

FILED FEB 02 2003

SENATE

SENATE FILE 2146
BY GRONSTAL

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

A BILL FOR

1 An Act relating to searches conducted by a canine narcotics unit.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE
SF 2146

1 Section 1. NEW SECTION. 124.417 CANINE SEARCHES.

2 1. As used in this section:

3 a. "Canine narcotics unit" means a peace officer using a
4 canine trained to find a controlled substance.

5 b. "Peace officer" means the same as defined in section
6 801.4, and designated peace officers of an aviation authority
7 under section 330A.8.

8 2. A canine narcotics unit shall only be used under the
9 following circumstances:

10 a. A peace officer has obtained a voluntary consent to
11 search the property by the owner of the property to be
12 searched.

13 b. A peace officer has probable cause to search the
14 property.

15 c. A peace officer during a valid traffic stop has a
16 reasonable, articulable suspicion that a controlled substance
17 in violation of this chapter may be found, and the use of a
18 canine narcotics unit will not cause undue delay or
19 inconvenience for the owner or operator of the motor vehicle.

20 3. Any canine narcotics unit shall also be equipped with a
21 visual video or digital recorder to be used whenever the
22 canine narcotics unit is deployed to search any property or
23 person for a controlled substance. The search shall be
24 recorded from the time the canine narcotics unit begins the
25 search of the person or property until such time as the peace
26 officer is alerted of the possibility of the presence of a
27 controlled substance and the potential controlled substance is
28 seized, or until the search ends, whichever is longer.

29 4. Any evidence seized in violation of this section shall
30 not be used against the owner or possessor of such property in
31 any criminal proceeding.

32 5. This section does not apply to a canine narcotics unit
33 used in searches at a correctional institution or jail.

34 EXPLANATION

35 This bill relates to searches conducted by a canine

1 narcotics unit.

2 The bill provides that a canine narcotics unit shall only
3 be used under the following circumstances: a peace officer
4 has obtained voluntary consent to search; a peace officer has
5 probable cause; or a peace officer during a valid traffic stop
6 has a reasonable, articulable suspicion that a controlled
7 substance may be found and conducting a canine search would
8 not cause undue delay or inconvenience to the person or owner
9 of the property being searched. The bill does not apply to
10 searches conducted at a correctional institution or jail.

11 The bill defines a "canine narcotics unit" to mean a peace
12 officer using a canine trained to find a controlled substance.
13 The bill defines "peace officer" the same as peace officers
14 defined in Code section 801.4, and designated peace officers
15 of an aviation authority under Code section 330A.8.

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