Code editor is directed to change the term
26 "division of criminal investigation and bureau of
27 identification" to "division of criminal investigation"
28 wherever the term appears in the 2005 Code or in Acts enacted
29 during a regular or extraordinary 2005 session of the general
30 assembly, or in other Acts pending codification.

31 Sec. 32. Sections 80.4, 80.5, 80.10, 80.12, 80.16, 80.25,
32 80.27, 80.30, and 80.35, Code 2005, are repealed.

33

EXPLANATION

34 This bill relates to the practices and procedures of the
35 department of public safety.

1 The bill adds defined terms to Code chapter 80 to enhance
2 the readability of the chapter. The bill strikes the term
3 "member" from the chapter and defines "peace officer" to mean
4 a peace officer member of the department as defined under the
5 bill in Code section 97A.1, subsection 13.

6 Under the bill the commissioner of public safety shall
7 employ the personnel necessary to properly discharge the
8 duties of the department. Current law requires the
9 commissioner to obtain the approval of the governor prior to
10 hiring personnel.

11 The bill provides that all salaries of the peace officers
12 and employees of the department shall be provided for by a
13 legislative appropriation unless the salaries are covered by a
14 collective bargaining agreement that provides otherwise. The
15 bill also provides that a peace officer of the department
16 shall receive a flat daily sum for meals as set by the
17 commissioner, unless the flat daily sum is covered by a
18 collective bargaining agreement that provides otherwise.

19 The bill repeals the section establishing the state patrol
20 in Code section 80.4 and establishes the state patrol in Code
21 section 80.9. The bill also changes the name of the division
22 of the Iowa state patrol to the division of state patrol.

23 The bill also transfers the controlled substance
24 enforcement duties of the department from Code section 80.27
25 to Code section 80.9, and repeals Code section 80.27.

26 The bill makes the course of instruction for peace officers
27 of the department, at a minimum, the course of instruction
28 required by the Iowa law enforcement academy.

29 The department, under the bill, shall pay the expenses for
30 training in the same manner as other expenses paid by the
31 department. Current law provides that payment be made in the
32 same manner as other expenses of the state patrol.

33 The bill provides that an applicant for a peace officer
34 position at the department must be at least 18 years of age if
35 the applicant is applying for assignment to provide protection

1 or security at the capitol complex or the applicant is
2 applying to be a peace officer candidate. All other peace
3 officer applicants for a position at the department must be at
4 least 22 years of age.

5 The bill eliminates references to or changes the name of
6 some of the divisions within the department.

7 The bill repeals Code section 80.5, and transfers a portion
8 of the Code section to Code section 80.17, and provides that
9 the number of supervisors of the state patrol shall be in
10 proportion to the peace officers within the patrol.

11 The bill permits an employee who uses personal items during
12 the course of employment to be reimbursed by the department
13 for any damaged items not to exceed the greater of \$150 or an
14 amount agreed upon under a collective bargaining agreement.
15 Current law only permits reimbursement of up to \$150 for
16 damaged personal items used during the course of employment.

17 Under the bill, a peace officer of the department may be
18 called to duty within a municipality or in any industrial
19 dispute if there is a threat of imminent violence. Under
20 current law, the peace officer may only be called to duty in
21 an industrial dispute if there is actual violence.

22 The bill repeals Code sections 80.10 and 80.12, relating to
23 the department utilizing, and peace officers or peace officer
24 candidates attending, a short course of instruction at the
25 university of Iowa.

26 The bill repeals Code section 80.16, requiring the separate
27 bonding of special agents of the department.

28 The bill repeals Code section 80.25, establishing a
29 division of beer and liquor law enforcement.

30 The bill repeals Code section 80.30, relating to exceptions
31 to certain qualifications required of prospective employees of
32 the department.

33 The bill repeals Code section 80.35, relating to the
34 transition of persons providing security at the capitol
35 complex from the former department of general services to the

1 department of public safety.

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**EIGHTY FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MARCH 29, 2005

SENATE FILE 283

S-3061

1 Amend Senate File 283 as follows:

2 1. Page 10, by inserting after line 15 the
3 following:

4 "Sec. . . . NEW SECTION. 80F.1 OFFICER RIGHTS
5 DURING AN INVESTIGATION OF THE OFFICER.

6 1. As used in this section, unless the context
7 otherwise requires:

8 a. "Complaint" means a formal written complaint
9 signed by a complainant detailing the complainant's
10 allegation against an officer or a description of an
11 incident involving an officer.

12 b. "Formal investigation" means an investigative
13 process ordered by a commanding officer to determine
14 the merits of a complaint, if the complaint may lead
15 to filing criminal charges, dismissal of an officer
16 from the officer's duties, suspension of an officer's
17 duties, or any other disciplinary action against an
18 officer.

19 c. "Informal inquiry" means a meeting by
20 supervisory or command personnel over an officer who
21 is the subject of the complaint to determine if a
22 formal investigation should be commenced.

23 d. "Interrogation" means the questioning of an
24 officer through a formal investigative process. The
25 term does not include questioning which is part of an
26 informal inquiry where no disciplinary action will be
27 taken.

28 e. "Officer" means a correctional officer, jailer
29 as defined in section 708.3A, a peace officer as
30 defined in section 801.4, or a fire fighter.

31 f. "Statement" means an officer's formal written
32 response to a complaint.

33 2. Upon submission of a complaint against or
34 involving an officer, the officer shall be given a
35 copy of the complaint. An officer is not required to
36 submit a statement responding to allegations against
37 or involving the officer until a complaint has been
38 submitted in accordance with this section.

39 3. An officer shall not be required to submit to a
40 polygraph examination during a formal investigation or
41 informal inquiry. An officer shall not be disciplined
42 for refusing to submit to such a test, and notes or
43 records shall not be kept or entered anywhere of an
44 officer's refusal to submit to a polygraph
45 examination. Such a refusal shall not be admissible
46 at any subsequent hearing, trial, or judicial or
47 administrative proceeding.

48 4. An officer who is the subject of a formal
49 investigation or informal inquiry has the right to
50 have an attorney of the officer's choosing present

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1 during the investigative process. The officer shall
2 be notified of any meeting or interrogation regarding
3 the complaint at least forty-eight hours prior to any
4 such meeting or interrogation. The officer shall also
5 be notified at least forty-eight hours prior to such
6 meeting or interrogation of any applicable rules or
7 regulations relating to the meeting or interrogation,
8 or laws allegedly violated.

9 5. An officer who is the subject of a formal
10 investigation or informal inquiry shall not be
11 threatened or subjected to offensive language in any
12 manner.

13 6. An interrogation may be recorded by mechanized
14 means by the officer or the investigator or both. The
15 officer's refusal to be interrogated may also be
16 recorded. A copy of any recording shall be provided
17 to the officer within twenty-four hours of any written
18 request for a copy.

19 7. Upon written request, an officer shall also be
20 given copies of witness statements and the
21 investigating agency's investigative report.

22 8. Any interrogation shall be conducted at the
23 investigating agency's facility or at a place and time
24 of mutual agreement with the officer being
25 interrogated.

26 9. The officer being interrogated shall be
27 interrogated while not on duty and shall be
28 compensated as if on overtime status.

29 10. An officer's photograph shall not be released
30 to the public by the officer's agency or governmental
31 entity prior to obtaining the officer's written
32 permission.

33 11. An officer shall not be discharged, threatened
34 with discharge, or disciplined for exercising the
35 officer's rights enumerated in this section.

36 12. The rights enumerated in this section are in
37 addition to rights and privileges established under
38 any collective bargaining agreement or applicable law.

39 13. If an officer's superior officer or the
40 investigative agency violates any terms of this
41 section while conducting a formal investigation, the
42 officer shall not be discharged or otherwise
43 disciplined and any information obtained by the
44 investigative agency shall be excluded from evidence
45 in any subsequent hearing, trial, or judicial or
46 administrative proceeding.

47 14. An officer subjected to a formal investigation
48 for an alleged criminal act shall be afforded all
49 constitutional rights afforded to any private citizen
50 under investigation for a criminal act."

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Page 3

1 2. Title page, line 1, by inserting after the word "to"
2 the following: "the rights of certain law enforcement
3 occupations, correctional officers, and fire fighters,
4 and to".

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S-3061 FILED MARCH 28, 2005

Hancock CO-chair

Zawn CO-chair

Warnstadt

Brunkhorst

SSB# 1108

Judiciary

Succeeded By

SF/HF 283

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the department of public safety by updating
2 references, changing the names of divisions in the department,
3 and changing practices and procedures.

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

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1 Section 1. NEW SECTION. 80.1A DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Commissioner" means the commissioner of public safety.

5 2. "Controlled substance" means the same as defined in
6 section 124.101.

7 3. "Counterfeit substance" means the same as defined in
8 section 124.101.

9 4. "Department" means the department of public safety.

10 5. "Peace officer" means a peace officer of the department
11 as defined in section 97A.3.

12 Sec. 2. Section 80.6, Code 2005, is amended to read as
13 follows:

14 80.6 IMPERSONATING PEACE OFFICER OR EMPLOYEE -- UNIFORM.

15 Any person who impersonates ~~a member of the Iowa state~~
16 ~~patrol or other~~ a peace officer or employee of the department,
17 or wears a uniform likely to be confused with the official
18 uniform of any such officer or employee, with intent to
19 deceive anyone, shall be guilty of a simple misdemeanor.

20 Sec. 3. Section 80.8, unnumbered paragraphs 1, 3, and 5,
21 Code 2005, are amended to read as follows:

22 The commissioner ~~of public safety, with the approval of the~~
23 ~~governor,~~ shall ~~appoint such deputies, inspectors, officers,~~
24 ~~clerical workers and other employees~~ employ personnel as may
25 be required to properly discharge the duties of ~~this~~ the
26 department.

27 The salaries of ~~all members~~ peace officers and employees of
28 the department, unless covered by a collective bargaining
29 agreement, and the expenses of the department shall be
30 provided for by ~~the~~ a legislative appropriation ~~therefor~~. The
31 compensation of peace officers of the department shall be
32 fixed according to grades as to rank and length of service by
33 the commissioner with the approval of the ~~governor~~ department
34 of administrative services. The peace officers shall be paid
35 additional compensation in accordance with the following

1 formula: When peace officers have served for a period of five
2 years, their compensation then being paid shall be increased
3 by the sum of twenty-five dollars per month beginning with the
4 month succeeding the foregoing described five-year period;
5 when peace officers have served for a period of ten years,
6 their compensation then being paid shall be increased by the
7 sum of twenty-five dollars per month beginning with the month
8 succeeding the foregoing described ten-year period, such sums
9 being in addition to the increase provided herein to be paid
10 after five years of service; when peace officers have served
11 for a period of fifteen years, their compensation then being
12 paid shall be increased by the sum of twenty-five dollars per
13 month beginning with the month succeeding the foregoing
14 described fifteen-year period, such sums being in addition to
15 the increases previously provided for herein; when peace
16 officers have served for a period of twenty years, their
17 compensation then being paid shall be increased by the sum of
18 twenty-five dollars per month beginning with the month
19 succeeding the foregoing described twenty-year period, such
20 sums being in addition to the increases previously provided
21 for herein. While on active duty, each peace officer shall
22 also receive a flat daily sum as fixed by the commissioner
23 ~~with the approval of the governor~~ for meals unless the
24 allowable daily sum is covered by a collective bargaining
25 agreement.

26 Peace officer-members officers of the department excluded
27 from the provisions of chapter 20 who are injured in the line
28 of duty shall receive paid time off in the same manner as
29 provided to peace officer-members officers of the department
30 covered by a collective bargaining agreement entered into
31 between the state and the employee organization representing
32 such covered peace officer-members officers under chapter 20.

33 Sec. 4. Section 80.9, unnumbered paragraph 1, Code 2005,
34 is amended to read as follows:

35 It shall be the duty of the department ~~of public safety~~ to

1 prevent crime, to detect and apprehend criminals and to
2 enforce such other laws as are hereinafter specified. The
3 members A peace officer of the department ~~of-public-safety~~,
4 ~~except-clerical-workers-therein~~, when authorized by the
5 commissioner ~~of-public-safety~~ shall have and exercise all the
6 powers of any other peace officer of the state.

7 Sec. 5. Section 80.9, subsection 1, paragraph b, Code
8 2005, is amended to read as follows:

9 b. When request is made by the mayor of any city, with the
10 approval of the commissioner ~~of-public-safety~~;

11 Sec. 6. Section 80.9, subsection 1, unnumbered paragraph
12 2, Code 2005, is amended to read as follows:

13 When ~~any-member~~ a peace officer of the department ~~shall-be~~
14 is acting in cooperation with any other local peace officer,
15 or county attorney in general criminal investigation work, or
16 when acting on a special assignment by the commissioner, the
17 ~~member's~~ jurisdiction ~~shall-be~~ of the peace officer is
18 statewide.

19 Sec. 7. Section 80.9, subsection 4, Code 2005, is amended
20 by striking the subsection and inserting in lieu thereof the
21 following:

22 4. The state patrol is established in the department. The
23 patrol shall be under the direction of the commissioner.

24 Sec. 8. Section 80.9, Code 2005, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 5. The department shall be primarily
27 responsible for the enforcement of all laws and rules relating
28 to any controlled substance or counterfeit substance, except
29 for making accountability audits of the supply and inventory
30 of controlled substances in the possession of pharmacists,
31 physicians, hospitals, and health care facilities as defined
32 in section 135C.1, as well as in the possession of any and all
33 other individuals or institutions authorized to have
34 possession of any controlled substances.

35 Sec. 9. Section 80.11, Code 2005, is amended to read as

1 follows:

2 80.11 COURSE OF INSTRUCTION.

3 The course ~~or-courses~~ of instruction for peace officers of
4 the department shall ~~include-instruction-in-the-following~~
5 ~~subjects-and-such-others-as-shall-be-deemed-advisable-by-the~~
6 ~~college-of-law-and-the-commissioner-of-public-safety:~~

7 ~~1:--Criminal-law:~~

8 ~~2:--Identification-of-criminals-and-fingerprinting:~~

9 ~~3:--Methods-of-criminal-investigation:~~

10 ~~4:--Rules-of-criminal-evidence:~~

11 ~~5:--Presentation-of-cases-in-court:~~

12 ~~6:--Making-of-complaints-and-securing-of-criminal-warrants:~~

13 ~~7:--Securing-and-use-of-search-warrants:~~

14 ~~8:--How-to-secure-extradition-and-return:~~

15 ~~9:--Small-arms-instruction:~~

16 ~~10:--Regulation-of-traffic:~~

17 ~~11:--First-aid:~~, at a minimum, be equal to the course of

18 instruction required by the Iowa law enforcement academy

19 pursuant to chapter 80B.

20 Sec. 10. Section 80.13, Code 2005, is amended to read as
21 follows:

22 80.13 TRAINING SCHOOLS.

23 The commissioner ~~of-public-safety-is-authorized-to~~ may hold
24 a training school for peace officer candidates ~~for or members~~
25 for peace officers of the department ~~of-public-safety,~~ and may
26 send to recognized training schools ~~such-members~~ peace
27 officers of the department as the commissioner may deem
28 advisable. The expenses of such school of training shall be
29 paid in the same manner as other expenses ~~of-the-patro~~ paid
30 by the department.

31 Sec. 11. Section 80.15, Code 2005, is amended to read as
32 follows:

33 80.15 EXAMINATION -- OATH -- PROBATION -- DISCIPLINE --
34 DISMISSAL.

35 An applicant ~~for-membership~~ to be a peace officer in the

1 ~~department of-public-safety, except-clerical-workers-and~~
2 ~~special-agents-appointed-under-section-80-7,~~ shall not be
3 appointed as a member peace officer until the applicant has
4 passed a satisfactory physical and mental examination. In
5 addition, the applicant must be a citizen of the United States
6 and be not less than twenty-two years of age. However, an
7 applicant applying for assignment to provide protection and
8 security for persons and property on the grounds of the state
9 capitol complex or a peace officer candidate shall not be less
10 than eighteen years of age. The mental examination shall be
11 conducted under the direction or supervision of the
12 ~~commissioner of-public-safety~~ and may be oral or written or
13 both. Each An applicant shall take an oath on becoming a
14 member peace officer of the ~~force~~ department, to uphold the
15 laws and Constitution of the United States and Constitution of
16 the ~~state~~ State of Iowa. During the period of twelve months
17 after appointment, ~~any-member~~ a peace officer of the
18 ~~department of-public-safety, except-members-of-the-present~~
19 ~~Iowa-state-patrol-who-have-served-more-than-six-months,~~ is
20 subject to dismissal at the will of the commissioner. After
21 the twelve months' service, a member peace officer of the
22 department, who was appointed after having passed the
23 examinations, is not subject to dismissal, suspension,
24 disciplinary demotion, or other disciplinary action resulting
25 in the loss of pay unless charges have been filed with the
26 department of inspections and appeals and a hearing held by
27 the employment appeal board created by section 10A.601, if
28 requested by the member peace officer, at which the member
29 peace officer has an opportunity to present a defense to the
30 charges. The decision of the appeal board is final, subject
31 to the right of judicial review in accordance with the terms
32 of the Iowa administrative procedure Act, chapter 17A.
33 However, these procedures as to dismissal, suspension,
34 demotion, or other discipline do not apply to a member peace
35 officer who is covered by a collective bargaining agreement

1 which provides otherwise ~~nor~~ and do not apply to the demotion
 2 of a division head to the rank which the division head held at
 3 the time of appointment as division head, if any. A division
 4 head who is demoted has the right to return to the rank which
 5 the division head held at the time of appointment as division
 6 head, if any. All rules, except employment provisions
 7 negotiated pursuant to chapter 20, regarding the enlistment,
 8 appointment, and employment affecting the personnel of the
 9 department shall be established by the commissioner in
 10 consultation with the director of the department of
 11 administrative services, subject to approval by the governor.

12 Sec. 12. Section 80.17, Code 2005, is amended to read as
 13 follows:

14 80.17 GENERAL ALLOCATION OF DUTIES.

15 1. In general, the allocation of duties of the department
 16 ~~of-public-safety~~ shall be as follows:

17 ~~1-~~ a. Commissioner's office.

18 ~~2-~~ b. Division of ~~statistics-and-records~~ administrative
 19 services.

20 ~~3-~~ c. Division of criminal investigation.

21 ~~4-~~ d. Division of the-Iowa state patrol.

22 ~~5-~~ e. Division of state fire protection marshal.

23 ~~6-~~ f. Division of inspection narcotics enforcement.

24 ~~7--Division-of-capitol-police-~~

25 2. The commissioner may appoint a chief director, a first
 26 and second assistant to the director, and all other
 27 supervisory officers in each division. All appointments and
 28 promotions shall be made on the basis of seniority and a merit
 29 examination.

30 ~~3.~~ Nothing-in-the The aforesaid allocation of duties shall
 31 not be interpreted to prevent flexibility in interdepartmental
 32 operations or to forbid other divisional allocations of duties
 33 in the discretion of the commissioner ~~of-public-safety.~~

34 Sec. 13. Section 80.18, Code 2005, is amended to read as
 35 follows:

1 80.18 EXPENSES AND SUPPLIES -- REIMBURSEMENT.

2 ~~It shall be the duty of the~~ The commissioner of public
3 ~~safety to~~ shall provide ~~for the members~~ peace officers of the
4 department when on duty, with suitable uniforms, subsistence,
5 arms, equipment, quarters, and other necessary supplies, and
6 also the expense and means of travel and boarding ~~the members~~
7 ~~of the department,~~ according to rules ~~made~~ adopted by the
8 commissioner, and as may be provided by appropriation.

9 The department may expend moneys from the support
10 allocation of the department as reimbursement for replacement
11 or repair of personal items of the department's peace officers
12 or employees damaged or destroyed during the a peace officer's
13 or employee's tour-of-duty course of employment. However, the
14 reimbursement shall not exceed one hundred fifty dollars or
15 the amount agreed to under the collective bargaining agreement
16 for each item. The department shall ~~establish~~ adopt rules in
17 accordance with chapter 17A to ~~carry-out-the-purpose-of~~
18 administer this paragraph.

19 Sec. 14. Section 80.19, unnumbered paragraph 1, Code 2005,
20 is amended to read as follows:

21 The commissioner ~~of public safety~~ may ~~co-operate~~ cooperate
22 with any recognized agency in the education of the public in
23 highway safety.

24 Sec. 15. Section 80.20, Code 2005, is amended to read as
25 follows:

26 80.20 DIVISIONAL HEADQUARTERS.

27 The commissioner ~~of public safety~~ may, subject to the
28 approval of the governor, establish divisional headquarters at
29 various places in the state. Supervisory officers may be at
30 all times on duty in each district headquarters.

31 Sec. 16. Section 80.23, Code 2005, is amended to read as
32 follows:

33 80.23 SPECIAL STATE AGENTS -- MEANING.

34 ~~Whenever mention is made, in the Code, of~~ If the term
35 "special state agents" is used in the Code in connection with

1 law enforcement, the same term shall be construed to mean
2 members a peace officer of the state department of-public
3 safety.

4 Sec. 17. Section 80.24, Code 2005, is amended to read as
5 follows:

6 80.24 MUNICIPAL AND INDUSTRIAL DISPUTES.

7 ~~The-police-employees~~ A peace officer of the department
8 shall not be used or called upon for service within any
9 municipality or in any industrial dispute unless ~~actual~~ a
10 threat of imminent violence has-occurred-therein exists, and
11 then only either by order of the governor or on the request of
12 the chief executive officer of the municipality or the sheriff
13 of the county ~~wherein~~ where the ~~dispute-has-occurred~~ threat of
14 imminent violence exists if such request is approved by the
15 governor.

16 Sec. 18. Section 80.33, Code 2005, is amended to read as
17 follows:

18 80.33 ACCESS TO DRUG RECORDS BY AGENTS PEACE OFFICERS.

19 Every A person required by law to keep records, and any a
20 carrier maintaining records with respect to any shipment
21 containing any controlled or counterfeit substances shall,
22 upon request of an authorized agent peace officer of the
23 department ~~of-public-safety~~, designated by the commissioner of
24 ~~public-safety~~, permit such agent peace officer at reasonable
25 times to have access to and copy such records. For the
26 purpose of examining and verifying such records, an authorized
27 agents peace officer of the department ~~of-public-safety~~,
28 designated by the commissioner ~~of-public-safety~~, may enter at
29 reasonable times any place or vehicle in which any controlled
30 or counterfeit substance is held, manufactured, dispensed,
31 compounded, processed, sold, delivered, or otherwise disposed
32 of and inspect such place or vehicle, and the contents thereof
33 of such place or vehicle. For the purpose of enforcing laws
34 relating to controlled or counterfeit substances, and upon
35 good cause shown, ~~personnel-of-the-division-of-drug-law~~

1 ~~enforcement-in~~ the peace officer of the department ~~of-public~~
2 ~~safety~~ shall be allowed to inspect audits and records in the
3 possession of the state board of pharmacy examiners.

4 Sec. 19. Section 80.34, Code 2005, is amended to read as
5 follows:

6 80.34 ~~POWERS-OF-PEACE-OFFICERS~~ PEACE OFFICER -- AUTHORITY.

7 Any An authorized ~~agent~~ peace officer of the department ~~of~~
8 ~~public-safety~~ designated to conduct examinations,
9 investigations, or inspections and enforce the laws relating
10 to controlled or counterfeit substances shall have all the
11 ~~powers~~ authority of other peace officers and may arrest a
12 person without warrant for offenses under this chapter
13 committed in the ~~agent's~~ peace officer's presence or, in the
14 case of a felony, if the ~~agent~~ peace officer has probable
15 cause to believe that the person arrested has committed or is
16 committing such offense. ~~Such-officers~~ A peace officer of the
17 department shall have the same ~~powers~~ authority as other peace
18 officers to seize controlled or counterfeit substances or
19 articles used in the manufacture or sale of controlled or
20 counterfeit substances which they have reasonable grounds to
21 believe are in violation of law. Such controlled or
22 counterfeit substances or articles shall be subject to
23 condemnation.

24 Sec. 20. Section 80.36, Code 2005, is amended to read as
25 follows:

26 80.36 MAXIMUM AGE.

27 A person shall not be employed as a peace officer in the
28 department ~~of-public-safety~~ after attaining sixty-five years
29 of age.

30 Sec. 21. Section 80.39, subsection 1, Code 2005, is
31 amended to read as follows:

32 1. Personal property, except for motor vehicles subject to
33 sale pursuant to section 321.89, and seizable property subject
34 to disposition pursuant to chapter 809 or 809A, which personal
35 property is found or seized by, turned in to, or otherwise

1 lawfully comes into the possession of the department of public
 2 safety or a local law enforcement agency and which the
 3 department or agency does not own, shall be disposed of
 4 pursuant to this section. If by examining the property the
 5 owner or lawful custodian of the property is known or can be
 6 readily ascertained, the department or agency shall notify the
 7 owner or custodian by certified mail directed to the owner's
 8 or custodian's last known address, as to the location of the
 9 property. If the identity or address of the owner cannot be
 10 determined, notice by one publication in a newspaper of
 11 general circulation in the area where the property was found
 12 is sufficient notice. A published notice may contain multiple
 13 items.

14 Sec. 22. Section 97A.1, subsection 13, Code 2005, is
 15 amended to read as follows:

16 13. "Peace officer" ~~or "peace officers" shall mean all~~
 17 members means a member of the divisions division of the Iowa
 18 state patrol and or division of criminal investigation and
 19 bureau of identification in the department of public safety,
 20 except clerical workers, including but not limited to gaming
 21 enforcement officers employed by the division of criminal
 22 investigation for excursion boat gambling enforcement
 23 activities, who have has passed a satisfactory physical and
 24 mental examination and have has been duly appointed as members
 25 a member of the state department of public safety in
 26 accordance with section 80.15, and or a member of the division
 27 of drug-law-enforcement, and arson investigators and narcotics
 28 enforcement or division of state fire prevention-inspector
 29 peace-officers marshal in the department of public safety,
 30 except-clerical-workers, employees of the division of capitol
 31 police, except-clerical-workers, and the division of beer and
 32 liquor-law-enforcement of the department of public safety,
 33 except-clerical-workers.

34 Sec. 23. Section 97A.3, subsection 1, Code 2005, is
 35 amended to read as follows:

1 1. All members of the division of highway safety,
2 uniformed force, and radio communications and the division of
3 criminal investigation ~~and-bureau-of-identification~~ in the
4 department of public safety, excepting the members of the
5 clerical force, who are employed by the state of Iowa on July
6 4, 1949, and all persons thereafter employed as members of
7 such divisions in the department of public safety or division
8 of ~~drug-law~~ narcotics enforcement and-arson-investigators or
9 division of state fire marshal, except the members of the
10 clerical force, shall be members of this system, except as
11 otherwise provided in subsection 3. Effective July 1, 1994,
12 gaming enforcement officers employed by the division of
13 criminal investigation for excursion boat gambling enforcement
14 activities, and fire prevention inspector peace officers
15 employed by the department of public safety, ~~and-employees-of~~
16 ~~the-division-of-capitol-police-except-clerical-workers~~, shall
17 be members of this system, except as otherwise provided in
18 subsection 3 or section 97B.42B. Such members shall not be
19 required to make contributions under any other pension or
20 retirement system of the state of Iowa, anything to the
21 contrary notwithstanding.

22 Sec. 24. Section 97B.42B, subsection 1, paragraph c, Code
23 2005, is amended by striking the paragraph.

24 Sec. 25. Section 100B.13, subsections 1 and 4, Code 2005,
25 are amended to read as follows:

26 1. A volunteer fire fighter preparedness fund is created
27 as a separate and distinct fund in the state treasury under
28 the control of the division of state fire protection marshal
29 of the department of public safety.

30 4. Moneys in the volunteer fire fighter preparedness fund
31 are appropriated to the division of state fire protection
32 marshal of the department of public safety to be used annually
33 to pay the costs of providing volunteer fire fighter training
34 around the state and to pay the costs of providing volunteer
35 fire fighting equipment.

1 Sec. 26. Section 100C.9, Code 2005, is amended to read as
2 follows:

3 100C.9 DEPOSIT AND USE OF MONEYS COLLECTED.

4 1. All fees assessed pursuant to this chapter shall be
5 retained as repayment receipts by the division of state fire
6 protection marshal in the department of public safety and such
7 fees received shall be used exclusively to offset the costs of
8 administering this chapter.

9 2. Notwithstanding section 8.33, fees collected by the
10 division of state fire protection marshal that remain
11 unencumbered or unobligated at the close of the fiscal year
12 shall not revert but shall remain available for expenditure
13 for the purposes designated until the close of the succeeding
14 fiscal year.

15 Sec. 27. Section 100C.10, subsection 1, Code 2005, is
16 amended to read as follows:

17 1. A fire extinguishing system contractors advisory board
18 is established in the division of state fire protection
19 marshal of the department of public safety and shall advise
20 the ~~state-fire-marshal~~ division on matters pertaining to the
21 application and certification of fire extinguishing system
22 contractors pursuant to this chapter.

23 Sec. 28. Section 123.14, Code 2005, is amended to read as
24 follows:

25 123.14 BEER, WINE, AND LIQUOR LAW ENFORCEMENT.

26 1. ~~The division of beer and liquor law enforcement of the~~
27 ~~department of public safety, created pursuant to section~~
28 ~~80-257~~ is the primary beer, wine, and liquor law enforcement
29 authority for this state.

30 2. ~~The other law enforcement divisions of the department~~
31 ~~of public safety, the county attorney, the county sheriff and~~
32 ~~the sheriff's deputies, and the police department of every~~
33 ~~city, and the alcoholic beverages division of the department~~
34 ~~of commerce, shall be supplementary aids to the division of~~
35 ~~beer and liquor law enforcement~~ department of public safety.

1 Any neglect, misfeasance, or malfeasance shown by any peace
2 officer included in this section shall be sufficient cause for
3 the peace officer's removal as provided by law. ~~Nothing-in~~
4 ~~this~~ This section shall not be construed to affect the duties
5 and responsibilities of any county attorney or peace officer
6 with respect to law enforcement.

7 3. ~~The division-of-beer-and-liquor-law-enforcement~~
8 department of public safety shall have full access to all
9 records, reports, audits, tax reports and all other documents
10 and papers in the alcoholic beverages division pertaining to
11 liquor licensees and wine and beer permittees and their
12 business.

13 Sec. 29. Section 124.510, unnumbered paragraph 2, Code
14 2005, is amended to read as follows:

15 This information is for the exclusive use of the division
16 of narcotic ~~and-drug~~ enforcement, in the department of public
17 safety, and shall not be a matter of public record.

18 Sec. 30. Section 305.8, subsection 1, paragraph b, Code
19 2005, is amended to read as follows:

20 b. In consultation with the homeland security and
21 emergency management division of the department of public
22 safety defense, establish policies, standards, and guidelines
23 for the identification, protection, and preservation of
24 records essential for the continuity or reestablishment of
25 governmental functions in the event of an emergency arising
26 from a natural or other disaster.

27 Sec. 31. Section 690.1, Code 2005, is amended to read as
28 follows:

29 690.1 CRIMINAL IDENTIFICATION.

30 The commissioner of public safety may provide in the
31 department a ~~bureau~~ division of criminal identification. The
32 commissioner may adopt rules for the same. The sheriff of
33 each county and the chief of police of each city shall furnish
34 to the department criminal identification records and other
35 information as directed by the commissioner of public safety.

1 in Code section 80.4 and establishes the state patrol in Code
2 section 80.9. The bill also changes the name of the division
3 of the Iowa state patrol to the division of state patrol.

4 The bill also transfers the controlled substance
5 enforcement duties of the department from Code section 80.27
6 to Code section 80.9, and repeals Code section 80.27.

7 The bill makes the course of instruction for peace officers
8 of the department, at a minimum, the course of instruction
9 required by the Iowa law enforcement academy.

10 The department, under the bill, shall pay the expenses for
11 training in the same manner as other expenses paid by the
12 department. Current law provides that payment be made in the
13 same manner as other expenses of the state patrol.

14 The bill provides that an applicant for a peace officer
15 position at the department must be at least 18 years of age if
16 the applicant is applying for assignment to provide protection
17 or security at the capitol complex or the applicant is
18 applying to be a peace officer candidate. All other peace
19 officer applicants for a position at the department must be at
20 least 22 years of age.

21 The bill eliminates references to or changes the name of
22 some of the divisions within the department.

23 The bill repeals Code section 80.5, and transfers a portion
24 of the Code section to Code section 80.17, eliminating the
25 restriction on the total number of supervisors within the
26 state patrol.

27 The bill permits an employee who uses personal items during
28 the course of employment to be reimbursed by the department
29 for any damaged items under applicable provisions of a
30 collective bargaining agreement. Current law only permits
31 reimbursement of up to \$150 for damaged personal items used
32 during the course of employment.

33 Under the bill, a peace officer of the department may be
34 called to duty within a municipality or in any industrial
35 dispute if there is a threat of imminent violence. Under

1 current law, the peace officer may only be called to duty in
2 an industrial dispute if there is actual violence.

3 The bill repeals Code sections 80.10 and 80.12, relating to
4 the department utilizing, and peace officers or peace officer
5 candidates attending, a short course of instruction at the
6 university of Iowa.

7 The bill repeals Code section 80.16, requiring the separate
8 bonding of special agents of the department.

9 The bill repeals Code section 80.25, establishing a
10 division of beer and liquor law enforcement.

11 The bill repeals Code section 80.30, relating to exceptions
12 to certain qualifications required of prospective employees of
13 the department.

14 The bill repeals Code section 80.35, relating to the
15 transition of persons providing security at the capitol
16 complex from the former department of general services to the
17 department of public safety.

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SENATE FILE 283

AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY BY UPDATING REFERENCES, CHANGING THE NAMES OF DIVISIONS IN THE DEPARTMENT, AND CHANGING PRACTICES AND PROCEDURES.

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

Section 1. NEW SECTION. 80.1A DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the commissioner of public safety.
2. "Controlled substance" means the same as defined in section 124.101.
3. "Counterfeit substance" means the same as defined in section 124.101.
4. "Department" means the department of public safety.
5. "Peace officer" means a peace officer of the department as defined in section 97A.1.

Sec. 2. Section 80.6, Code 2005, is amended to read as follows:

80.6 IMPERSONATING PEACE OFFICER OR EMPLOYEE -- UNIFORM.

Any person who impersonates ~~a member of the Iowa state patrol or other a~~ peace officer or employee of the department, or wears a uniform likely to be confused with the official uniform of any such officer or employee, with intent to deceive anyone, shall be guilty of a simple misdemeanor.

Sec. 3. Section 80.8, unnumbered paragraphs 1, 3, and 5, Code 2005, are amended to read as follows:

~~The commissioner of public safety, with the approval of the governor, shall appoint such deputies, inspectors, officers, clerical workers and other employees~~ employ personnel as may

be required to properly discharge the duties of this the department.

The salaries of ~~all members~~ peace officers and employees of the department and the expenses of the department shall be provided for by a legislative appropriation therefor. The compensation of peace officers of the department shall be fixed according to grades as to rank and length of service by the commissioner with the approval of the governor department of administrative services, unless covered by a collective bargaining agreement that provides otherwise. The peace officers shall be paid additional compensation in accordance with the following formula: When peace officers have served for a period of five years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described five-year period; when peace officers have served for a period of ten years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described ten-year period, such sums being in addition to the increase provided herein to be paid after five years of service; when peace officers have served for a period of fifteen years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described fifteen-year period, such sums being in addition to the increases previously provided for herein; when peace officers have served for a period of twenty years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described twenty-year period, such sums being in addition to the increases previously provided for herein. While on active duty, each peace officer shall also receive a flat daily sum as fixed by the commissioner ~~with the approval of the governor~~ for meals unless the amount of the flat daily sum is covered by a collective bargaining agreement that provides otherwise.

Peace officer-members officers of the department excluded from the provisions of chapter 20 who are injured in the line of duty shall receive paid time off in the same manner as provided to peace officer-members officers of the department covered by a collective bargaining agreement entered into between the state and the employee organization representing such covered peace officer-members officers under chapter 20.

Sec. 4. Section 80.9, unnumbered paragraph 1, Code 2005, is amended to read as follows:

It shall be the duty of the department ~~of public safety~~ to prevent crime, to detect and apprehend criminals and to enforce such other laws as are hereinafter specified. ~~The members~~ A peace officer of the department ~~of public safety~~ ~~except clerical workers therein~~, when authorized by the commissioner ~~of public safety~~ shall have and exercise all the powers of any other peace officer of the state.

Sec. 5. Section 80.9, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. When request is made by the mayor of any city, with the approval of the commissioner ~~of public safety~~;

Sec. 6. Section 80.9, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

When any member a peace officer of the department ~~shall be~~ is acting in cooperation with any other local peace officer, or county attorney in general criminal investigation work, or when acting on a special assignment by the commissioner, the member's jurisdiction ~~shall be~~ of the peace officer is statewide.

Sec. 7. Section 80.9, subsection 4, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

4. The state patrol is established in the department. The patrol shall be under the direction of the commissioner. The number of supervisory officers shall be in proportion to the membership of the state patrol.

Sec. 8. Section 80.9, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall be primarily responsible for the enforcement of all laws and rules relating to any controlled substance or counterfeit substance, except for making accountability audits of the supply and inventory of controlled substances in the possession of pharmacists, physicians, hospitals, and health care facilities as defined in section 135C.1, as well as in the possession of any and all other individuals or institutions authorized to have possession of any controlled substances.

Sec. 9. Section 80.11, Code 2005, is amended to read as follows:

80.11 COURSE OF INSTRUCTION.

The course ~~or courses~~ of instruction for peace officers of the department shall ~~include instruction in the following subjects and such others as shall be deemed advisable by the college of law and the commissioner of public safety:~~

~~1--Criminal law~~

~~2--Identification of criminals and fingerprinting~~

~~3--Methods of criminal investigation~~

~~4--Rules of criminal evidence~~

~~5--Presentation of cases in court~~

~~6--Making of complaints and securing of criminal warrants~~

~~7--Securing and use of search warrants~~

~~8--How to secure extradition and return~~

~~9--Small arms instruction~~

~~10--Regulation of traffic~~

~~11--First aid~~, at a minimum, be equal to the course of instruction required by the Iowa law enforcement academy pursuant to chapter 80B.

Sec. 10. Section 80.13, Code 2005, is amended to read as follows:

80.13 TRAINING SCHOOLS.

The commissioner ~~of public safety is authorized to~~ may hold a training school for peace officer candidates ~~for~~ or members for peace officers of the department ~~of public safety,~~ and may send to recognized training schools ~~such members~~ peace officers of the department as the commissioner may deem advisable. The expenses of such school of training shall be paid in the same manner as other expenses ~~of the patrol~~ paid by the department.

Sec. 11. Section 80.15, Code 2005, is amended to read as follows:

80.15 EXAMINATION -- OATH -- PROBATION -- DISCIPLINE -- DISMISSAL.

An applicant ~~for membership to be a peace officer~~ in the department ~~of public safety, except clerical workers and special agents appointed under section 80-77~~ shall not be appointed as a member peace officer until the applicant has passed a satisfactory physical and mental examination. In addition, the applicant must be a citizen of the United States and be not less than twenty-two years of age. However, an applicant applying for assignment to provide protection and security for persons and property on the grounds of the state capitol complex or a peace officer candidate shall not be less than eighteen years of age. The mental examination shall be conducted under the direction or supervision of the commissioner ~~of public safety~~ and may be oral or written or both. ~~Each~~ An applicant shall take an oath on becoming a member peace officer of the ~~force~~ department, to uphold the laws and Constitution of the United States and Constitution of the state State of Iowa. During the period of twelve months after appointment, ~~any member a peace officer~~ of the department ~~of public safety, except members of the present Iowa state patrol who have served more than six months,~~ is subject to dismissal at the will of the commissioner. After the twelve months' service, a member peace officer of the department, who was appointed after having passed the

examinations, is not subject to dismissal, suspension, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections and appeals and a hearing held by the employment appeal board created by section 10A.601, if requested by the member peace officer, at which the member peace officer has an opportunity to present a defense to the charges. The decision of the appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a member peace officer who is covered by a collective bargaining agreement which provides otherwise ~~nor~~ and do not apply to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any. All rules, except employment provisions negotiated pursuant to chapter 20, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner in consultation with the director of the department of administrative services, subject to approval by the governor.

Sec. 12. Section 80.17, Code 2005, is amended to read as follows:

80.17 GENERAL ALLOCATION OF DUTIES.

1. In general, the allocation of duties of the department ~~of public safety~~ shall be as follows:

- ~~1~~ a. Commissioner's office.
- ~~2~~ b. Division of ~~statistics and records~~ administrative services.
- ~~3~~ c. Division of criminal investigation.
- ~~4~~ d. Division of the ~~Iowa~~ state patrol.

- 5- e. Division of state fire protection marshal.
- 6- f. Division of inspection narcotics enforcement.
- 7- ~~Division of capitol police~~

2. The commissioner may appoint a chief, director, a first and second assistant to the director, and all other supervisory officers in each division. All appointments and promotions shall be made on the basis of seniority and a merit examination.

3. ~~Nothing in the~~ The aforesaid allocation of duties shall not be interpreted to prevent flexibility in interdepartmental operations or to forbid other divisional allocations of duties in the discretion of the commissioner ~~of public safety~~.

Sec. 13. Section 80.18, Code 2005, is amended to read as follows:

80.18 EXPENSES AND SUPPLIES -- REIMBURSEMENT.

~~It shall be the duty of the~~ The commissioner of ~~public safety to shall~~ provide for ~~the members~~ peace officers of the department when on duty, with suitable uniforms, subsistence, arms, equipment, quarters, and other necessary supplies, and also the expense and means of travel and boarding ~~the members of the department, according to rules made adopted by the commissioner, and as may be provided by appropriation.~~

The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's peace officers or employees damaged or destroyed during the a peace officer's or employee's tour-of-duty course of employment. However, the reimbursement shall not exceed the greater of one hundred fifty dollars or the amount agreed to under the collective bargaining agreement for each item. The department shall establish adopt rules in accordance with chapter 17A to carry out the purpose of administer this paragraph.

Sec. 14. Section 80.19, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commissioner ~~of public safety~~ may ~~co-operate~~ cooperate with any recognized agency in the education of the public in highway safety.

Sec. 15. Section 80.20, Code 2005, is amended to read as follows:

80.20 DIVISIONAL HEADQUARTERS.

The commissioner ~~of public safety~~ may, subject to the approval of the governor, establish divisional headquarters at various places in the state. Supervisory officers may be at all times on duty in each district headquarters.

Sec. 16. Section 80.23, Code 2005, is amended to read as follows:

80.23 SPECIAL STATE AGENTS -- MEANING.

~~Whenever mention is made in the Code of~~ If the term "special state agents" is used in the Code in connection with law enforcement, the same term shall be construed to mean members a peace officer of the state department of public safety.

Sec. 17. Section 80.24, Code 2005, is amended to read as follows:

80.24 MUNICIPAL AND INDUSTRIAL DISPUTES.

~~The police employees~~ A peace officer of the department shall not be used or called upon for service within any municipality or in any industrial dispute unless actual a threat of imminent violence has occurred therein exists, and then only either by order of the governor or on the request of the chief executive officer of the municipality or the sheriff of the county wherein where the dispute has occurred threat of imminent violence exists if such request is approved by the governor.

Sec. 18. Section 80.33, Code 2005, is amended to read as follows:

80.33 ACCESS TO DRUG RECORDS BY ~~AGENTS~~ PEACE OFFICERS.

Every A person required by law to keep records, and any a carrier maintaining records with respect to any shipment

containing any controlled or counterfeit substances shall, upon request of an authorized agent peace officer of the department ~~of-public-safety~~, designated by the commissioner of ~~public-safety~~, permit such agent peace officer at reasonable times to have access to and copy such records. For the purpose of examining and verifying such records, an authorized agents peace officer of the department ~~of-public-safety~~, designated by the commissioner ~~of-public-safety~~, may enter at reasonable times any place or vehicle in which any controlled or counterfeit substance is held, manufactured, dispensed, compounded, processed, sold, delivered, or otherwise disposed of and inspect such place or vehicle, and the contents ~~thereof~~ of such place or vehicle. For the purpose of enforcing laws relating to controlled or counterfeit substances, and upon good cause shown, ~~personnel-of-the-division-of-drug-law enforcement-in~~ the peace officer of the department ~~of-public safety~~ shall be allowed to inspect audits and records in the possession of the state board of pharmacy examiners.

Sec. 19. Section 80.34, Code 2005, is amended to read as follows:

80.34 ~~POWERS-OF-PEACE-OFFICERS~~ PEACE OFFICER -- AUTHORITY.

Any An authorized agent peace officer of the department of ~~public-safety~~ designated to conduct examinations, investigations, or inspections and enforce the laws relating to controlled or counterfeit substances shall have all the powers authority of other peace officers and may arrest a person without warrant for offenses under this chapter committed in the ~~agent's~~ peace officer's presence or, in the case of a felony, if the agent peace officer has probable cause to believe that the person arrested has committed or is committing such offense. ~~Such-officers~~ A peace officer of the department shall have the same powers authority as other peace officers to seize controlled or counterfeit substances or articles used in the manufacture or sale of controlled or counterfeit substances which they have reasonable grounds to

believe are in violation of law. Such controlled or counterfeit substances or articles shall be subject to condemnation.

Sec. 20. Section 80.36, Code 2005, is amended to read as follows:

80.36 MAXIMUM AGE.

A person shall not be employed as a peace officer in the department ~~of-public-safety~~ after attaining sixty-five years of age.

Sec. 21. Section 80.39, subsection 1, Code 2005, is amended to read as follows:

1. Personal property, except for motor vehicles subject to sale pursuant to section 321.89, and seizable property subject to disposition pursuant to chapter 809 or 809A, which personal property is found or seized by, turned in to, or otherwise lawfully comes into the possession of the department ~~of-public safety~~ or a local law enforcement agency and which the department or agency does not own, shall be disposed of pursuant to this section. If by examining the property the owner or lawful custodian of the property is known or can be readily ascertained, the department or agency shall notify the owner or custodian by certified mail directed to the owner's or custodian's last known address, as to the location of the property. If the identity or address of the owner cannot be determined, notice by one publication in a newspaper of general circulation in the area where the property was found is sufficient notice. A published notice may contain multiple items.

Sec. 22. Section 97A.1, subsection 13, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

13. "Peace officer" means a member, except a non-peace officer member, of the division of state patrol, narcotics enforcement, state fire marshal, or criminal investigation, including but not limited to a gaming enforcement officer, who

has passed a satisfactory physical and mental examination and has been duly appointed as a member of the department of public safety in accordance with section 80.15.

Sec. 23. Section 97A.3, subsection 1, Code 2005, is amended to read as follows:

1. All peace officer members of the division of highway safety, uniformed force, and radio communications state patrol and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa on July 4, 1949, and all persons thereafter employed as members of such divisions in the department of public safety or division of drug-law narcotics enforcement and arson investigators or division of state fire marshal, except the members of the clerical force, shall be members of this system, except as otherwise provided in subsection 3. Effective July 1, 1994, gaming enforcement officers employed by the division of criminal investigation for excursion boat gambling enforcement activities, and fire prevention inspector peace officers employed by the department of public safety, and employees of the division of capitol police, except clerical workers, shall be members of this system, except as otherwise provided in subsection 3 or section 97B.42B. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 24. Section 97B.42B, subsection 1, paragraph c, Code 2005, is amended by striking the paragraph.

Sec. 25. Section 100B.13, subsections 1 and 4, Code 2005, are amended to read as follows:

1. A volunteer fire fighter preparedness fund is created as a separate and distinct fund in the state treasury under the control of the division of state fire protection marshal of the department of public safety.

4. Moneys in the volunteer fire fighter preparedness fund are appropriated to the division of state fire protection marshal of the department of public safety to be used annually to pay the costs of providing volunteer fire fighter training around the state and to pay the costs of providing volunteer fire fighting equipment.

Sec. 26. Section 100C.9, Code 2005, is amended to read as follows:

100C.9 DEPOSIT AND USE OF MONEYS COLLECTED.

1. All fees assessed pursuant to this chapter shall be retained as repayment receipts by the division of state fire protection marshal in the department of public safety and such fees received shall be used exclusively to offset the costs of administering this chapter.

2. Notwithstanding section 8.33, fees collected by the division of state fire protection marshal that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 27. Section 100C.10, subsection 1, Code 2005, is amended to read as follows:

1. A fire extinguishing system contractors advisory board is established in the division of state fire protection marshal of the department of public safety and shall advise the state fire marshal division on matters pertaining to the application and certification of fire extinguishing system contractors pursuant to this chapter.

Sec. 28. Section 123.14, Code 2005, is amended to read as follows:

123.14 BEER, WINE, AND LIQUOR LAW ENFORCEMENT.

1. The division of beer and liquor law enforcement of the department of public safety, created pursuant to section 86-25, is the primary beer, wine, and liquor law enforcement authority for this state.

2. ~~The other law enforcement divisions of the department of public safety, the county attorney, the county sheriff and the sheriff's deputies, and the police department of every city, and the alcoholic beverages division of the department of commerce, shall be supplementary aids to the division of beer and liquor law enforcement department of public safety.~~ Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section shall be sufficient cause for the peace officer's removal as provided by law. ~~Nothing in this~~ This section shall not be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement.

3. ~~The division of beer and liquor law enforcement department of public safety shall have full access to all records, reports, audits, tax reports and all other documents and papers in the alcoholic beverages division pertaining to liquor licensees and wine and beer permittees and their business.~~

Sec. 29. Section 124.510, unnumbered paragraph 2, Code 2005, is amended to read as follows:

This information is for the exclusive use of the division of narcotic ~~and drug~~ enforcement, in the department of public safety, and shall not be a matter of public record.

Sec. 30. Section 305.8, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. In consultation with the homeland security and emergency management division of the department of public safety defense, establish policies, standards, and guidelines for the identification, protection, and preservation of records essential for the continuity or reestablishment of governmental functions in the event of an emergency arising from a natural or other disaster.

Sec. 31. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to change the term "Iowa state patrol" to "state patrol" wherever that term appears in

the 2005 Code or in Acts enacted during a regular or extraordinary 2005 session of the general assembly, or in other Acts pending codification.

2. The Code editor is directed to change the term "division of criminal investigation and bureau of identification" to "division of criminal investigation" wherever the term appears in the 2005 Code or in Acts enacted during a regular or extraordinary 2005 session of the general assembly, or in other Acts pending codification.

Sec. 32. Sections 80.4, 80.5, 80.10, 80.12, 80.16, 80.25, 80.27, 80.30, and 80.35, Code 2005, are repealed.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 283, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2005

THOMAS J. VILSACK
Governor