

March 15, 1951.
Passed on File.

House File 605
By JUDICIARY NO. 2.

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

A BILL FOR

An Act relating to Intrastate Fresh Pursuit.

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

1 Section 1. Any peace officer of this state in fresh
2 pursuit of a person who is reasonably believed by him to
3 have committed a felony in this state or has committed,
4 or attempted to commit, any criminal offense in this state
5 in the presence of such officer, or for whom such officer
6 holds a warrant of arrest for a criminal offense, shall
7 have the authority to arrest and to hold in custody such
8 person anywhere in this state.

1 Sec. 2. If such an arrest is made in obedience to a
2 warrant, the disposition of the prisoner shall be as in
3 other cases of arrest under a warrant; if the arrest is
4 without a warrant, the prisoner shall without unnecessary
5 delay be taken before a municipal court or a justice of
6 the peace or other magistrate of the county wherein such
7 an arrest was made, and such court shall admit such person
8 to bail, if the offense is bailable, by taking security
9 by way of recognizance for the appearance of such prisoner

10 before the court having jurisdiction of such criminal
11 offense.

1 Sec. 3. The term "fresh pursuit" as used in this act
2 shall include fresh pursuit as defined by the common law
3 and also the pursuit of a person who has committed
4 a felony or is reasonably suspected of having committed
5 a felony in this state, or who has committed or attempted
6 to commit any criminal offense in this state in the
7 presence of the arresting officer referred to in section 1
8 of this act or for whom such officer holds a warrant of
9 arrest for a criminal offense. It shall also include
10 the pursuit of a person suspected of having committed
11 a supposed felony in this state, though no felony has
12 actually been committed, if there is reasonable ground
13 for so believing. Fresh pursuit as used herein shall
14 not necessarily imply instant pursuit, but pursuit
15 without unreasonable delay. It shall include assistance
16 in the establishment or maintenance of road blocks.

1 Sec. 4. Section 1 of this act shall not make
2 unlawful an arrest which would otherwise be lawful.

1 Sec. 5. Peace officers when acting under the
2 provisions of this act shall be considered within
3 their respective jurisdictions and shall be entitled
4 to all the rights and privileges as provided by
5 Chapters 410 and 411, Code of 1950, or any other
6 provisions of law relating to disability or retirement

7 rights.

1 Sec. 6. This act may be cited as the Uniform Act

2 on Intrastate Fresh Pursuit.

EXPLANATION

This bill is the uniform Act on Intrastate Fresh Pursuit and was written by the Interstate Commission on Crime. It has been adopted by five other states, Arkansas, Idaho, New Hampshire, New Jersey and South Dakota.

Under our present law we protect officers from other states when they come into this state in the fresh pursuit of a criminal but we have nothing in the books protecting our own officers when they cross the boundary lines of their respective jurisdictions.

There have been two additions to the Uniform Act and they are the last sentence of section 3 and the entire provisions of section 5. These additions are necessary because it is the thought that there should never be any question but that officers should be protected when participating in road blocks, and they should not lose the benefits given them under the provisions of chapters 410 and 411 of the Code.

This bill is companion bill to Senate File 452.

This bill is recommended by the Chiefs of Police Association, the State Police Association and the County Sheriffs' Association.