

**CHAPTER 22
PUBLIC INTOXICATION**

22.01 Definition

22.02 Public Intoxication Prohibited

22.03 Arrest, Testing, and Alcohol Level Prohibited

22.04 Penalties for Violation

22.01 DEFINITION. The definition as utilized by Section 123.46 of the Code of Iowa shall hereby be adopted for utilization by this chapter.

22.02 PUBLIC INTOXICATION PROHIBITED. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this section shall be guilty of a simple misdemeanor.

22.03 ARREST, TESTING, AND ALCOHOL LEVEL PROHIBITED. When a peace officer arrests a person on a charge of public intoxication under this chapter, the peace officer shall inform the person that the person may have a chemical test of the person's blood, urine, or breath, administered at the person's own expense. If a device approved by the Commission of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In prosecution for public intoxication, evidence of the results of a chemical test performed under this section is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of the arrest. A person commits the violation of public intoxication while in a public place, while having an alcohol concentration of zero point eight or more.

22.04 PENALTIES FOR VIOLATION. Any person convicted of a violation of any provisions of this chapter shall be guilty of public offenses or misdemeanors as identified in Chapter 3.