SLS is currently helping students who didn’t receive their security deposit back from their landlord, or aren’t satisfied with the amount they received. Iowa law requires landlord to return security deposits within 30 days of the end of the lease provided you have provided a mailing address. If you do not receive your security deposit or an itemized list of deductions within 30 days, you are entitled to the full amount.

Landlords can only withhold deposits for the following reasons: (1) unpaid rent and late fees; (2) to restore the unit to the condition it was in at the beginning of the lease, except ordinary wear and tear; and (3) expenses incurred if the tenant was a holdover.

In security deposit disputes, it is the landlord’s job to prove they are entitled to keep your money. That being said, you can protect yourself by completing move-in and move-out checklists, taking pictures of your apartment during move-in and move-out, and thoroughly cleaning your apartment when you leave.

If you are unsatisfied with your security deposit return, contact Student Legal Services to schedule an appointment.

Many new arrivals to Iowa are surprised when they first learn about Iowa’s public intoxication law, whether through personal experience or that of a friend or acquaintance. This is not surprising, given that the criminalization of Public Intoxication is not universal. None of Iowa’s immediate neighbors (Wisconsin, Illinois, Missouri, Nebraska, South Dakota, Minnesota) criminalize the act of being intoxicated in public. Missouri, Illinois, and South Dakota actually go as far as to prohibit any municipality from prohibiting the mere act of being intoxicated in public. Iowa has a different approach.

The State of Iowa criminalizes the action of “[being] intoxicated or simulating intoxication in a public place.” Iowa Code § 123.46(2). A first offense public intoxication charge is a simple misdemeanor, usually resulting in arrest, and mandating a fine of $65-625 and up to 30 days in Jail. Id. Second offense public intoxication may be charged as a serious misdemeanor and carries a fine of $315-1875 and up to 1 year in Jail. A third or subsequent public intoxication charge is an aggravated misdemeanor and carries a fine of $625 to 6250 and up to two years in prison. Iowa Code § 123.91(1),(2).

The Supreme Court of Iowa has wrestled with the definition of the term “public place” for the purpose of the Public Intoxication statute several times, resulting in no bright-line rule, but a working definition as any place where the public is permitted to enter without first gaining permission.

The definition of “intoxication” is less clear than the definition of “public place.” The Iowa code does not provide a definition of the word “intoxication” for the purposes of public

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THE CRIMINALIZATION OF PUBLIC INTOXICATION
IN IOWA
By Christopher Malloy, Director, Senior Attorney

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intoxication law. No specific blood alcohol level is required.

In Iowa, The per-capitá arrest rate per county for public intoxication
varies drastically from county to county. In 2013, the most recent year for
which data was available, Johnson County had one of the highest per
capita arrest rates in the state: 8.28 arrests per 1000 residents. At the
other end of the spectrum, five smaller counties had zero arrests for public
intoxication: Hancock, Fremont, Ida, Osceola, and Ringgold. In the other
counties that are home to the state’s public universities, the picture is
mixed. In Story County, home of Iowa State University, the arrest rate for public intoxication
was 6.27 arrests per 1000 residents. Interestingly, Blackhawk County, home of the University
of Northern Iowa, had an arrest rate of just 2.43 arrests per 1000 residents. The state’s most
populous county, Polk, had an arrest rate of 4.07 per 1000 residents. The state’s second and
third most populous counties, Linn and Scott, had arrest rates of 6.92 and 3.24 per 1000
residents, respectively.

Given the fact that public intoxication is a criminal offense, and because the definition of
intoxication is vague, a person who has been drinking effectively cedes much
of their constitutional right to not consent to searches of their belongings. In
Iowa City, if someone who has been drinking refuses to consent to a search of
their pockets, or purse, or backpack at the request of a police officer, the officer
will likely place them under arrest for public intoxication, thereby allowing the
officer to search their person and their personal effects under the “search
incident to arrest” doctrine. The public should be aware that if a law
enforcement officer stops them on the street after they have been drinking in
Iowa City and asks to search, declining to consent is likely to end up with them
arrested for public intoxication.

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Visit our website at
legal.studentlife.uiowa.edu/
* to review basic rights and laws
* to check out our Rental Guide
* to make an appointment request to
meet with one of our lawyers
* to see additional Resources
and more!

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HOUSE OF (SLS) HAIKU

It's copyright law
Don’t steal other people's words
(Hands off my haiku)

University of Iowa Student Legal Services - Helping enrolled students since 1971
*SLS may not be able to assist in scenarios where conflict is present