

JUDICIARY

FILED JAN 29 2002

SENATE FILE 2078
BY ANGELO

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

A BILL FOR

1 An Act relating to the withdrawal of blood without a warrant from
2 a person under arrest for an operating-while-intoxicated
3 offense when the arrest results from a traffic accident
4 resulting in death or personal injury reasonably likely to
5 cause death.

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

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SF 2078

JUDICIARY

1 Section 1. NEW SECTION. 321J.10A BLOOD WITHDRAWAL
2 WITHOUT A WARRANT.

3 Notwithstanding section 321J.10, if a person is under
4 arrest for an offense arising out of acts alleged to have been
5 committed while the person was operating a motor vehicle in
6 violation of section 321J.2 or 321J.2A, and that arrest
7 results from an accident that causes a death or personal
8 injury reasonably likely to cause death, a chemical test of
9 blood may be administered without the consent of the person
10 arrested to determine the amount of alcohol or a controlled
11 substance in that person's blood if all of the following
12 circumstances exist:

13 1. The peace officer reasonably believes the blood drawn
14 will produce evidence of intoxication.

15 2. The method used to take the blood sample is reasonable
16 and performed in a reasonable manner by medical personnel
17 under section 321J.11.

18 3. The peace officer reasonably believes the officer is
19 confronted with an emergency situation in which the delay
20 necessary to obtain a warrant under section 321J.10 threatens
21 the destruction of the evidence.

22 EXPLANATION

23 This bill provides that if a person is under arrest for a
24 drunk-driving-related violation, and that arrest results from
25 an accident that causes a death or personal injury reasonably
26 likely to cause death, a chemical blood test may be
27 administered to the person arrested, without that person's
28 consent, to determine the amount of alcohol or a controlled
29 substance in the person's blood if: (1) the peace officer
30 reasonably believes the blood drawn will produce evidence of
31 intoxication; (2) the method used to take the blood sample is
32 reasonable and performed in a reasonable manner by medical
33 personnel; and (3) the peace officer reasonably believes the
34 officer is confronted with an emergency situation in which the
35 delay necessary to obtain a warrant threatens the destruction

1 of the evidence.

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