

# **PUBLIC SAFETY DEPARTMENT[661]**

## **Adopted and Filed Emergency**

### **Rulemaking related to modifications of the uniform rules on Agency Procedure**

The Public Safety Department hereby adopts new Chapter 2503, “Declaratory Orders,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

#### *Purpose and Summary*

This amendment modifies the Uniform Rules on Agency Procedure related to declaratory orders (7—Chapter 2503) to ensure that criminal defendants cannot use the declaratory order process to collaterally attack criminal investigations, criminal prosecutions, criminal convictions, or the constitutionality of statutes.

#### *Reason for Adoption of Rulemaking Without Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

#### *Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above.

The new Uniform Rules on Agency Procedure are effective as of January 13, 2026, which means there is an inconsistency between the declaratory order and current mechanisms to prevent the collateral attack on criminal investigations, prosecutions, and convictions. Earlier adoptions of this rulemaking will allow the Department to address attempts at skirting current criminal procedure mechanism.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Department on June 10, 2026.

#### *Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0334D** to allow for public comment.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—2504.

*Review by Administrative Rules Review Committee*

The ARRC, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The ARRC's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rulemaking became effective on June 30, 2026.

The following rulemaking action is adopted:

Item 1. Adopt the following **new** 661—Chapter 2503:

CHAPTER 2503

DECLARATORY ORDERS

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

**661—2503.8(17A) Refusal to issue order.**

**2503.8(1)** Rule 7—2503.8(17A) applies to a petition for a declaratory order made to the agency. However, the following reasons for refusal to issue an order are available to the agency in addition to those listed in 7—subrule 2503.8(1):

- l. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.
- m. The petition relates to any criminal investigation.