

Baudler, Chair
Grundberg
Tremmel

HSB 69

JUDICIARY

SUC
S^T

0245

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 verification of a uniform citation and
2 complaint issued by a law enforcement agency.

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

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1 Section 1. Section 805.6, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. The uniform citation and complaint shall contain a
4 place for the verification of the officer issuing the
5 complaint. The complaint may be verified ~~in accordance with~~
6 section-622-1 before the chief officer of the law enforcement
7 agency, or the chief officer's designee. The chief officer of
8 each law enforcement agency of the state may designate
9 specific individuals to administer oaths and certify
10 verifications.

11 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
12 3, shall not apply to this Act.

13 EXPLANATION

14 This bill amends Code section 805.6 relating to the
15 issuance of a uniform citation and complaint.

16 The bill requires a uniform citation and complaint to be
17 issued under oath and certified by the chief officer of a law
18 enforcement agency issuing the citation or the chief officer's
19 designee. Under current law, which was ruled unconstitutional
20 under Article I, section 11, of the Iowa Constitution, the
21 issuance of a uniform citation and complaint may be made by an
22 unsworn written statement if the person making the statement
23 certifies the matter is true under penalty of perjury.

24 A uniform citation and complaint is generally used for
25 charging traffic violations under state law or local
26 ordinance, and for charging misdemeanors designated as
27 scheduled violations.

28 The bill may include a state mandate as defined in Code
29 section 25B.3. This bill makes inapplicable Code section
30 25B.2, subsection 3, which would relieve a political
31 subdivision from complying with a state mandate if funding for
32 the cost of the state mandate is not provided or specified.
33 Therefore, political subdivisions are required to comply with
34 any state mandate included in this bill.

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Thomas J. Vilsack
GOVERNOR
Sally J. Pederson
LT. GOVERNOR



69
Department of Public Safety
STATE OF IOWA

TO: Members of the General Assembly
FROM: Commissioner E.A. "Penny" Westfall
DATE: September 26, 2000
SUBJECT: UNIFORM CITATION

E.A. "Penny" Westfall

In 1995, the General Assembly (HF 346), at the request of some law enforcement groups, enacted a bill that deleted a signature line on the uniform citation and complaint. At the time, it seemed duplicative and unnecessary.

In September 2000, the Iowa Supreme Court ruled (*City of Cedar Rapids vs. Edward G. Atsinger III*), that Article I, Section 11, of the Iowa Constitution "requires that misdemeanor charges be tried on information under oath and not on unsworn informations that for reason of convenience might be accepted as a functional equivalent of an oath."

This decision requires law enforcement officers to swear that the information contained on a complaint is true and correct. The language that was struck in 1995 is required and should be replaced in the code.

Substituted for by SF83
2-28-01 (P.537)

FEB 13 2001
Place On Calendar

HOUSE FILE 245
BY COMMITTEE ON JUDICIARY

WITHDRAWN

(SUCCESSOR TO HSB 69)

2-28-01
(P.539)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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HF 245

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