

MAR 8 2005  
Place On Calendar

HOUSE FILE 622  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 145)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the department of public safety by updating  
2 references, changing the names of divisions in the department,  
3 and changing practices and procedures.

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

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HF 622

1 Section 1. NEW SECTION. 80.1A DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Commissioner" means the commissioner of public safety.

5 2. "Controlled substance" means the same as defined in  
6 section 124.101.

7 3. "Counterfeit substance" means the same as defined in  
8 section 124.101.

9 4. "Department" means the department of public safety.

10 5. "Peace officer" means a peace officer of the department  
11 as defined in section 97A.1.

12 Sec. 2. Section 80.6, Code 2005, is amended to read as  
13 follows:

14 80.6 IMPERSONATING PEACE OFFICER OR EMPLOYEE -- UNIFORM.

15 Any person who impersonates ~~a member of the Iowa state~~  
16 ~~patrol or other~~ a peace officer or employee of the department,  
17 or wears a uniform likely to be confused with the official  
18 uniform of any such officer or employee, with intent to  
19 deceive anyone, shall be guilty of a simple misdemeanor.

20 Sec. 3. Section 80.8, unnumbered paragraphs 1, 3, and 5,  
21 Code 2005, are amended to read as follows:

22 ~~The commissioner of public safety, with the approval of the~~  
23 ~~governor,~~ shall ~~appoint such deputies, inspectors, officers,~~  
24 ~~clerical workers and other employees~~ employ personnel as may  
25 be required to properly discharge the duties of this the  
26 department.

27 The salaries of ~~all members~~ peace officers and employees of  
28 the department and the expenses of the department shall be  
29 provided for by the a legislative appropriation ~~therefor~~. The  
30 compensation of peace officers of the department shall be  
31 fixed according to grades as to rank and length of service by  
32 the commissioner with the approval of the ~~governor~~ department  
33 of administrative services, unless covered by a collective  
34 bargaining agreement that provides otherwise. The peace  
35 officers shall be paid additional compensation in accordance

1 with the following formula: When peace officers have served  
2 for a period of five years, their compensation then being paid  
3 shall be increased by the sum of twenty-five dollars per month  
4 beginning with the month succeeding the foregoing described  
5 five-year period; when peace officers have served for a period  
6 of ten years, their compensation then being paid shall be  
7 increased by the sum of twenty-five dollars per month  
8 beginning with the month succeeding the foregoing described  
9 ten-year period, such sums being in addition to the increase  
10 provided herein to be paid after five years of service; when  
11 peace officers have served for a period of fifteen years,  
12 their compensation then being paid shall be increased by the  
13 sum of twenty-five dollars per month beginning with the month  
14 succeeding the foregoing described fifteen-year period, such  
15 sums being in addition to the increases previously provided  
16 for herein; when peace officers have served for a period of  
17 twenty years, their compensation then being paid shall be  
18 increased by the sum of twenty-five dollars per month  
19 beginning with the month succeeding the foregoing described  
20 twenty-year period, such sums being in addition to the  
21 increases previously provided for herein. While on active  
22 duty, each peace officer shall also receive a flat daily sum  
23 as fixed by the commissioner ~~with the approval of the governor~~  
24 for meals unless the amount of the flat daily sum is covered  
25 by a collective bargaining agreement that provides otherwise.

26 Peace ~~officer-members~~ officers of the department excluded  
27 from the provisions of chapter 20 who are injured in the line  
28 of duty shall receive paid time off in the same manner as  
29 provided to peace ~~officer-members~~ officers of the department  
30 covered by a collective bargaining agreement entered into  
31 between the state and the employee organization representing  
32 such covered peace ~~officer-members~~ officers under chapter 20.

33 Sec. 4. Section 80.9, unnumbered paragraph 1, Code 2005,  
34 is amended to read as follows:

35 It shall be the duty of the department ~~of public safety~~ to

1 prevent crime, to detect and apprehend criminals and to  
2 enforce such other laws as are hereinafter specified. ~~The~~  
3 ~~members~~ A peace officer of the department ~~of-public-safety,~~  
4 ~~except-clerical-workers-therein,~~ when authorized by the  
5 commissioner ~~of-public-safety~~ shall have and exercise all the  
6 powers of any other peace officer of the state.

7 Sec. 5. Section 80.9, subsection 1, paragraph b, Code  
8 2005, is amended to read as follows:

9 b. When request is made by the mayor of any city, with the  
10 approval of the commissioner ~~of-public-safety;~~

11 Sec. 6. Section 80.9, subsection 1, unnumbered paragraph  
12 2, Code 2005, is amended to read as follows:

13 When ~~any-member~~ a peace officer of the department ~~shall-be~~  
14 is acting in cooperation with any other local peace officer,  
15 or county attorney in general criminal investigation work, or  
16 when acting on a special assignment by the commissioner, the  
17 ~~member's~~ jurisdiction ~~shall-be~~ of the peace officer is  
18 statewide.

19 Sec. 7. Section 80.9, subsection 4, Code 2005, is amended  
20 by striking the subsection and inserting in lieu thereof the  
21 following:

22 4. The state patrol is established in the department. The  
23 patrol shall be under the direction of the commissioner. The  
24 number of supervisory officers shall be in proportion to the  
25 membership of the state patrol.

26 Sec. 8. Section 80.9, Code 2005, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 5. The department shall be primarily  
29 responsible for the enforcement of all laws and rules relating  
30 to any controlled substance or counterfeit substance, except  
31 for making accountability audits of the supply and inventory  
32 of controlled substances in the possession of pharmacists,  
33 physicians, hospitals, and health care facilities as defined  
34 in section 135C.1, as well as in the possession of any and all  
35 other individuals or institutions authorized to have

1 possession of any controlled substances.

2 Sec. 9. Section 80.11, Code 2005, is amended to read as  
3 follows:

4 80.11 COURSE OF INSTRUCTION.

5 The course ~~or-courses~~ of instruction for peace officers of  
6 the department shall ~~include-instruction-in-the-following~~  
7 ~~subjects-and-such-others-as-shall-be-deemed-advisable-by-the~~  
8 ~~college-of-law-and-the-commissioner-of-public-safety:~~

9 ~~1.--Criminal-law.~~

10 ~~2.--Identification-of-criminals-and-fingerprinting.~~

11 ~~3.--Methods-of-criminal-investigation.~~

12 ~~4.--Rules-of-criminal-evidence.~~

13 ~~5.--Presentation-of-cases-in-court.~~

14 ~~6.--Making-of-complaints-and-securing-of-criminal-warrants.~~

15 ~~7.--Securing-and-use-of-search-warrants.~~

16 ~~8.--How-to-secure-extradition-and-return.~~

17 ~~9.--Small-arms-instruction.~~

18 ~~10.--Regulation-of-traffic.~~

19 ~~11.--First-aid.~~, at a minimum, be equal to the course of

20 instruction required by the Iowa law enforcement academy

21 pursuant to chapter 80B.

22 Sec. 10. Section 80.13, Code 2005, is amended to read as  
23 follows:

24 80.13 TRAINING SCHOOLS.

25 The commissioner ~~of-public-safety-is-authorized-to~~ may hold  
26 a training school for peace officer candidates ~~for or members~~  
27 for peace officers of the department ~~of-public-safety~~, and may  
28 send to recognized training schools ~~such-members~~ peace  
29 officers of the department as the commissioner may deem  
30 advisable. The expenses of such school of training shall be  
31 paid in the same manner as other expenses ~~of-the-patrol~~ paid  
32 by the department.

33 Sec. 11. Section 80.15, Code 2005, is amended to read as  
34 follows:

35 80.15 EXAMINATION -- OATH -- PROBATION -- DISCIPLINE --

1 DISMISSAL.

2 An applicant ~~for-membership to be a peace officer~~ in the  
3 department ~~of-public-safety,-except-clerical-workers-and~~  
4 ~~special-agents-appointed-under-section-80-7,~~ shall not be  
5 appointed as a member peace officer until the applicant has  
6 passed a satisfactory physical and mental examination. In  
7 addition, the applicant must be a citizen of the United States  
8 and be not less than twenty-two years of age. However, an  
9 applicant applying for assignment to provide protection and  
10 security for persons and property on the grounds of the state  
11 capitol complex or a peace officer candidate shall not be less  
12 than eighteen years of age. The mental examination shall be  
13 conducted under the direction or supervision of the  
14 commissioner ~~of-public-safety~~ and may be oral or written or  
15 both. ~~Each~~ An applicant shall take an oath on becoming a  
16 member peace officer of the ~~force~~ department, to uphold the  
17 laws and Constitution of the United States and Constitution of  
18 the ~~state~~ State of Iowa. During the period of twelve months  
19 after appointment, ~~any-member~~ a peace officer of the  
20 department ~~of-public-safety,-except-members-of-the-present~~  
21 ~~Iowa-state-patrol-who-have-served-more-than-six-months,~~ is  
22 subject to dismissal at the will of the commissioner. After  
23 the twelve months' service, a member peace officer of the  
24 department, who was appointed after having passed the  
25 examinations, is not subject to dismissal, suspension,  
26 disciplinary demotion, or other disciplinary action resulting  
27 in the loss of pay unless charges have been filed with the  
28 department of inspections and appeals and a hearing held by  
29 the employment appeal board created by section 10A.601, if  
30 requested by the member peace officer, at which the member  
31 peace officer has an opportunity to present a defense to the  
32 charges. The decision of the appeal board is final, subject  
33 to the right of judicial review in accordance with the terms  
34 of the Iowa administrative procedure Act, chapter 17A.  
35 However, these procedures as to dismissal, suspension,

1 demotion, or other discipline do not apply to a member peace  
 2 officer who is covered by a collective bargaining agreement  
 3 which provides otherwise ~~nor~~ and do not apply to the demotion  
 4 of a division head to the rank which the division head held at  
 5 the time of appointment as division head, if any. A division  
 6 head who is demoted has the right to return to the rank which  
 7 the division head held at the time of appointment as division  
 8 head, if any. All rules, except employment provisions  
 9 negotiated pursuant to chapter 20, regarding the enlistment,  
 10 appointment, and employment affecting the personnel of the  
 11 department shall be established by the commissioner in  
 12 consultation with the director of the department of  
 13 administrative services, subject to approval by the governor.  
 14 Sec. 12. Section 80.17, Code 2005, is amended to read as  
 15 follows:

16 80.17 GENERAL ALLOCATION OF DUTIES.

17 1. In general, the allocation of duties of the department  
 18 ~~of-public-safety~~ shall be as follows:

19 ~~1-~~ a. Commissioner's office.

20 ~~2-~~ b. Division of ~~statistics-and-records~~ administrative  
 21 services.

22 ~~3-~~ c. Division of criminal investigation.

23 ~~4-~~ d. Division of ~~the-Iowa~~ state patrol.

24 ~~5-~~ e. Division of state fire protection marshal.

25 ~~6-~~ f. Division of ~~inspection~~ narcotics enforcement.

26 ~~7--Division-of-capitol-police-~~

27 2. The commissioner may appoint a chief, director, a first  
 28 and second assistant to the director, and all other  
 29 supervisory officers in each division. All appointments and  
 30 promotions shall be made on the basis of seniority and a merit  
 31 examination.

32 3. ~~Nothing-in-the~~ The aforesaid allocation of duties shall  
 33 not be interpreted to prevent flexibility in interdepartmental  
 34 operations or to forbid other divisional allocations of duties  
 35 in the discretion of the commissioner ~~of-public-safety.~~

1 Sec. 13. Section 80.18, Code 2005, is amended to read as  
2 follows:

3 80.18 EXPENSES AND SUPPLIES -- REIMBURSEMENT.

4 ~~It shall be the duty of the~~ The commissioner ~~of public~~  
5 ~~safety to shall~~ provide ~~for the members~~ peace officers of the  
6 department when on duty, with suitable uniforms, subsistence,  
7 arms, equipment, quarters, and other necessary supplies, and  
8 also the expense and means of travel and boarding ~~the members~~  
9 ~~of the department~~, according to rules ~~made~~ adopted by the  
10 commissioner, and as may be provided by appropriation.

11 The department may expend moneys from the support  
12 allocation of the department as reimbursement for replacement  
13 or repair of personal items of the department's peace officers  
14 or employees damaged or destroyed during the a peace officer's  
15 or employee's tour-of-duty course of employment. However, the  
16 reimbursement shall not exceed the greater of one hundred  
17 fifty dollars or the amount agreed to under the collective  
18 bargaining agreement for each item. The department shall  
19 establish adopt rules in accordance with chapter 17A to carry  
20 out-the-purpose-of administer this paragraph.

21 Sec. 14. Section 80.19, unnumbered paragraph 1, Code 2005,  
22 is amended to read as follows:

23 The commissioner ~~of public safety~~ may ~~co-operate~~ cooperate  
24 with any recognized agency in the education of the public in  
25 highway safety.

26 Sec. 15. Section 80.20, Code 2005, is amended to read as  
27 follows:

28 80.20 DIVISIONAL HEADQUARTERS.

29 The commissioner ~~of public safety~~ may, subject to the  
30 approval of the governor, establish divisional headquarters at  
31 various places in the state. Supervisory officers may be at  
32 all times on duty in each district headquarters.

33 Sec. 16. Section 80.23, Code 2005, is amended to read as  
34 follows:

35 80.23 SPECIAL STATE AGENTS -- MEANING.

1 ~~Whenever mention is made, in the Code, of~~ If the term  
2 "special state agents" is used in the Code in connection with  
3 law enforcement, the ~~same~~ term shall be construed to mean  
4 ~~members~~ a peace officer of the state department of ~~public~~  
5 ~~safety.~~

6 Sec. 17. Section 80.24, Code 2005, is amended to read as  
7 follows:

8 80.24 MUNICIPAL AND INDUSTRIAL DISPUTES.

9 ~~The police employees~~ A peace officer of the department  
10 shall not be used or called upon for service within any  
11 municipality or in any industrial dispute unless ~~actual~~ a  
12 threat of imminent violence has occurred therein exists, and  
13 then only either by order of the governor or on the request of  
14 the chief executive officer of the municipality or the sheriff  
15 of the county ~~wherein~~ where the ~~dispute has occurred~~ threat of  
16 imminent violence exists if such request is approved by the  
17 governor.

18 Sec. 18. Section 80.33, Code 2005, is amended to read as  
19 follows:

20 80.33 ACCESS TO DRUG RECORDS BY AGENTS PEACE OFFICERS.

21 ~~Every~~ A person required by law to keep records, and ~~any~~ a  
22 carrier maintaining records with respect to any shipment  
23 containing any controlled or counterfeit substances shall,  
24 upon request of an authorized ~~agent~~ peace officer of the  
25 department ~~of public safety~~, designated by the commissioner of  
26 ~~public safety~~, permit such ~~agent~~ peace officer at reasonable  
27 times to have access to and copy such records. For the  
28 purpose of examining and verifying such records, an authorized  
29 ~~agents~~ peace officer of the department ~~of public safety~~,  
30 designated by the commissioner of ~~public safety~~, may enter at  
31 reasonable times any place or vehicle in which any controlled  
32 or counterfeit substance is held, manufactured, dispensed,  
33 compounded, processed, sold, delivered, or otherwise disposed  
34 of and inspect such place or vehicle, and the contents ~~thereof~~  
35 of such place or vehicle. For the purpose of enforcing laws

1 relating to controlled or counterfeit substances, and upon  
2 good cause shown, ~~personnel-of-the-division-of-drug-law~~  
3 ~~enforcement-in~~ the peace officer of the department of ~~public~~  
4 ~~safety~~ shall be allowed to inspect audits and records in the  
5 possession of the state board of pharmacy examiners.

6 Sec. 19. Section 80.34, Code 2005, is amended to read as  
7 follows:

8 80.34 ~~POWERS-OF-PEACE-OFFICERS~~ PEACE OFFICER -- AUTHORITY.

9 Any An authorized ~~agent~~ peace officer of the department of  
10 ~~public-safety~~ designated to conduct examinations,  
11 investigations, or inspections and enforce the laws relating  
12 to controlled or counterfeit substances shall have all the  
13 ~~powers~~ authority of other peace officers and may arrest a  
14 person without warrant for offenses under this chapter  
15 committed in the ~~agent's~~ peace officer's presence or, in the  
16 case of a felony, if the ~~agent~~ peace officer has probable  
17 cause to believe that the person arrested has committed or is  
18 committing such offense. ~~Such-officers~~ A peace officer of the  
19 department shall have the same ~~powers~~ authority as other peace  
20 officers to seize controlled or counterfeit substances or  
21 articles used in the manufacture or sale of controlled or  
22 counterfeit substances which they have reasonable grounds to  
23 believe are in violation of law. Such controlled or  
24 counterfeit substances or articles shall be subject to  
25 condemnation.

26 Sec. 20. Section 80.36, Code 2005, is amended to read as  
27 follows:

28 80.36 MAXIMUM AGE.

29 A person shall not be employed as a peace officer in the  
30 department of ~~public-safety~~ after attaining sixty-five years  
31 of age.

32 Sec. 21. Section 80.39, subsection 1, Code 2005, is  
33 amended to read as follows:

34 1. Personal property, except for motor vehicles subject to  
35 sale pursuant to section 321.89, and seizable property subject

1 to disposition pursuant to chapter 809 or 809A, which personal  
2 property is found or seized by, turned in to, or otherwise  
3 lawfully comes into the possession of the department ~~of public~~  
4 ~~safety~~ or a local law enforcement agency and which the  
5 department or agency does not own, shall be disposed of  
6 pursuant to this section. If by examining the property the  
7 owner or lawful custodian of the property is known or can be  
8 readily ascertained, the department or agency shall notify the  
9 owner or custodian by certified mail directed to the owner's  
10 or custodian's last known address, as to the location of the  
11 property. If the identity or address of the owner cannot be  
12 determined, notice by one publication in a newspaper of  
13 general circulation in the area where the property was found  
14 is sufficient notice. A published notice may contain multiple  
15 items.

16 Sec. 22. Section 97A.1, subsection 13, Code 2005, is  
17 amended by striking the subsection and inserting in lieu  
18 thereof the following:

19 13. "Peace officer" means a member, except a non-peace  
20 officer member, of the division of state patrol, narcotics  
21 enforcement, state fire marshal, or criminal investigation,  
22 including but not limited to a gaming enforcement officer, who  
23 has passed a satisfactory physical and mental examination and  
24 has been duly appointed as a member of the department of  
25 public safety in accordance with section 80.15.

26 Sec. 23. Section 97A.3, subsection 1, Code 2005, is  
27 amended to read as follows:

28 1. All peace officer members of the division of highway  
29 ~~safety, uniformed force, and radio communications~~ state patrol  
30 and the division of criminal investigation ~~and bureau of~~  
31 ~~identification~~ in the department of public safety, excepting  
32 the members of the clerical force, who are employed by the  
33 state of Iowa on July 4, 1949, and all persons thereafter  
34 employed as members of such divisions in the department of  
35 public safety or division of ~~drug law~~ narcotics enforcement

1 ~~and-arson-investigators~~ or division of state fire marshal,  
2 except the members of the clerical force, shall be members of  
3 this system, except as otherwise provided in subsection 3.  
4 Effective July 1, 1994, gaming enforcement officers employed  
5 by the division of criminal investigation for excursion boat  
6 gambling enforcement activities, and fire prevention inspector  
7 peace officers employed by the department of public safety,  
8 ~~and-employees-of-the-division-of-capitol-police,~~ ~~except~~  
9 ~~clerical-workers,~~ shall be members of this system, except as  
10 otherwise provided in subsection 3 or section 97B.42B. Such  
11 members shall not be required to make contributions under any  
12 other pension or retirement system of the state of Iowa,  
13 anything to the contrary notwithstanding.

14 Sec. 24. Section 97B.42B, subsection 1, paragraph c, Code  
15 2005, is amended by striking the paragraph.

16 Sec. 25. Section 100B.13, subsections 1 and 4, Code 2005,  
17 are amended to read as follows:

18 1. A volunteer fire fighter preparedness fund is created  
19 as a separate and distinct fund in the state treasury under  
20 the control of the division of state fire protection marshal  
21 of the department of public safety.

22 4. Moneys in the volunteer fire fighter preparedness fund  
23 are appropriated to the division of state fire protection  
24 marshal of the department of public safety to be used annually  
25 to pay the costs of providing volunteer fire fighter training  
26 around the state and to pay the costs of providing volunteer  
27 fire fighting equipment.

28 Sec. 26. Section 100C.9, Code 2005, is amended to read as  
29 follows:

30 100C.9 DEPOSIT AND USE OF MONEYS COLLECTED.

31 1. All fees assessed pursuant to this chapter shall be  
32 retained as repayment receipts by the division of state fire  
33 protection marshal in the department of public safety and such  
34 fees received shall be used exclusively to offset the costs of  
35 administering this chapter.

1 2. Notwithstanding section 8.33, fees collected by the  
2 division of state fire protection marshal that remain  
3 unencumbered or unobligated at the close of the fiscal year  
4 shall not revert but shall remain available for expenditure  
5 for the purposes designated until the close of the succeeding  
6 fiscal year.

7 Sec. 27. Section 100C.10, subsection 1, Code 2005, is  
8 amended to read as follows:

9 1. A fire extinguishing system contractors advisory board  
10 is established in the division of state fire protection  
11 marshal of the department of public safety and shall advise  
12 the ~~state-fire-marshal~~ division on matters pertaining to the  
13 application and certification of fire extinguishing system  
14 contractors pursuant to this chapter.

15 Sec. 28. Section 123.14, Code 2005, is amended to read as  
16 follows:

17 123.14 BEER, WINE, AND LIQUOR LAW ENFORCEMENT.

18 1. ~~The division-of-beer-and-liquor-law-enforcement-of-the~~  
19 department of public safety, ~~created-pursuant-to-section~~  
20 ~~88-25~~, is the primary beer, wine, and liquor law enforcement  
21 authority for this state.

22 2. ~~The other-law-enforcement-divisions-of-the-department~~  
23 ~~of-public-safety~~, the county attorney, the county sheriff and  
24 the sheriff's deputies, and the police department of every  
25 city, and the alcoholic beverages division of the department  
26 of commerce, shall be supplementary aids to the ~~division-of~~  
27 ~~beer-and-liquor-law-enforcement~~ department of public safety.  
28 Any neglect, misfeasance, or malfeasance shown by any peace  
29 officer included in this section shall be sufficient cause for  
30 the peace officer's removal as provided by law. ~~Nothing-in~~  
31 ~~this~~ This section shall not be construed to affect the duties  
32 and responsibilities of any county attorney or peace officer  
33 with respect to law enforcement.

34 3. ~~The division-of-beer-and-liquor-law-enforcement~~  
35 department of public safety shall have full access to all

1 records, reports, audits, tax reports and all other documents  
2 and papers in the alcoholic beverages division pertaining to  
3 liquor licensees and wine and beer permittees and their  
4 business.

5 Sec. 29. Section 124.510, unnumbered paragraph 2, Code  
6 2005, is amended to read as follows:

7 This information is for the exclusive use of the division  
8 of narcotic ~~and-drug~~ enforcement, in the department of public  
9 safety, and shall not be a matter of public record.

10 Sec. 30. Section 305.8, subsection 1, paragraph b, Code  
11 2005, is amended to read as follows:

12 b. In consultation with the homeland security and  
13 emergency management division of the department of public  
14 safety defense, establish policies, standards, and guidelines  
15 for the identification, protection, and preservation of  
16 records essential for the continuity or reestablishment of  
17 governmental functions in the event of an emergency arising  
18 from a natural or other disaster.

19 Sec. 31. CODE EDITOR DIRECTIVES.

20 1. The Code editor is directed to change the term "Iowa  
21 state patrol" to "state patrol" wherever that term appears in  
22 the 2005 Code or in Acts enacted during a regular or  
23 extraordinary 2005 session of the general assembly, or in  
24 other Acts pending codification.

25 2. The Code editor is directed to change the term  
26 "division of criminal investigation and bureau of  
27 identification" to "division of criminal investigation"  
28 wherever the term appears in the 2005 Code or in Acts enacted  
29 during a regular or extraordinary 2005 session of the general  
30 assembly, or in other Acts pending codification.

31 Sec. 32. Sections 80.4, 80.5, 80.10, 80.12, 80.16, 80.25,  
32 80.27, 80.30, and 80.35, Code 2005, are repealed.

33 EXPLANATION

34 This bill relates to the practices and procedures of the  
35 department of public safety.

1 The bill adds defined terms to Code chapter 80 to enhance  
2 the readability of the chapter. The bill strikes the term  
3 "member" from the chapter and defines "peace officer" to mean  
4 a peace officer member of the department as defined under the  
5 bill in Code section 97A.13, subsection 13.

6 Under the bill the commissioner of public safety shall  
7 employ the personnel necessary to properly discharge the  
8 duties of the department. Current law requires the  
9 commissioner to obtain the approval of the governor prior to  
10 hiring personnel.

11 The bill provides that all salaries of the peace officers  
12 and employees of the department shall be provided for by a  
13 legislative appropriation unless the salaries are covered by a  
14 collective bargaining agreement that provides otherwise. The  
15 bill also provides that a peace officer of the department  
16 shall receive a flat daily sum for meals as set by the  
17 commissioner, unless the flat daily sum is covered by a  
18 collective bargaining agreement that provides otherwise.

19 The bill repeals the section establishing the state patrol  
20 in Code section 80.4 and establishes the state patrol in Code  
21 section 80.9. The bill also changes the name of the division  
22 of the Iowa state patrol to the division of state patrol.

23 The bill also transfers the controlled substance  
24 enforcement duties of the department from Code section 80.27  
25 to Code section 80.9, and repeals Code section 80.27.

26 The bill makes the course of instruction for peace officers  
27 of the department, at a minimum, the course of instruction  
28 required by the Iowa law enforcement academy.

29 The department, under the bill, shall pay the expenses for  
30 training in the same manner as other expenses paid by the  
31 department. Current law provides that payment be made in the  
32 same manner as other expenses of the state patrol.

33 The bill provides that an applicant for a peace officer  
34 position at the department must be at least 18 years of age if  
35 the applicant is applying for assignment to provide protection

1 or security at the capitol complex or the applicant is  
2 applying to be a peace officer candidate. All other peace  
3 officer applicants for a position at the department must be at  
4 least 22 years of age.

5 The bill eliminates references to or changes the name of  
6 some of the divisions within the department.

7 The bill repeals Code section 80.5, and transfers a portion  
8 of the Code section to Code section 80.17, and provides that  
9 the number of supervisors of the state patrol shall be in  
10 proportion to the peace officers within the patrol.

11 The bill permits an employee who uses personal items during  
12 the course of employment to be reimbursed by the department  
13 for any damaged items not to exceed the greater of \$150 or an  
14 amount agreed upon under a collective bargaining agreement.  
15 Current law only permits reimbursement of up to \$150 for  
16 damaged personal items used during the course of employment.

17 Under the bill, a peace officer of the department may be  
18 called to duty within a municipality or in any industrial  
19 dispute if there is a threat of imminent violence. Under  
20 current law, the peace officer may only be called to duty in  
21 an industrial dispute if there is actual violence.

22 The bill repeals Code sections 80.10 and 80.12, relating to  
23 the department utilizing, and peace officers or peace officer  
24 candidates attending, a short course of instruction at the  
25 university of Iowa.

26 The bill repeals Code section 80.16, requiring the separate  
27 bonding of special agents of the department.

28 The bill repeals Code section 80.25, establishing a  
29 division of beer and liquor law enforcement.

30 The bill repeals Code section 80.30, relating to exceptions  
31 to certain qualifications required of prospective employees of  
32 the department.

33 The bill repeals Code section 80.35, relating to the  
34 transition of persons providing security at the capitol  
35 complex from the former department of general services to the

1 department of public safety.

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Tjepkes, chair  
Van Fossen  
Baudler  
Bell  
Reasoner

HSB 145  
PUBLIC SAFETY

St. 622  
St. 17

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 department of public safety by updating  
2 references, changing the names of divisions in the department,  
3 and changing practices and procedures.

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

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1 Section 1. NEW SECTION. 80.1A DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Commissioner" means the commissioner of public safety.

5 2. "Controlled substance" means the same as defined in  
6 section 124.101.

7 3. "Counterfeit substance" means the same as defined in  
8 section 124.101.

9 4. "Department" means the department of public safety.

10 5. "Peace officer" means a peace officer of the department  
11 as defined in section 97A.3.

12 Sec. 2. Section 80.6, Code 2005, is amended to read as  
13 follows:

14 80.6 IMPERSONATING PEACE OFFICER OR EMPLOYEE -- UNIFORM.

15 Any person who impersonates ~~a member of the Iowa state~~  
16 ~~patrol or other~~ a peace officer or employee of the department,  
17 or wears a uniform likely to be confused with the official  
18 uniform of any such officer or employee, with intent to  
19 deceive anyone, shall be guilty of a simple misdemeanor.

20 Sec. 3. Section 80.8, unnumbered paragraphs 1, 3, and 5,  
21 Code 2005, are amended to read as follows:

22 The commissioner ~~of public safety, with the approval of the~~  
23 ~~governor,~~ shall ~~appoint such deputies, inspectors, officers,~~  
24 ~~clerical workers and other employees~~ employ personnel as may  
25 be required to properly discharge the duties of ~~this~~ the  
26 department.

27 The salaries of ~~all members~~ peace officers and employees of  
28 the department, unless covered by a collective bargaining  
29 agreement, and the expenses of the department shall be  
30 provided for by the a legislative appropriation ~~therefor~~. The  
31 compensation of peace officers of the department shall be  
32 fixed according to grades as to rank and length of service by  
33 the commissioner with the approval of the governor department  
34 of administrative services. The peace officers shall be paid  
35 additional compensation in accordance with the following

1 formula: When peace officers have served for a period of five  
2 years, their compensation then being paid shall be increased  
3 by the sum of twenty-five dollars per month beginning with the  
4 month succeeding the foregoing described five-year period;  
5 when peace officers have served for a period of ten years,  
6 their compensation then being paid shall be increased by the  
7 sum of twenty-five dollars per month beginning with the month  
8 succeeding the foregoing described ten-year period, such sums  
9 being in addition to the increase provided herein to be paid  
10 after five years of service; when peace officers have served  
11 for a period of fifteen years, their compensation then being  
12 paid shall be increased by the sum of twenty-five dollars per  
13 month beginning with the month succeeding the foregoing  
14 described fifteen-year period, such sums being in addition to  
15 the increases previously provided for herein; when peace  
16 officers have served for a period of twenty years, their  
17 compensation then being paid shall be increased by the sum of  
18 twenty-five dollars per month beginning with the month  
19 succeeding the foregoing described twenty-year period, such  
20 sums being in addition to the increases previously provided  
21 for herein. While on active duty, each peace officer shall  
22 also receive a flat daily sum as fixed by the commissioner  
23 ~~with the approval of the governor~~ for meals unless the  
24 allowable daily sum is covered by a collective bargaining  
25 agreement.

26 Peace ~~officer-members~~ officers of the department excluded  
27 from the provisions of chapter 20 who are injured in the line  
28 of duty shall receive paid time off in the same manner as  
29 provided to peace ~~officer-members~~ officers of the department  
30 covered by a collective bargaining agreement entered into  
31 between the state and the employee organization representing  
32 such covered peace ~~officer-members~~ officers under chapter 20.

33 Sec. 4. Section 80.9, unnumbered paragraph 1, Code 2005,  
34 is amended to read as follows:

35 It shall be the duty of the department ~~of public safety~~ to

1 prevent crime, to detect and apprehend criminals and to  
2 enforce such other laws as are hereinafter specified. The  
3 members A peace officer of the department ~~of-public-safety,~~  
4 ~~except-clerical-workers-therein,~~ when authorized by the  
5 commissioner ~~of-public-safety~~ shall have and exercise all the  
6 powers of any other peace officer of the state.

7 Sec. 5. Section 80.9, subsection 1, paragraph b, Code  
8 2005, is amended to read as follows:

9 b. When request is made by the mayor of any city, with the  
10 approval of the commissioner ~~of-public-safety;~~

11 Sec. 6. Section 80.9, subsection 1, unnumbered paragraph  
12 2, Code 2005, is amended to read as follows:

13 When ~~any-member~~ a peace officer of the department ~~shall-be~~  
14 is acting in cooperation with any other local peace officer,  
15 or county attorney in general criminal investigation work, or  
16 when acting on a special assignment by the commissioner, the  
17 ~~member's~~ jurisdiction ~~shall-be~~ of the peace officer is  
18 statewide.

19 Sec. 7. Section 80.9, subsection 4, Code 2005, is amended  
20 by striking the subsection and inserting in lieu thereof the  
21 following:

22 4. The state patrol is established in the department. The  
23 patrol shall be under the direction of the commissioner.

24 Sec. 8. Section 80.9, Code 2005, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 5. The department shall be primarily  
27 responsible for the enforcement of all laws and rules relating  
28 to any controlled substance or counterfeit substance, except  
29 for making accountability audits of the supply and inventory  
30 of controlled substances in the possession of pharmacists,  
31 physicians, hospitals, and health care facilities as defined  
32 in section 135C.1, as well as in the possession of any and all  
33 other individuals or institutions authorized to have  
34 possession of any controlled substances.

35 Sec. 9. Section 80.11, Code 2005, is amended to read as

1 follows:

2 80.11 COURSE OF INSTRUCTION.

3 The course ~~or-courses~~ of instruction for peace officers of  
4 the department shall ~~include-instruction-in-the-following~~  
5 ~~subjects-and-such-others-as-shall-be-deemed-advisable-by-the~~  
6 ~~college-of-law-and-the-commissioner-of-public-safety:~~

7 ~~1.--Criminal-law:~~

8 ~~2.--Identification-of-criminals-and-fingerprinting:~~

9 ~~3.--Methods-of-criminal-investigation:~~

10 ~~4.--Rules-of-criminal-evidence:~~

11 ~~5.--Presentation-of-cases-in-court:~~

12 ~~6.--Making-of-complaints-and-securing-of-criminal-warrants:~~

13 ~~7.--Securing-and-use-of-search-warrants:~~

14 ~~8.--How-to-secure-extradition-and-return:~~

15 ~~9.--Small-arms-instruction:~~

16 ~~10.--Regulation-of-traffic:~~

17 ~~11.--First-aid-~~, at a minimum, be equal to the course of  
18 instruction required by the Iowa law enforcement academy  
19 pursuant to chapter 80B.

20 Sec. 10. Section 80.13, Code 2005, is amended to read as  
21 follows:

22 80.13 TRAINING SCHOOLS.

23 The commissioner ~~of-public-safety-is-authorized-to~~ may hold  
24 a training school for peace officer candidates ~~for or members~~  
25 for peace officers of the department ~~of-public-safety~~, and may  
26 send to recognized training schools ~~such-members~~ peace  
27 officers of the department as the commissioner may deem  
28 advisable. The expenses of such school of training shall be  
29 paid in the same manner as other expenses ~~of-the-patrol~~ paid  
30 by the department.

31 Sec. 11. Section 80.15, Code 2005, is amended to read as  
32 follows:

33 80.15 EXAMINATION -- OATH -- PROBATION -- DISCIPLINE --  
34 DISMISSAL.

35 An applicant ~~for-membership~~ to be a peace officer in the

1 ~~department of-public-safety, except-clerical-workers-and~~  
2 ~~special-agents-appointed-under-section-80-77~~ shall not be  
3 appointed as a member peace officer until the applicant has  
4 passed a satisfactory physical and mental examination. In  
5 addition, the applicant must be a citizen of the United States  
6 and be not less than twenty-two years of age. However, an  
7 applicant applying for assignment to provide protection and  
8 security for persons and property on the grounds of the state  
9 capitol complex or a peace officer candidate shall not be less  
10 than eighteen years of age. The mental examination shall be  
11 conducted under the direction or supervision of the  
12 ~~commissioner of-public-safety~~ and may be oral or written or  
13 both. Each An applicant shall take an oath on becoming a  
14 member peace officer of the force department, to uphold the  
15 laws and Constitution of the United States and Constitution of  
16 the state State of Iowa. During the period of twelve months  
17 after appointment, ~~any-member~~ a peace officer of the  
18 ~~department of-public-safety, except-members-of-the-present~~  
19 ~~Iowa-state-patrol-who-have-served-more-than-six-months,~~ is  
20 subject to dismissal at the will of the commissioner. After  
21 the twelve months' service, a member peace officer of the  
22 department, who was appointed after having passed the  
23 examinations, is not subject to dismissal, suspension,  
24 disciplinary demotion, or other disciplinary action resulting  
25 in the loss of pay unless charges have been filed with the  
26 department of inspections and appeals and a hearing held by  
27 the employment appeal board created by section 10A.601, if  
28 requested by the member peace officer, at which the member  
29 peace officer has an opportunity to present a defense to the  
30 charges. The decision of the appeal board is final, subject  
31 to the right of judicial review in accordance with the terms  
32 of the Iowa administrative procedure Act, chapter 17A.  
33 However, these procedures as to dismissal, suspension,  
34 demotion, or other discipline do not apply to a member peace  
35 officer who is covered by a collective bargaining agreement

1 which provides otherwise ~~nor~~ and do not apply to the demotion  
 2 of a division head to the rank which the division head held at  
 3 the time of appointment as division head, if any. A division  
 4 head who is demoted has the right to return to the rank which  
 5 the division head held at the time of appointment as division  
 6 head, if any. All rules, except employment provisions  
 7 negotiated pursuant to chapter 20, regarding the enlistment,  
 8 appointment, and employment affecting the personnel of the  
 9 department shall be established by the commissioner in  
 10 consultation with the director of the department of  
 11 administrative services, subject to approval by the governor.

12 Sec. 12. Section 80.17, Code 2005, is amended to read as  
 13 follows:

14 80.17 GENERAL ALLOCATION OF DUTIES.

15 1. In general, the allocation of duties of the department  
 16 ~~of-public-safety~~ shall be as follows:

17 ~~1-~~ a. Commissioner's office.

18 ~~2-~~ b. Division of ~~statistics-and-records~~ administrative  
 19 services.

20 ~~3-~~ c. Division of criminal investigation.

21 ~~4-~~ d. Division of ~~the-iowa~~ state patrol.

22 ~~5-~~ e. Division of state fire protection marshal.

23 ~~6-~~ f. Division of inspection narcotics enforcement.

24 ~~7--Division-of-capitol-police-~~

25 2. The commissioner may appoint a chief director, a first  
 26 and second assistant to the director, and all other  
 27 supervisory officers in each division. All appointments and  
 28 promotions shall be made on the basis of seniority and a merit  
 29 examination.

30 3. ~~Nothing-in-the~~ The aforesaid allocation of duties shall  
 31 not be interpreted to prevent flexibility in interdepartmental  
 32 operations or to forbid other divisional allocations of duties  
 33 in the discretion of the commissioner ~~of-public-safety.~~

34 Sec. 13. Section 80.18, Code 2005, is amended to read as  
 35 follows:

1 80.18 EXPENSES AND SUPPLIES -- REIMBURSEMENT.

2 ~~It shall be the duty of the~~ The commissioner of ~~public~~  
3 ~~safety to shall~~ provide for ~~the members~~ peace officers of the  
4 department when on duty, with suitable uniforms, subsistence,  
5 arms, equipment, quarters, and other necessary supplies, and  
6 also the expense and means of travel and boarding ~~the members~~  
7 ~~of the department,~~ according to rules made adopted by the  
8 commissioner, and as may be provided by appropriation.

9 The department may expend moneys from the support  
10 allocation of the department as reimbursement for replacement  
11 or repair of personal items of the department's peace officers  
12 or employees damaged or destroyed during the a peace officer's  
13 or employee's tour-of-duty course of employment. However, the  
14 reimbursement shall not exceed one hundred fifty dollars or  
15 the amount agreed to under the collective bargaining agreement  
16 for each item. The department shall establish adopt rules in  
17 accordance with chapter 17A to ~~carry-out-the-purpose-of~~  
18 administer this paragraph.

19 Sec. 14. Section 80.19, unnumbered paragraph 1, Code 2005,  
20 is amended to read as follows:

21 The commissioner ~~of-public-safety~~ may ~~co-operate~~ cooperate  
22 with any recognized agency in the education of the public in  
23 highway safety.

24 Sec. 15. Section 80.20, Code 2005, is amended to read as  
25 follows:

26 80.20 DIVISIONAL HEADQUARTERS.

27 The commissioner ~~of-public-safety~~ may, subject to the  
28 approval of the governor, establish divisional headquarters at  
29 various places in the state. Supervisory officers may be at  
30 all times on duty in each district headquarters.

31 Sec. 16. Section 80.23, Code 2005, is amended to read as  
32 follows:

33 80.23 SPECIAL STATE AGENTS -- MEANING.

34 ~~Whenever mention is made, in the Code, of~~ If the term  
35 "special state agents" is used in the Code in connection with

1 law enforcement, the same term shall be construed to mean  
2 ~~members a peace officer~~ of the state department of public  
3 safety.

4 Sec. 17. Section 80.24, Code 2005, is amended to read as  
5 follows:

6 80.24 MUNICIPAL AND INDUSTRIAL DISPUTES.

7 ~~The police-employees~~ A peace officer of the department  
8 shall not be used or called upon for service within any  
9 municipality or in any industrial dispute unless ~~actual~~ a  
10 threat of imminent violence has occurred therein exists, and  
11 then only either by order of the governor or on the request of  
12 the chief executive officer of the municipality or the sheriff  
13 of the county ~~wherein~~ where the ~~dispute has occurred~~ threat of  
14 imminent violence exists if such request is approved by the  
15 governor.

16 Sec. 18. Section 80.33, Code 2005, is amended to read as  
17 follows:

18 80.33 ACCESS TO DRUG RECORDS BY AGENTS PEACE OFFICERS.

19 Every A person required by law to keep records, and any a  
20 carrier maintaining records with respect to any shipment  
21 containing any controlled or counterfeit substances shall,  
22 upon request of an authorized agent peace officer of the  
23 ~~department of public-safety~~, designated by the commissioner of  
24 ~~public-safety~~, permit such agent peace officer at reasonable  
25 times to have access to and copy such records. For the  
26 purpose of examining and verifying such records, an authorized  
27 ~~agents~~ peace officer of the ~~department of public-safety~~,  
28 designated by the commissioner ~~of public-safety~~, may enter at  
29 reasonable times any place or vehicle in which any controlled  
30 or counterfeit substance is held, manufactured, dispensed,  
31 compounded, processed, sold, delivered, or otherwise disposed  
32 of and inspect such place or vehicle, and the contents thereof  
33 of such place or vehicle. For the purpose of enforcing laws  
34 relating to controlled or counterfeit substances, and upon  
35 good cause shown, ~~personnel of the division of drug law~~

1 ~~enforcement-in~~ the peace officer of the department of-public  
2 safety shall be allowed to inspect ~~audits~~ and records in the  
3 possession of the state board of pharmacy examiners.

4 Sec. 19. Section 80.34, Code 2005, is amended to read as  
5 follows:

6 80.34 ~~POWERS-OF-PEACE-OFFICERS~~ PEACE OFFICER -- AUTHORITY.

7 Any An authorized agent peace officer of the department of  
8 ~~public-safety~~ designated to conduct examinations,  
9 investigations, or inspections and enforce the laws relating  
10 to controlled or counterfeit substances shall have all the  
11 ~~powers~~ authority of other peace officers and may arrest a  
12 person without warrant for offenses under this chapter  
13 committed in the ~~agent's~~ peace officer's presence or, in the  
14 case of a felony, if the ~~agent~~ peace officer has probable  
15 cause to believe that the person arrested has committed or is  
16 committing such offense. ~~Such-officers~~ A peace officer of the  
17 department shall have the same ~~powers~~ authority as other peace  
18 officers to seize controlled or counterfeit substances or  
19 articles used in the manufacture or sale of controlled or  
20 counterfeit substances which they have reasonable grounds to  
21 believe are in violation of law. Such controlled or  
22 counterfeit substances or articles shall be subject to  
23 condemnation.

24 Sec. 20. Section 80.36, Code 2005, is amended to read as  
25 follows:

26 80.36 MAXIMUM AGE.

27 A person shall not be employed as a peace officer in the  
28 department ~~of-public-safety~~ after attaining sixty-five years  
29 of age.

30 Sec. 21. Section 80.39, subsection 1, Code 2005, is  
31 amended to read as follows:

32 1. Personal property, except for motor vehicles subject to  
33 sale pursuant to section 321.89, and seizable property subject  
34 to disposition pursuant to chapter 809 or 809A, which personal  
35 property is found or seized by, turned in to, or otherwise

1 lawfully comes into the possession of the department of public  
2 safety or a local law enforcement agency and which the  
3 department or agency does not own, shall be disposed of  
4 pursuant to this section. If by examining the property the  
5 owner or lawful custodian of the property is known or can be  
6 readily ascertained, the department or agency shall notify the  
7 owner or custodian by certified mail directed to the owner's  
8 or custodian's last known address, as to the location of the  
9 property. If the identity or address of the owner cannot be  
10 determined, notice by one publication in a newspaper of  
11 general circulation in the area where the property was found  
12 is sufficient notice. A published notice may contain multiple  
13 items.

14 Sec. 22. Section 97A.1, subsection 13, Code 2005, is  
15 amended to read as follows:

16 13. "Peace officer" ~~or "peace officers" shall mean all~~  
17 members means a member of the divisions division of the Iowa  
18 state patrol and or division of criminal investigation and  
19 bureau of identification in the department of public safety,  
20 except clerical workers, including but not limited to gaming  
21 enforcement officers employed by the division of criminal  
22 investigation for excursion boat gambling enforcement  
23 activities, who have has passed a satisfactory physical and  
24 mental examination and have has been duly appointed as members  
25 a member of the state department of public safety in  
26 accordance with section 80.15, and or a member of the division  
27 of drug-law-enforcement, and arson investigators and narcotics  
28 enforcement or division of state fire prevention-inspector  
29 peace-officers marshal in the department of public safety,  
30 except-clerical-workers, employees of the division of capital  
31 police, except-clerical-workers, and the division of beer and  
32 liquor-law-enforcement of the department of public safety,  
33 except-clerical-workers.

34 Sec. 23. Section 97A.3, subsection 1, Code 2005, is  
35 amended to read as follows:

1 1. All members of the division of highway safety,  
2 uniformed force, and radio communications and the division of  
3 criminal investigation ~~and-bureau-of-identification~~ in the  
4 department of public safety, excepting the members of the  
5 clerical force, who are employed by the state of Iowa on July  
6 4, 1949, and all persons thereafter employed as members of  
7 such divisions in the department of public safety or division  
8 of ~~drug-law~~ narcotics enforcement ~~and-arson-investigators~~ or  
9 division of state fire marshal, except the members of the  
10 clerical force, shall be members of this system, except as  
11 otherwise provided in subsection 3. Effective July 1, 1994,  
12 gaming enforcement officers employed by the division of  
13 criminal investigation for excursion boat gambling enforcement  
14 activities, and fire prevention inspector peace officers  
15 employed by the department of public safety, ~~and-employees-of~~  
16 ~~the-division-of-capitol-police~~, ~~except-clerical-workers~~, shall  
17 be members of this system, except as otherwise provided in  
18 subsection 3 or section 97B.42B. Such members shall not be  
19 required to make contributions under any other pension or  
20 retirement system of the state of Iowa, anything to the  
21 contrary notwithstanding.

22 Sec. 24. Section 97B.42B, subsection 1, paragraph c, Code  
23 2005, is amended by striking the paragraph.

24 Sec. 25. Section 100B.13, subsections 1 and 4, Code 2005,  
25 are amended to read as follows:

26 1. A volunteer fire fighter preparedness fund is created  
27 as a separate and distinct fund in the state treasury under  
28 the control of the division of state fire protection marshal  
29 of the department of public safety.

30 4. Moneys in the volunteer fire fighter preparedness fund  
31 are appropriated to the division of state fire protection  
32 marshal of the department of public safety to be used annually  
33 to pay the costs of providing volunteer fire fighter training  
34 around the state and to pay the costs of providing volunteer  
35 fire fighting equipment.

1     Sec. 26. Section 100C.9, Code 2005, is amended to read as  
2 follows:

3     100C.9 DEPOSIT AND USE OF MONEYS COLLECTED.

4     1. All fees assessed pursuant to this chapter shall be  
5 retained as repayment receipts by the division of state fire  
6 protection marshal in the department of public safety and such  
7 fees received shall be used exclusively to offset the costs of  
8 administering this chapter.

9     2. Notwithstanding section 8.33, fees collected by the  
10 division of state fire protection marshal that remain  
11 unencumbered or unobligated at the close of the fiscal year  
12 shall not revert but shall remain available for expenditure  
13 for the purposes designated until the close of the succeeding  
14 fiscal year.

15     Sec. 27. Section 100C.10, subsection 1, Code 2005, is  
16 amended to read as follows:

17     1. A fire extinguishing system contractors advisory board  
18 is established in the division of state fire protection  
19 marshal of the department of public safety and shall advise  
20 the ~~state-fire-marshal~~ division on matters pertaining to the  
21 application and certification of fire extinguishing system  
22 contractors pursuant to this chapter.

23     Sec. 28. Section 123.14, Code 2005, is amended to read as  
24 follows:

25     123.14 BEER, WINE, AND LIQUOR LAW ENFORCEMENT.

26     1. ~~The division-of-beer-and-liquor-law-enforcement-of-the~~  
27 department of public safety~~,-created-pursuant-to-section~~  
28 ~~80-25,~~ is the primary beer, wine, and liquor law enforcement  
29 authority for this state.

30     2. ~~The other-law-enforcement-divisions-of-the-department~~  
31 ~~of-public-safety,-the~~ county attorney, the county sheriff and  
32 the sheriff's deputies, and the police department of every  
33 city, and the alcoholic beverages division of the department  
34 of commerce, shall be supplementary aids to the ~~division-of~~  
35 ~~beer-and-liquor-law-enforcement~~ department of public safety.

1 Any neglect, misfeasance, or malfeasance shown by any peace  
2 officer included in this section shall be sufficient cause for  
3 the peace officer's removal as provided by law. ~~Nothing-in~~  
4 this ~~This~~ section shall not be construed to affect the duties  
5 and responsibilities of any county attorney or peace officer  
6 with respect to law enforcement.

7 3. ~~The division-of-beer-and-liquor-law-enforcement~~  
8 department of public safety shall have full access to all  
9 records, reports, audits, tax reports and all other documents  
10 and papers in the alcoholic beverages division pertaining to  
11 liquor licensees and wine and beer permittees and their  
12 business.

13 Sec. 29. Section 124.510, unnumbered paragraph 2, Code  
14 2005, is amended to read as follows:

15 This information is for the exclusive use of the division  
16 of narcotic ~~and-drug~~ enforcement, in the department of public  
17 safety, and shall not be a matter of public record.

18 Sec. 30. Section 305.8, subsection 1, paragraph b, Code  
19 2005, is amended to read as follows:

20 b. In consultation with the homeland security and  
21 emergency management division of the department of public  
22 safety defense, establish policies, standards, and guidelines  
23 for the identification, protection, and preservation of  
24 records essential for the continuity or reestablishment of  
25 governmental functions in the event of an emergency arising  
26 from a natural or other disaster.

27 Sec. 31. Section 690.1, Code 2005, is amended to read as  
28 follows:

29 690.1 CRIMINAL IDENTIFICATION.

30 The commissioner of public safety may provide in the  
31 department a bureau division of criminal identification. The  
32 commissioner may adopt rules for the same. The sheriff of  
33 each county and the chief of police of each city shall furnish  
34 to the department criminal identification records and other  
35 information as directed by the commissioner of public safety.

1 Sec. 32. CODE EDITOR DIRECTIVES.

2 1. The Code editor is directed to change the term "Iowa  
3 state patrol" to "state patrol" wherever that term appears in  
4 the 2005 Code or in Acts enacted during a regular or  
5 extraordinary 2005 session of the general assembly, or in  
6 other Acts pending codification.

7 2. The Code editor is directed to change the term  
8 "division of criminal investigation and bureau of  
9 identification" to "division of criminal investigation"  
10 wherever the term appears in the 2005 Code or in Acts enacted  
11 during a regular or extraordinary 2005 session of the general  
12 assembly, or in other Acts pending codification.

13 Sec. 33. Sections 80.4, 80.5, 80.10, 80.12, 80.16, 80.25,  
14 80.27, 80.30, and 80.35, Code 2005, are repealed.

15 EXPLANATION

16 This bill relates to the practices and procedures of the  
17 department of public safety.

18 The bill adds defined terms to Code chapter 80 to enhance  
19 the readability of the chapter. The bill strikes the term  
20 "member" from the chapter and defines "peace officer" to mean  
21 a peace officer member of the department as defined in Code  
22 section 97A.13, subsection 13.

23 Under the bill the commissioner of public safety shall  
24 employ the personnel necessary to properly discharge the  
25 duties of the department. Current law requires the  
26 commissioner to obtain the approval of the governor prior to  
27 hiring personnel.

28 The bill provides that all salaries of the peace officers  
29 and employees of the department shall be provided for by a  
30 legislative appropriation unless the salaries are covered by a  
31 collective bargaining agreement. The bill also provides that  
32 a peace officer of the department shall receive a flat daily  
33 sum for meals as set by the commissioner, unless the allowable  
34 daily sum is covered by a collective bargaining agreement.

35 The bill repeals the section establishing the state patrol

1 in Code section 80.4 and establishes the state patrol in Code  
2 section 80.9. The bill also changes the name of the division  
3 of the Iowa state patrol to the division of state patrol.

4 The bill also transfers the controlled substance  
5 enforcement duties of the department from Code section 80.27  
6 to Code section 80.9, and repeals Code section 80.27.

7 The bill makes the course of instruction for peace officers  
8 of the department, at a minimum, the course of instruction  
9 required by the Iowa law enforcement academy.

10 The department, under the bill, shall pay the expenses for  
11 training in the same manner as other expenses paid by the  
12 department. Current law provides that payment be made in the  
13 same manner as other expenses of the state patrol.

14 The bill provides that an applicant for a peace officer  
15 position at the department must be at least 18 years of age if  
16 the applicant is applying for assignment to provide protection  
17 or security at the capitol complex or the applicant is  
18 applying to be a peace officer candidate. All other peace  
19 officer applicants for a position at the department must be at  
20 least 22 years of age.

21 The bill eliminates references to or changes the name of  
22 some of the divisions within the department.

23 The bill repeals Code section 80.5, and transfers a portion  
24 of the Code section to Code section 80.17, eliminating the  
25 restriction on the total number of supervisors within the  
26 state patrol.

27 The bill permits an employee who uses personal items during  
28 the course of employment to be reimbursed by the department  
29 for any damaged items under applicable provisions of a  
30 collective bargaining agreement. Current law only permits  
31 reimbursement of up to \$150 for damaged personal items used  
32 during the course of employment.

33 Under the bill, a peace officer of the department may be  
34 called to duty within a municipality or in any industrial  
35 dispute if there is a threat of imminent violence. Under

1 current law, the peace officer may only be called to duty in  
2 an industrial dispute if there is actual violence.

3 The bill repeals Code sections 80.10 and 80.12, relating to  
4 the department utilizing, and peace officers or peace officer  
5 candidates attending, a short course of instruction at the  
6 university of Iowa.

7 The bill repeals Code section 80.16, requiring the separate  
8 bonding of special agents of the department.

9 The bill repeals Code section 80.25, establishing a  
10 division of beer and liquor law enforcement.

11 The bill repeals Code section 80.30, relating to exceptions  
12 to certain qualifications required of prospective employees of  
13 the department.

14 The bill repeals Code section 80.35, relating to the  
15 transition of persons providing security at the capitol  
16 complex from the former department of general services to the  
17 department of public safety.

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