



HIGHWAY SAFETY

LAW UPDATE



June 3, 2015

Office of the Prosecuting Attorneys Training Coordinator

May, June, 2015

DOT provides Spanish Translation of implied consent notice

The DOT Office of Driver Services has commissioned a Spanish translation of the Iowa Implied Consent Advisory.

The translation was prepared by Carmen Patricia Hillock, a Federal and Iowa certified court interpreter, and is accompanied by Ms. Hillock's certification. The certification declares that the translation is "a true and accurate and complete translation, to the best of (her) knowledge and ability, of a copy of the English language version of the *Implied Consent Advisory* form. . ."

The Office of Driver Services has prepared laminated copies of the advisory for placement at DataMaster locations throughout the state. The translation does not replace the English form but rather allows a Spanish-speaking subject to read the advisory in the subject's own language as the officer provides the advisory in English.

A copy of the translation and Ms. Hillock's certification are attached to this issue of the *Highway Safety Law Update*.

"Acts of Interest" 2015 edition

Again this year, the Department of Public Safety and the Iowa County Attorneys Association are sponsoring "Iowa Acts of Interest to Law Enforcement" in Coralville on June 17, and in Ames on June 19. **Details of the programs are included on the registration form, which is attached to this issue of the *Highway Safety Law Update*.**

As in the past, the program will feature new legislation passed by the General Assembly as well as a criminal case law update. This year's workshops will also feature two highway safety topics. The first is a presentation on traffic safety roadblocks in Iowa under Iowa Code Chapter 321K by Lt. Randy Jones of the Iowa State Patrol. In conjunction with Lt. Jones' presentation, attendees will be able to inspect the Governor's Traffic Safety Bureau's support trailer, which is available to law enforcement agencies planning to stage a traffic safety check point.

There will also be a panel discussion on the recent U.S. Supreme Court case of Rodriguez v. U.S., 575 U.S. ___, 135 S.Ct. 1609 (4/21/15) and how that case affects traffic stops and investigative detentions that arise during traffic stops. Kevin Cmelik, director of the Criminal Appeals division of the Iowa Department of Justice will be leading the Rodriguez discussion.

Finally, the program will include presentations on Human Trafficking by Molly Jansen and Kim Wadding of the Iowa Law Enforcement Academy.

Traffic Safety Awards

Eleven law enforcement officers, four law enforcement agencies, and two traffic safety professionals received the Commissioner's Special Award for Traffic Safety at the Governor's Traffic Safety Bureau conference on April 29 at the Prairie Meadows Conference Center in Altoona.

Commissioner of Public Safety Roxann Ryan presented the awards at the closing meal of the conference.

Continued on page 2

INSIDE THIS ISSUE

1	DOT provides Spanish translation of implied consent notice Spanish Translation Interpreter Certification
1	"Acts of Interest" 2015 edition Registration Form
1	Traffic Safety Awards (Award Recipients)
2	Case of Interest from the United States Supreme Court
2	Cases of Interest from the Iowa Supreme Court
3	Recent Unpublished Decisions of the Iowa Court of Appeals

In addition to the Commissioner's awards, the Drug Recognition Experts of Iowa presented awards to six DREs for their work in their respective regions of the state, as well as the DRE class valedictorian award to Matt Bruner of the Iowa Department of Natural Resources. The DREs also presented the Kip Hayward award to retired Decorah officer Allen Ludeking. The Hayward award is presented in memory of Kip Hayward, one of the first Iowa DREs, who was killed by an impaired driver while responding to the scene of a crash caused by another impaired driver.

The complete list of award recipients is attached to this issue of the *Highway Safety Law Update*.

Case of Interest from the United States Supreme Court

Officers must have grounds to detain-any detention triggers 4th Amendment analysis

Rodriguez v. U.S., 575 U.S. ___, 135 S.Ct. 1609 (4/21/15)

A traffic stop may last for as long as it takes the officer to “handle the matter for which the stop was made”; any additional detention is subject to a Fourth Amendment analysis *for that detention*; an officer may not extend the duration of the stop for additional investigation (or “expand the scope” of the stop) unless the officer has grounds to justify the additional detention (here, an officer with a drug dog on the scene conducted a dog sniff on the car seven or eight minutes after completing the traffic stop; this additional detention—in the absence of sufficient articulated grounds for the detention—violated the Fourth Amendment; case remanded to determine if the officer did or did not have grounds to justify the additional detention.)

Cases of Interest from the Iowa Supreme Court

Right to counsel for simple misdemeanors

State v. Young, ___ N.W.2d ___ (Iowa, 4/3/15)

Persons charged with a crime for which confinement is possible have a right to counsel under article I, section 10 of the Iowa Constitution; in addition, the Iowa Due Process Clause (article 1, section 9 of the Iowa Constitution) forbids use of a conviction obtained without counsel (or a valid waiver of counsel) to enhance a subsequent prosecution; defendant's conviction for third degree theft reversed as it was based, in part, upon an uncounseled prior conviction.

License plate lights—light too weak, or no light at all?

State v. Lyon, 862 N.W.2d 391 (Iowa, 4/17/15)

Iowa Code section 321.388 may be violated in two ways—by a vehicle with no illumination for a rear license plate, or by a vehicle with insufficient illumination which is not clearly legible within 50 feet; if a license plate has *no* illumination (i.e., the light is burned out) an officer need not be within 50 feet of the vehicle to initiate the stop; the requirement that an officer be within 50 feet of the vehicle is triggered only when the violation is insufficient illumination for the plate (distinguishing and explaining State v. Reisetter, 747 N.W.2d 792 (Iowa App., 3/14/08).)

Officers must advise WHO may be called under 804.20, not WHY the call should be made

State v. Lyon, 862 N.W.2d 391 (Iowa, 4/17/15)

Officer who provided the suspect with *Miranda* warnings, then read the implied consent advisory, and then offered the suspect phone calls under Iowa Code section 804.20 complied with the requirements of 804.20; an officer need not request a sample before offering 804.20 calls and need only advise *who* may be called (family member or an attorney); there is no requirement that the officer advise the suspect to use the call to decide whether to consent to the test.

Arrest for public intoxication does not trigger speedy indictment for OWI

State v. Penn-Kennedy, 862 N.W.2d 384 (4/17/15)

Where suspect was taken into custody and then, after suffering a foot injury, was taken to a hospital where the officer invoked implied consent and, after securing a urine sample, advised the suspect that he was under arrest for *public intoxication*, a subsequent prosecution for *OWI* was not barred by operation of the speedy indictment rule or State v. Wing, 791 N.W.2d 243 (Iowa, 12/3/10); “the speedy indictment rule is not triggered for a prosecution of a public offense by an arrest that resulted in an earlier prosecution of a separate public offense arising from the same

Continued on page 3

incident”; the rule of State v. Wing “is narrow and limited to those cases in which an arrest is not promptly followed by any prosecution.”

Reasons for a sentence must appear somewhere in the record

State v. Thacker, 862 N.W.2d 402 (Iowa, 4/17/15)

To permit adequate appellate review of a sentence, a court’s reasoning for imposing a particular sentence must appear somewhere in the record, either through a reported hearing, a filed document outlining a plea agreement, or a sentencing order outlining a plea agreement; sentencing pursuant to “the plea agreement” is permitted if that agreement is outlined *somewhere* in the record; case remanded for re-sentencing; “(o)n remand, if the district court determines it merely gave effect to the parties’ agreement and exercised no discretion in sentencing other than to accept the agreement as advanced by the parties, it should make the particulars of the plea agreement with respect to the sentence a part of the record.”

Dram shop applies where alcohol is part of general amenities provided by resort

Sanford v. Fillenwarth, ___ N.W.2d ___ (Iowa, 5/8/15)

Dram shop liability (the ability of an injured plaintiff to sue an establishment which “sold and served” alcohol to an intoxicated person who subsequently injured the plaintiff) extends to an entity like the defendant, a beach resort which provides alcohol (without a separate charge, as part of the amenities of the resort) to paying guests of the resort; the word “sold” in the dram shop statute (Iowa Code section 123.92) encompasses indirect sales like those provided by the resort.

RECENT UNPUBLISHED DECISIONS INVOLVING ALCOHOL AND TRAFFIC SAFETY

Citation of unpublished cases is governed by I.R.App.Pro. 6.904(2)(c), which provides that unpublished opinions do not constitute binding authority and requires that when citing an unpublished opinion, a party include an electronic citation where the opinion can be readily accessed on-line. (Note: all opinions may be accessed online in the Archives section of Opinions of the Iowa Court of Appeals or Supreme Court, at <http://www.iowacourts.gov/>).

Peter J. Grady
Pete.Grady@iowa.gov

Office of the Prosecuting
Attorneys Training
Coordinator

1st Floor, Hoover Bldg.
Des Moines, Iowa 50319

Phone:
(515) 281-5428

Recent Unpublished Decisions of the Iowa Court of Appeals Arranged by County

Black Hawk County State v. Hubert Todd, Jr., No. 13-0271 (Iowa Court of Appeals, filed April 8, 2015.) **Guilty pleas and convictions affirmed.** Defendant’s guilty pleas and convictions for several offenses (including OWI, driving while revoked, and public intoxication) affirmed.

Black Hawk County State v. Hubert Todd, Jr., No. 13-0271 (Iowa Court of Appeals, filed April 8, 2015.) **Handicap placard to be used only when car is parked.** Iowa Code section 321L.4(1) provides that handicap parking placards (as opposed to permanent license plate designations) are only to be displayed when a vehicle is parked in a persons with disabilities parking space; defendant’s vehicle had the placard hanging from the rear view mirror while the vehicle was being operated and therefore, officers had probable cause to stop the vehicle; trial counsel was not ineffective for failing to file a motion to suppress on a meritless issue.

Black Hawk County State v. Davon Reasby Saffold, No. 14-0223 (Iowa Court of Appeals, filed April 22, 2015.) **Fact that registered owner was suspended justified stop.** Officer who ran license plates and learned that the registered owner, a woman, was suspended had grounds to stop the vehicle as the officer did not learn until approaching the driver that the driver was, in fact, a man; once validly stopped, the officer could ask for the driver’s license, and the investigation that resulted in OWI and driving while barred convictions was supported by reasonable grounds.

Black Hawk County State v. Charles David Brown, No. 14-0588 (Iowa Court of Appeals, filed May 6, 2015.) **City noise ordinance violation justifies stop.** Officer who could hear loud music coming from a car approximately 100 feet away was justified in stopping car; city ordinance prohibited music that could be heard more than 25 feet from the vehicle of origin.

Cerro Gordo County State v. Joseph Michael Evenson, No. 14-0168 (Iowa Court of Appeals, filed April 22, 2015.) **Eluding is a general intent crime.** Conviction for eluding affirmed; “willfulness” in the eluding statute is not the same as a specific intent, and the trial court properly refused to instruct the jury that the offense was a specific intent crime.

Recent Unpublished Decisions of the Iowa Court of Appeals Arranged by County, cont.

Dickinson County State v. Kip Michael George Bryan, No. 13-2069 (Iowa Court of Appeals, filed April 8, 2015.) **No ‘seizure’; no constitutional violation.** Defendant’s car was not “seized” by officer who parked “a good distance behind” the defendant and “there was nothing preventing (the defendant) from driving his vehicle forward, turning around, and leaving the area”; the subsequent police-citizen encounter did not give rise to a constitutional violation; OWI conviction affirmed.

Dickinson County State v. Kip Michael George Bryan, No. 13-2069 (Iowa Court of Appeals, filed April 8, 2015.) **Headlights on officer’s car parked behind the defendant do not create a ‘seizure.’** Although police use of emergency lights generally results in a “seizure”, the use of “ordinary headlights at night is simply not coercive in the same manner as the activation of emergency lights which invoke police authority and imply a police command to stop and remain.” (Citation omitted.)

Hancock County State v. Randall Lee Lamoreux, No. 14-0831 (Iowa Court of Appeals, filed April 22, 2015.) **Attorney meeting was in room with audio and video recording; 804.20 violation requires reversal.** OWI 3rd defendant and his attorney met in room with surveillance in violation of the private consultation provision of Iowa Code section 804.20; this violation occurred even though neither requested confidentiality, but the State could articulate no safety concern which justified the lack of privacy for the consultation; the subsequent breath test should have been suppressed; conviction reversed and case remanded.

Henry County State v. Ahmet Mahalbasic, No. 13-2082 (Iowa Court of Appeals, filed April 22, 2015.) **Sufficient evidence of recklessness to support involuntary manslaughter conviction.** Conviction for involuntary manslaughter affirmed for defendant who, in the middle of the day, parked his tractor-trailer in the right hand lane of travel on a 4-lane, 65 mph highway so he could check out a semi for sale in a lot close to the highway, and who did not put out any emergency triangles or cones; evidence of the defendant’s recklessness sufficient, and was not sufficiently mitigated by defendant’s use of emergency flashers; that evidence “may be a small indication (the defendant) desired to reduce the risk to oncoming traffic, (but) it was an even greater recognition that he had created a grave danger that required warning.”

Henry County State v. Ahmet Mahalbasic, No. 13-2082 (Iowa Court of Appeals, filed April 22, 2015.) **Defendant’s recklessness in parking a tractor-trailer on a freeway was a proximate cause of the victims’ deaths.** Defendant’s behavior in parking his truck on a freeway was a factual cause of the death of two persons in a car that rear-ended the truck, and although it may be that the victim driver’s inattentiveness was a also cause of the crash, that supposed inattentiveness was not a superseding cause which served to cut off the defendant’s culpability for the deaths; the defendant’s action in parking his rig on the highway was such that “it was reasonably foreseeable that other motorists, negligent or not, would collide with (the defendant’s) truck during the time it was parked on the highway.”

Johnson County State v. Marvis Latrell Jackson, No. 14-0067 (Iowa Court of Appeals, filed May 6, 2015.) **Search valid; officers relied upon apparent authority of another to consent.** Officers who requested and received consent to search the room an apartment dweller used as his own could rely on that consent to search a backpack which, it was later determined, belonged to a guest; the surrounding circumstances of the incident did not raise “reasonable doubts as to the authority of the consenting party” and the search of the backpack was valid.

Lee County State v. Shawn Michael Elder Jr., No. 13-1822 (Iowa Court of Appeals, filed April 22, 2015.) **Failure to try the defendant within one year of arraignment requires dismissal of charge.** Defendant’s conviction for manufacturing methamphetamine reversed and case remanded for dismissal where defendant did not waive his right to be tried within one year of his arraignment (which occurred November 2) and although “numerous delays were sought and secured by (the defendant’s) requests for continuance, delays after October 9, 2013, were 13 attributable to the court and the State.”

Lucas County Linda Campbell v. Jaimee Nicole Kinser, No. 14-0615 (Iowa Court of Appeals, filed April 8, 2015.) **License status is irrelevant to negligence unless a causal relationship exists between the status and the accident itself.** Trial court properly limited evidence of the defendant’s license status and properly denied the plaintiff’s request for a jury instruction that the driver had been in violation of Iowa Codes section 321.294 (minors’ drivers licenses) at the time of the accident; plaintiff’s appeal denied in case where plaintiff, as a train passenger, was injured when the train collided with the defendant driver’s truck (which had gotten stuck attempting to cross railroad tracks) and no causal connection was shown between the defendant’s license status and the accident.

Recent Unpublished Decisions of the Iowa Court of Appeals Arranged by County, cont.

Marion County State v. Laura Gabrielle Santoro-Peterman, No. 14-0020 (Iowa Court of Appeals, filed May 6, 2015.) **OWI guilty verdict upheld.** The defendant's "confusion, her inability or unwillingness to follow directions, her conduct during the HGN test and her failure of that test, along with her admission to consuming alcohol and the testimony from the officers that she smelled of an alcoholic beverage" constitute substantial evidence which supports an OWI guilty verdict.

Muscatine County State v. Randi Lynn Mathis, No. 14-0861 (Iowa Court of Appeals, filed April 22, 2015.) **Approaching a parked car without lights or sirens is not a stop.** Officers who approached a parked car in an alley which could have backed out or driven out of the alley did not seize the car; driving while barred conviction affirmed.

Polk County State v. Rickie Edward Dyer Jr., No. 14-1167 (Iowa Court of Appeals, filed April 22, 2015.) **OWI 3rd conviction vacated; trial court's colloquy was inadequate.** Trial court failed to properly advise the defendant of his rights under Rule 2.8(2)(b)(1)–(5) in a felony guilty plea; conviction vacated, case remanded with an opportunity to plead anew and be resentenced; if the defendant does not reenter the plea on remand "the district court should vacate the conviction. . .and return the State to the position it had before the plea agreement. See State v. Gines, 844 N.W.2d 437, 442 (Iowa 2014). If this occurs, the State may reinstate any charges or sentencing enhancements it dismissed in contemplation of the plea agreement, file any additional charges supported by the evidence, and proceed . . . accordingly."

Polk County State v. Donald Trajwan Johnson, No. 14-0833 (Iowa Court of Appeals, filed April 22, 2015.) **Officer had grounds to stop the defendant for speeding; OWI 2nd conviction affirmed.** Officer who observed a car which was "obviously" traveling above the 25 mph speed limit had grounds to stop the defendant, although he had no radar equipment and was unable to pace the car (because the car quickly turned into a parking lot); officer's observation that it would have taken him less time to catch up to the defendant if the defendant had been traveling the speed limit, combined with his training and experience as part of a traffic enforcement unit provided specific articulable grounds justifying the stop.

Polk County State v. Nicholas D. Stephens, No. 13-1858 (Iowa Court of Appeals, filed April 22, 2015.) **No violation of 804.20 where officer facilitated calls but did not know of a "call back" number which could be left on an answering machine.** Defendant was unsuccessful in calling his mother and provided no other numbers to the officer; the two discussed leaving a message on the mother's answering machine but the officer did not know the call back number and "did not try to obtain one"; however, when asked if there was anyone he wanted to call, the defendant said "No, I'm good"; no 804.20 violation and OWI 2nd conviction affirmed.

Polk County State v. Nicholas D. Stephens, No. 13-1858 (Iowa Court of Appeals, filed April 22, 2015.) **No 804.20 violation where approximately one hour remained of the "two hours."** "The two-hour waiting period does not mean every detainee is to be given two hours before he or she can consent to testing."

Polk County Jonathan Quincy Adams v. State, No. 14-0971 (Iowa Court of Appeals, filed May 6, 2015.) **Counsel ineffective for failure to challenge causation; vehicular homicide conviction overturned.** Defendant who struck and killed a bicyclist and was convicted of OWI-vehicular homicide received ineffective assistance of counsel at trial, because trial counsel argued that the State had not proved the defendant had been intoxicated when he struck the bicyclist but failed to argue that the State had not proved that the defendant's act of OWI had *caused* the fatality. See the first Court of Appeals decision affirming the conviction, at http://www.iowacourts.gov/about_the_courts/court_of_appeals/court_of_appeals_opinions/recent_opinions/20091007/9-520.pdf?search=08-0513#_1 and the subsequent Supreme Court decision affirming the conviction but preserving the causation question for post-conviction relief, at http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Supreme_Court_Opinions/Recent_Opinions/20120120/08-0513.pdf

Polk County State v. Casey Joe Risius, No. 14-0948 (Iowa Court of Appeals, filed May 20, 2015.) **Dim license plate light, not readable from 50 feet.** Officers who could not read a license plate from 50 to the rear due to a dim light had probable cause to stop the vehicle. See Iowa Code section 321.388.

Recent Unpublished Decisions of the Iowa Court of Appeals Arranged by County, cont.

Polk County State v. Casey Joe Risius, No. 14-0948 (Iowa Court of Appeals, filed May 20, 2015.) **Officers may order the driver out of car during a stop.** “[O]nce a motor vehicle has been lawfully detained for a traffic violation, the police officers may order the driver to get out of the vehicle without violating the Fourth Amendment’s proscription of unreasonable searches and seizures.” *Pennsylvania v. Mimms*, 434 U.S. 106, 111 n.6 (1977); see also *United States v. Stoltz*, 683 F.3d 934, 938 (8th Cir. 2012) (noting this principle of law “is well settled”).

Polk County State v. Casey Joe Risius, No. 14-0948 (Iowa Court of Appeals, filed May 20, 2015.) **Consent to pat down search; subsequent car search based upon probable cause.** Officer’s testimony that defendant consented to a pat down search corroborated by video (and defendant’s contrary testimony contradicted by video); pat down, which resulted in discovery of marijuana, provided probable cause to search the car, and methamphetamine subsequently discovered was admissible.

Scott County Robert Reed and Patricia Reed v. Michelle Lynn Schaeffer and Richard Schaeffer, No. 13-1923 (Iowa Court of Appeals, filed April 22, 2015.) **Failure to fully respond to discovery requests limits evidence at trial.** Plaintiffs who were injured when an impaired driver crashed into them did not respond fully to the defendants’ civil discovery requests despite a court order which directed them to do so and which warned of possible sanctions at trial; the trial court did not abuse its discretion by denying admission of the disputed evidence.

Sioux County State v. Gary Ernest Moore, No. 14-0557 (Iowa Court of Appeals, filed April 22, 2015.) **Fingerprint records are non-testimonial; OWI 3rd as habitual offender conviction affirmed.** Defendant’s argument that fingerprint records are “testimonial” and therefore, subject to confrontation and cross-examination analysis is rejected; State’s use of such records to prove identity is appropriate as such records are created prior to the commencement of a given case and, like driving records, exist even if there is no subsequent prosecution. See *State v. Shipley*, 757 N.W.2d 228 (Iowa, 7/18/08) and *State v. Kennedy*, 846 N.W.2d 517 (Iowa, 2014).

Woodbury County Charles Edward Davis v. State, No. 14-0420 (Iowa Court of Appeals, filed May 20, 2015.) **PCR for OWI 3rd as an habitual offender denied.** Trial court’s grant of summary judgment on OWI 3rd as an habitual offender affirmed; post conviction relief denied.

Citations from previous issue of the Highway Safety Law Update

Grady v. North Carolina, 575 U.S. ___, 135 S.Ct. 1368 (3/30/15)
State v. Robinson, 859 N.W.2d 464 (Iowa, 2/6/15)
Sioux City v. Jacobsma, 862 N.W.2d 335 (Iowa, 2/20/15)
In re Krull, 860 N.W.2d 38 (Iowa, 2/20/15)
State v. McKinley, 860 N.W.2d 874 (Iowa, 3/13/15)
State v. Cordero, 861 N.W.2d 453 (Iowa, 3/20/15)

Prepared by the Prosecuting Attorneys Training Coordinator (PATC)

Under a project approved by the Governor’s Traffic Safety Bureau (GTSB), in cooperation with the National Highway Traffic Safety Administration (NHTSA). The opinions, findings, and conclusions expressed in this publication are those of the author and not necessarily those of the PATC, GTSB, NHTSA, or the Iowa Department of Justice. **Busy month. Too busy for humor. I guess I’ll go eat worms.**

Submissions and / or comments may be sent to:
Peter Grady, PATC
Iowa Dept. of Justice
1st Floor, Hoover State Office Building
Des Moines, IA 50319
Phone: 515-281-5428 ~ Fax: 515-281-4313
E-mail: pete.grady@iowa.gov



Form 432052 (03-15)

Office of Driver Services
P.O. Box 9204
Des Moines, IA 50306-9204

NOTIFICACIÓN DEL CONSENTIMIENTO IMPLÍCITO

La Ley de Consentimiento Implícito requiere que un agente del orden público le notifique a la persona lo siguiente:

Si durante los últimos doce años no le habían ya revocado la licencia bajo las leyes de consentimiento implícito o de conducir en estado de ebriedad de este Estado, el negarse a someterse a que le tomen una muestra corporal para el análisis químico resultará en la revocación por un año de su privilegio para conducir un vehículo motorizado o por dos años si tuvo una o más revocaciones durante los últimos doce años. Si tiene usted menos de 18 años de edad, la revocación será igual a los períodos citados anteriormente o hasta que cumpla 18 años de edad, sea cual sea el período de tiempo más largo.

El negarse a someterse a un análisis de sangre u orina para detectar drogas distintas al alcohol o una combinación de alcohol y otra droga constituye una denegación y se aplicarán los períodos de revocación citados anteriormente.

Si da su consentimiento para el análisis químico y los resultados del análisis indican una alcoholemia de ocho centésimas (0.08) o más, o si los resultados indican la presencia de una sustancia regulada u otra droga, o una combinación de alcohol y otra droga, en quebrantamiento del Capítulo 321J.2 del Código de Iowa, el Departamento de Transportes (*DOT*) le revocará a usted su privilegio para conducir un vehículo motorizado por un período de 180 días si no ha tenido una revocación durante los últimos doce años bajo las leyes de consentimiento implícito o de conducir en estado de ebriedad, o por un año si ha tenido una o más revocaciones previas bajo esas disposiciones. Si tiene usted menos de 18 años de edad, la revocación será igual a los períodos citados anteriormente o hasta que cumpla 18 años de edad, sea cual sea el período de tiempo más largo. Si usted tiene menos de 21 años de edad y los resultados de la prueba indican una alcoholemia de dos centésimas (0.02) pero menos de ocho centésimas (0.08), su licencia de conducir quedará revocada por 60 días si no ha tenido revocaciones durante los últimos doce años bajo el Capítulo 321J del Código de Iowa, o por 90 días si ha tenido una revocación previa dentro de los últimos doce años bajo el Capítulo 321J del Código de Iowa.

Si usted tiene una licencia comercial de conductor, el Departamento de Transportes (*DOT*) le inhabilitará por un año su privilegio para conducir vehículos comerciales si se somete a un análisis y la reprueba, si se niega a someterse al análisis, o si condujo bajo los efectos de bebidas alcohólicas u otra droga o sustancia regulada o una combinación de tales sustancias. Esta inhabilitación será de por vida si previamente ya le habían inhabilitado su privilegio para conducir vehículos comerciales. Estas medidas son además de cualquier revocación bajo el Capítulo 321J del Código de Iowa.

NOTIFICACIÓN ADICIONAL DEL CONSENTIMIENTO IMPLÍCITO PARA CONDUCTORES DE VEHÍCULOS COMERCIALES MOTORIZADOS ÚNICAMENTE

Si usted conduce un vehículo comercial motorizado y se somete al análisis químico y los resultados del análisis indican una alcoholemia de cuatro centésimas o más O si rehúsa al análisis químico, le inhabilitarán por un período de un año el privilegio para conducir un vehículo motorizado.

La inhabilitación para conducir un vehículo comercial motorizado será por tres años en lugar de uno si usted conduce un vehículo comercial motorizado para transportar materiales peligrosos de cierto tipo o cantidad que requieran el uso de rótulos en los vehículos.

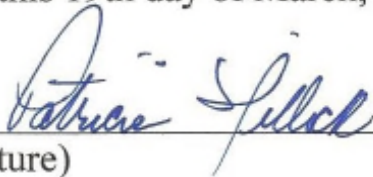
La inhabilitación será de por vida en lugar de los períodos citados anteriormente si después del 30 de junio de 1990, al conducir un vehículo comercial motorizado, usted previamente cometió alguno de los siguientes actos o delitos en cualquier estado o jurisdicción extranjera: a) conducir bajo los efectos de una bebida alcohólica u otra droga o sustancia regulada, o bajo una combinación de tales sustancias; b) conducir con una alcoholemia de cuatro centésimas o más; c) rehusar someterse al análisis químico exigido; d) no parar y prestar ayuda en el lugar de un accidente en el que estuvo involucrado su vehículo; e) cometer un delito mayor o un delito menor con agravantes. Según lo dispuesto por ley federal, la inhabilitación de por vida puede quedar reducida a 10 años.

INTERPRETER CERTIFICATION

I, Carmen Patricia Hillock, a Federal Certified Court Interpreter, and a State of Iowa Certified Court Interpreter, do hereby affirm and declare that the attached document (identified as Form 432052, revision date March, 2015), written in Spanish, is a true and accurate and complete translation, to the best of my knowledge and ability, of a copy of the English language version of the *Implied Consent Advisory* form (identified as Form 432013, revision date March, 2012). I also affirm and declare that I am not employed by the Iowa Department of Transportation, nor am I financially or otherwise interested in the outcome of any action or proceeding relating in any way to the attached document.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Dated this 19th day of March, 2015



(Signature)

Carmen Patricia Hillock
President, Iowa Interpreters and Translators Association
Urbandale, Iowa 50322
515-314-6021

State of Iowa

County of Polk

This instrument was acknowledged before me on March 19, 2015 by Carmen Patricia Hillock.

_(signature of notary public) Nancy L. Harris

_(title) NOTARY

My commission expires 11-4-2015



2015 Iowa Acts of Interest to Law Enforcement



Sponsored by

**Office of the Prosecuting Attorneys
Training Coordinator**

Iowa County Attorneys Association

Iowa Department of Public Safety

The **Wednesday, June 17th** workshop will be at the **Holiday Inn** in Coralville located north of I-80 at Exit 242.

The **Friday, June 19th** workshop will be at the **Gateway Center** in Ames. The Gateway Center is located at 2100 Green Hills Drive in Ames.

The workshops will provide an overview of 2015 legislation, as well as new issues in Criminal Law.

Registration begins at 8:30 a.m. and the Workshop starts at **9:30 a.m.** Refreshments and lunch will be provided.

Registration Fee: \$60.00 Payable to Iowa County Attorneys Association (ICAA)	
Mail/Fax to: Sue Apple	Phone: 515-281-5428
Prosecuting Attorneys Training Coordinator	Fax: 515-281-4313
Hoover Building, 1 st Fl., Des Moines, IA 50319	E-Mail: sue.apple@iowa.gov

Name: _____

Agency: _____

Address: _____

City: _____

Zip: _____ Phone: _____ Fax: _____

E-Mail: _____

Workshop Location

_____ **June 17 Coralville**

_____ **June 19 Ames**

There will be a **\$25.00** fee applied to cancellations received after **June 12, 2015** and for any registrants who fail to attend without cancellation prior to June 12th.

The workshops are expected to qualify for CLE credits.

**DRUG RECOGNITION EXPERT
ACKNOWLEDGMENTS &
KIP HAYWARD AWARD**

Governor's Highway Traffic Safety Conference
Governor's Traffic Safety Bureau
Altoona, Iowa – April 29, 2015



TOP REGIONAL DREs:

Deputy Benjamin Bartholomew, Cass County Sheriff's Office (Southwest)

Trooper Marc Griggs, Iowa State Patrol District 1 (State)

Officer Ryan Hauge, Ames Police Department (Central)

Patrolman Dan Plueger, Le Mars Police Department (Northwest)

Officer Brad Reinhard, Iowa City Police Department (Southeast)

Officer Brad Walter, Waterloo Police Department (Northeast)

DRE CLASS VALEDICTORIAN:

Conservation Officer Matt Bruner, Iowa Department of Natural Resources

KIP HAYWARD AWARD:

Officer Allen Ludeking, Decorah Police Department (Retired)





COMMISSIONER'S SPECIAL AWARD FOR TRAFFIC SAFETY

Governor's Highway Traffic Safety Conference

Governor's Traffic Safety Bureau

Altoona, Iowa – April 29, 2015

BUSINESS CATEGORY:

Dorothea Trotter, Iowa Department of Transportation

INDIVIDUAL CATEGORY:

Deputy Director John A. Lundell, MA, U of I Injury Prevention Research Ctr

CRIMINAL JUSTICE CATEGORY:

Senior Police Officer Jon Dallman, Des Moines Police Department

Officer Eric Davis, Sioux City Police Department

Trooper David Driesen, Iowa State Patrol District 6

Sergeant Alex Gries, Buffalo Police Department

Trooper Jason Halverson, Iowa State Patrol District 4

Trooper Michael Kober, Iowa State Patrol District 15

Trooper Carlos Lopez, Iowa State Patrol District 8

Officer Emory Ochoa, Iowa State University Police

Deputy Tony Ong, Jasper County Sheriff's Office

Senior Police Officer Dan Plueger, LeMars Police Department

Deputy Ben Veren, Marshall County Sheriff's Office

Bremer County Sheriff's Office, *Accepting:* Sheriff Dan Pickett

Hinton Police Department, *Accepting:* Chief Chris Conlon

Ida County Sheriff's Office, *Accepting:* Sheriff Wade Harriman

Indianola Police Department, *Accepting:* Lieutenant Rob Hawkins