

# IOWA CRIMINAL CODE

(EFFECTIVE JANUARY 1, 1978)

## CHAPTER 1245

### IOWA CRIMINAL CODE

S. F. 85

AN ACT relating to a complete revision of the substantive criminal laws\*, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

*Be It Enacted by the General Assembly of the State of Iowa:*

## CHAPTER 1

### DIVISION 1

#### GENERAL PROVISIONS

1 SECTION 101. NEW SECTION. **Short title.** This chapter shall be known and  
2 may be cited as "Iowa Criminal Code". A citation to the Iowa Criminal Code  
3 shall identify this Act together with all amendments which may be made so as to  
4 reflect the current state of the law.

1 SEC. 102. NEW SECTION. **Public offense.** A public offense is that which is  
2 prohibited by statute and is punishable by fine or imprisonment.

1 SEC. 103. NEW SECTION. **Presumption of innocence.** Every person is  
2 presumed innocent until proved guilty. No person shall be convicted of any  
3 offense unless his or her guilt thereof is proved beyond a reasonable doubt.

1 SEC. 104. NEW SECTION. **Insanity.** No person shall be convicted of any  
2 crime if at the time such crime is committed the person suffers from such a  
3 diseased or deranged condition of the mind so as to render the person incapable  
4 of knowing the nature and quality of the act he or she is committing or  
5 incapable of distinguishing between right and wrong in relation to that act.  
6 Insanity need not exist for any specific length of time before or after the  
7 commission of the alleged criminal act.

1 SEC. 105. NEW SECTION. **Intoxicants or drugs.** The fact that a person is  
2 under the influence of intoxicants or drugs neither excuses the person's act nor  
3 aggravates his or her guilt, but may be shown where it is relevant in proving the  
4 person's specific intent or recklessness at the time of the person's alleged  
5 criminal act or in proving any element of the public offense with which the  
6 person is charged.

1 SEC. 106. NEW SECTION. **Ignorance or mistake.** All persons are presumed  
2 to know the law. Evidence of an accused person's ignorance or mistake as to a  
3 matter of either fact or law shall be admissible in any case where it shall tend to  
4 prove the existence or nonexistence of some element of the crime with which the  
5 person is charged.

1 SEC. 107. NEW SECTION. **Felony defined and classified.** A public offense is  
2 a felony of a particular class, when the statute defining the crime declares it to  
3 be a felony. Felonies are class A felonies, class B felonies, class C felonies and  
4 class D felonies. Where the statute defining the offense declares it to be a felony,  
5 but does not state what class of felony it is nor provides for a specific penalty,  
6 such felony shall be a class D felony.

\*For repeal effective July 1, 1976, of motorcycle equipment requirements (including helmets) 66GA, chapter 183, see §527 hereof

1 SEC. 108. NEW SECTION. **Misdemeanor defined and classified.** All public  
2 offenses which are not felonies are misdemeanors. Misdemeanors are aggravated  
3 misdemeanors, serious misdemeanors, or simple misdemeanors. Where an act is  
4 declared to be a public offense, crime or misdemeanor, but no other designation  
5 is given, such act shall be a simple misdemeanor.

1 SEC. 109. NEW SECTION. **Merger of lesser included offenses.** No person  
2 shall be convicted of a public offense which is necessarily included in another  
3 public offense of which the person is convicted. If the jury returns a verdict of  
4 guilty of more than one offense and such verdict conflicts with this section, the  
5 court shall enter judgment of guilty of the greater of the offenses only.

1 SEC. 110. NEW SECTION. **Civil remedies preserved.** The fact that one may  
2 be subjected to a criminal prosecution in no way limits the right which anyone  
3 may have to a civil remedy.

4 DIVISION II  
5 DEFINITIONS

1 SECTION 201. NEW SECTION. **Policy of uniformity.** Wherever a term, word  
2 or phrase is defined in the criminal code, such meaning shall be given wherever  
3 it appears in the Code, unless it is being specially defined for a special purpose.

1 SEC. 202. NEW SECTION. **Act.** The term "act" includes a failure to do any  
2 act which the law requires one to perform.

1 SEC. 203. NEW SECTION. **Animal.** An animal is any nonhuman,  
2 vertebrate.

1 SEC. 204. NEW SECTION. **Brothel.** A brothel is any building, structure, or  
2 part thereof, or other place offering shelter or seclusion, which is principally or  
3 regularly used for the purpose of prostitution, with the consent or connivance of  
4 the owner, tenant, or other person in possession of it.

1 SEC. 205. NEW SECTION. **Child.** For purposes of this Act, unless another  
2 age is specified, a child is any person under the age of fourteen years.

1 SEC. 206. NEW SECTION. **Controlled substance.** The term "controlled  
2 substance" means controlled substance as that term is defined and used in  
3 chapter two hundred four (204) of the Code.

1 SEC. 207. NEW SECTION. **Dangerous weapon.** A dangerous weapon is any  
2 instrument or device designed primarily for use in inflicting death or injury upon  
3 a human being or animal, and which is capable of inflicting death upon a  
4 human being when used in the manner for which it was designed. Additionally,  
5 any instrument or device of any sort whatsoever which is actually used in such a  
6 manner as to indicate that the defendant intends to inflict death or serious  
7 injury upon the other, and which, when so used, is capable of inflicting death  
8 upon a human being, is a dangerous weapon. Dangerous weapons include, but  
9 are not limited to, any offensive weapon, pistol, revolver, or other firearm,  
10 dagger, razor, stiletto, or knife having a blade of three inches or longer in  
11 length.

1 SEC. 208. NEW SECTION. **Death.** "Death" means the condition determined  
2 by the following standard: A person will be considered dead if in the announced  
3 opinion of a physician, based on ordinary standards of medical practice, that  
4 person has experienced an irreversible cessation of spontaneous respiratory and  
5 circulatory functions. In the event that artificial means of support preclude a  
6 determination that these functions have ceased, a person will be considered dead  
7 if in the announced opinion of two physicians, based on ordinary standards of  
8 medical practice, that person has experienced an irreversible cessation of  
9 spontaneous brain functions. Death will have occurred at the time when the  
10 relevant functions ceased.

1       SEC. 209. NEW SECTION.   **Deception.** Deception consists of knowingly doing  
2 any of the following:

3       1. Creating or confirming another's belief or impression as to the existence or  
4 nonexistence of a fact or condition which is false and which the actor does not  
5 believe to be true.

6       2. Failing to correct a false belief or impression as to the existence or  
7 nonexistence of a fact or condition which the actor previously has created or  
8 confirmed.

9       3. Preventing another from acquiring information pertinent to the disposition  
10 of the property involved in any commercial or noncommercial transaction or  
11 transfer.

12       4. Selling or otherwise transferring or encumbering property and failing to  
13 disclose a lien, adverse claim, or other legal impediment to the enjoyment of the  
14 property, whether such impediment is or is not valid, or is or is not a matter of  
15 official record.

16       5. Promising payment, the delivery of goods, or other performance which the  
17 actor does not intend to perform or knows he or she will not be able to perform.  
18 Failure to perform, standing alone, is not evidence that the actor did not intend  
19 to perform.

20       6. Inserting anything other than lawful money or authorized token into the  
21 money slot of any machine which dispenses goods or services.

1       SEC. 210. NEW SECTION.   **Dwelling.** A dwelling is any building or  
2 structure, permanent or temporary, or any land, water or air vehicle, adapted for  
3 overnight accommodation of persons, and actually in use by some person or  
4 persons as permanent or temporary sleeping quarters, whether such person is  
5 present or not.

1       SEC. 211. NEW SECTION.   **Forcible felony.** A forcible felony is any  
2 felonious assault, murder, sexual abuse, kidnapping, robbery, arson in the first  
3 degree, or burglary in the first degree.

1       SEC. 212. NEW SECTION.   **Occupied structure.** An occupied structure is any  
2 building, structure, land, water or air vehicle, or similar place adapted for  
3 overnight accommodation of persons, or occupied by persons for the purpose of  
4 carrying on business or other activity therein, or for the storage or safekeeping  
5 of anything of value. Such a structure is an "occupied structure" whether or not  
6 a person is actually present.

1       SEC. 213. NEW SECTION.   **Participating in a public offense.** A person is  
2 participating in a public offense, during part or the entire period commencing  
3 with the first act done directly toward the commission of the offense and for the  
4 purpose of committing that offense, and terminating when the person has been  
5 arrested or has withdrawn from the scene of the intended crime and has eluded  
6 pursuers, if any there be. A person is participating in a public offense during this  
7 period whether the person is successful or unsuccessful in committing the  
8 offense.

1       SEC. 214. NEW SECTION.   **Property.** Property is anything of value ,  
2 whether publicly or privately owned. The term includes both tangible and  
3 intangible property, labor and services. The term includes all that is included in  
4 the terms "real property" and "personal property".

1       SEC. 215. NEW SECTION.   **Prostitute.** A prostitute is a person who sells or  
2 offers for sale his or her services as a participant in a sex act.

1       SEC. 216. NEW SECTION.   **Reckless.** A person is reckless or acts recklessly  
2 when he or she willfully or wantonly disregards the safety of persons or  
3 property.

1       SEC. 217. NEW SECTION.   **Sex act.** The term "sex act" or "sexual activity"  
2 means any sexual contact between two or more persons, by penetration of the  
3 penis into the vagina or anus, by contact between the mouth and genitalia or by  
4 contact between the genitalia of one person and the genitalia or anus of another  
5 person or by use of artificial sexual organs or substitutes therefore in contact  
6 with genitalia or anus.

1       SEC. 218. NEW SECTION.   **Serious injury.** "Serious injury" means disabling  
2 mental illness, or bodily injury which creates a substantial risk of death or which  
3 causes serious permanent disfigurement, or protracted loss or impairment of the  
4 function of any bodily member or organ.

1       SEC. 219. NEW SECTION.   **Steal.** "Steal" means to take by theft.

2                                   DIVISION III

3                                   PARTIES TO CRIME

1       SECTION 301. NEW SECTION.   **Aiding and abetting.** All persons concerned  
2 in the commission of a public offense, whether they directly commit the act  
3 constituting the offense or aid and abet its commission, shall be charged, tried  
4 and punished as principals. The guilt of a person who aids and abets the  
5 commission of a crime must be determined upon the facts which show the part  
6 he or she had in it, and does not depend upon the degree of another person's  
7 guilt.

1       SEC. 302. NEW SECTION.   **Joint criminal conduct.** When two or more  
2 persons, acting in concert, knowingly participate in a public offense, each is  
3 responsible for the acts of the other done in furtherance of the commission of  
4 the offense or escape therefrom, and his or her guilt will be the same as that of  
5 the person so acting, unless the act was one which the person could not  
6 reasonably expect to be done in the furtherance of the commission of the  
7 offense.

1       SEC. 303. NEW SECTION.   **Accessory after the fact.**

2       1. Any person having knowledge that a felony has been committed, and who  
3 does not stand in the relation of husband or wife to the person accused of  
4 committing the felony, who, with intent to prevent the apprehension of the  
5 accused person, harbors, aids or conceals the accused person, shall be guilty of  
6 an aggravated misdemeanor.

7       2. Any person having knowledge that a misdemeanor has been committed,  
8 and who does not stand in the relation of husband or wife to the person accused  
9 of committing the misdemeanor, who, with intent to prevent the apprehension of  
10 the accused person, harbors, aids or conceals the accused person, shall be guilty  
11 of a simple misdemeanor.

1       SEC. 304. NEW SECTION.   **Responsibility of employers.** An employer, or his  
2 agent, officer, director, or employee who supervises or directs the work of other  
3 employees, is guilty of the same public offense committed by an employee acting  
4 under his control, supervision or direction in any of the following cases:

5       1. The person has directed the employee to commit a public offense.

6       2. The person knowingly permits an employee to commit a public offense,  
7 under circumstances in which the employer expects to benefit from the illegal  
8 activity of the employee.

9       3. The person assigns the employee some duty or duties which the person  
10 knows cannot be accomplished, or are not likely to be accomplished, unless the  
11 employee commits a public offense, provided that the offense committed by the  
12 employee is one which the employer can reasonably anticipate will follow from  
13 this assignment.

1       SEC. 305. NEW SECTION.   **Liability of corporations, partnerships and**  
 2 **voluntary associations.** A public or private corporation, partnership, or other  
 3 voluntary association shall be guilty of a public offense when any of the  
 4 following is true:

5       1. The conduct constituting the offense consists of an omission to discharge a  
 6 specific duty or an affirmative performance imposed on the accused by law.

7       2. The conduct or act constituting the offense is committed by an agent,  
 8 officer, director, or employee of the accused while acting within the scope of the  
 9 authority of the agent, officer, director or employee and in behalf of the accused  
 10 and when said act or conduct is authorized, requested, or tolerated by the board  
 11 of directors or by a high managerial agent.

12       “High managerial agent” means an officer of the corporation, partner, or  
 13 other agent in a position of comparable authority with respect to the formulation  
 14 of policy or the supervision in a managerial capacity of subordinate employees.

15                                   DIVISION IV

16                                   JUSTIFICATION

1       SECTION 401. NEW SECTION.   **Reasonable force.** Reasonable force is that  
 2 force which a reasonable person, in like circumstances, would judge to be  
 3 necessary to prevent an injury or loss, and no more, except that the use of  
 4 deadly force against another is reasonable only to resist a like force or threat.  
 5 Reasonable force, including deadly force, may be used even if an alternative  
 6 course of action is available if the alternative entails a risk to one's life or safety,  
 7 or the life or safety of a third party, or requires one to abandon or retreat from  
 8 his dwelling or place of business or employment.

1       SEC. 402. NEW SECTION.   **Deadly force.** The term “deadly force” means  
 2 any of the following:

3       1. Force used for the purpose of causing serious injury.

4       2. Force which the actor knows or reasonably should know will create a  
 5 strong probability that serious injury will result.

6       3. The discharge of a firearm in the direction of some person with the  
 7 knowledge of his presence there, even though no intent to inflict serious physical  
 8 injury can be shown.

9       4. The discharge of a firearm at a vehicle in which a person is known to be.

1       SEC. 403. NEW SECTION.   **Defense of self or another.** A person is justified  
 2 in the use of reasonable force when he reasonably believes that such force is  
 3 necessary to defend himself or herself, or another from any imminent use of  
 4 unlawful force.

1       SEC. 404. NEW SECTION.   **Defense of property.** A person is justified in the  
 2 use of reasonable force to prevent or terminate criminal interference with his  
 3 possession or other right in property. Nothing in this section authorizes the use  
 4 of any spring gun or trap which is left unattended and unsupervised and which  
 5 is placed for the purpose of preventing or terminating criminal interference with  
 6 the possession of or other right in property.

1       SEC. 405. NEW SECTION.   **Aiding another in the defense of property.** A  
 2 person is justified in the use of reasonable force to aid another in the lawful  
 3 defense of his rights in property or in any public property.

1       SEC. 406. NEW SECTION.   **When defense not available.** The defense of  
 2 justification is not available to the following:

3       1. One who is participating in a forcible felony, or riot, or a duel.

4       2. One who initially provokes the use of force against himself or herself, with  
 5 the intent to use such force as an excuse to inflict injury on the assailant.

6       3. One who initially provokes the use of force against himself or herself by his  
 7 or her unlawful acts, unless:

8 a. Such force is grossly disproportionate to the provocation, and is so great  
9 that the person reasonably believes that he or she is in imminent danger of death  
10 or serious injury or

11 b. The person withdraws from physical contact with the other and indicates  
12 clearly to the other that the person desires to terminate the conflict but the other  
13 continues or resumes the use of force.

1 SEC. 407. NEW SECTION. **Resisting forcible felony.** A person who knows  
2 that a forcible felony is being perpetrated is justified in using, against the  
3 perpetrator, reasonable force to prevent the completion of that felony.

1 SEC. 408. NEW SECTION. **Escape from place of confinement.** A  
2 correctional officer or peace officer is justified in using reasonable force,  
3 including deadly force, which is necessary to prevent the escape of any person  
4 from any jail, penal institution, correctional facility, or similar place of  
5 confinement, or place of trial or other judicial proceeding, or to prevent the  
6 escape from custody of any person who is being transported from any such  
7 place of confinement, trial or judicial proceeding to any other such place, except  
8 that deadly force may not be used to prevent the escape of one who the  
9 correctional officer or peace officer knows or should know is confined on a  
10 charge or conviction of a misdemeanor.

1 SEC. 409. NEW SECTION. **Death.** A physician or a person acting on the  
2 direct orders of a physician who ceases to provide medical attention to a person  
3 who is dead, as death is defined in division two (II) of this chapter, shall not be  
4 criminally liable for such cessation of medical attention.

1 SEC. 410. NEW SECTION. **Compulsion.** No act, other than an act by which  
2 one intentionally or recklessly causes physical injury to another, is a public  
3 offense if the person so acting is compelled to do so by another's threat or  
4 menace of serious injury, provided that the person reasonably believes that such  
5 injury is imminent and can be averted only by his or her doing such act.

1 SEC. 411. NEW SECTION. **Police activity.** A peace officer or person  
2 employed by any police agency who joins in the participation of a crime by  
3 another person solely for the purpose of gathering evidence leading to the  
4 prosecution of such other person shall not be guilty of that crime, provided that  
5 all of the following are true:

- 6 1. He or she is not the instigator of the criminal activity.
- 7 2. He or she does not intentionally injure a nonparticipant in the crime.
- 8 3. He or she acts with the consent of his or her superiors or the necessity of  
9 immediate action precludes his or her obtaining such consent.
- 10 4. His or her actions are reasonable under the circumstances.

1 SEC. 412. NEW SECTION. **Use of force in making an arrest.** A peace officer  
2 or other person making an arrest or securing an arrested person may use such  
3 force as is permitted by chapter two (2), sections four hundred eleven (411)  
4 through four hundred sixteen (416) of this Act.

5 DIVISION V

6 SOLICITATION

1 SECTION 501. NEW SECTION. **Solicitation.** Any person who commands,  
2 entreats, or otherwise attempts to persuade another to commit a particular  
3 felony or aggravated misdemeanor, with the intent that such act be done and  
4 under circumstances which corroborates that intent by clear and convincing  
5 evidence, solicits such other to commit that felony or aggravated misdemeanor.  
6 One who solicits another to commit a felony of any class commits a class D  
7 felony. One who solicits another to commit an aggravated misdemeanor  
8 commits an aggravated misdemeanor.

1 SEC. 502. NEW SECTION. **Renunciation.** It is a defense to a  
 2 prosecution for solicitation that the defendant, after soliciting another person to  
 3 commit a felony or aggravated misdemeanor, persuaded the person not to do so  
 4 or otherwise prevented the commission of the offense, under circumstances  
 5 manifesting a complete and voluntary renunciation of the defendant's criminal  
 6 intent. A renunciation is not "voluntary and complete" if it is motivated in  
 7 whole or in part by (a) the person's belief that circumstances exist which  
 8 increase the possibility of detection or apprehension of the defendant or another  
 9 or which makes more difficult the consummation of the offense or (b) the  
 10 person's decision to postpone the offense until another time or, to substitute  
 11 another victim or another but similar objective.

12 DIVISION VI

13 CONSPIRACY

1 SECTION 601. NEW SECTION. **Conspiracy.** Conspiracy is an agreement or  
 2 combination between two or more persons to engage in a course of conduct  
 3 which will consist, in whole or in part, of criminal acts to be committed by one  
 4 or more of the conspirators. A person shall not be convicted of a conspiracy  
 5 without proof of an overt act by one or more of the conspirators evidencing a  
 6 design to accomplish the purpose of the conspiracy by criminal means.

1 SEC. 602. NEW SECTION. **Locus of conspiracy.** A person commits a  
 2 conspiracy in any county where the person is physically present when he or she  
 3 makes such agreement or combination, and in any county where the person with  
 4 whom he or she makes such agreement or combination is physically present at  
 5 such time, whether or not any of the other conspirators are also present in that  
 6 county or in this state, and in any county in which any criminal act is done by  
 7 any person pursuant to the conspiracy, whether or not the person is or has ever  
 8 been present in such county; provided, that a person may not be prosecuted  
 9 more than once for a conspiracy based on the same agreement or combination.

1 SEC. 603. NEW SECTION. **Penalties.** A person who commits a conspiracy  
 2 to commit a forcible felony is guilty of a class C felony. A person who commits  
 3 a conspiracy to commit a felony, other than a forcible felony, is guilty of a class  
 4 D felony. A person who commits a conspiracy to commit a misdemeanor is  
 5 guilty of a misdemeanor of the same class.

1 SEC. 604. NEW SECTION. **Multiple convictions.** A conspiracy to commit a  
 2 public offense is an offense separate and distinct from any public offense which  
 3 might be committed pursuant to such conspiracy. A person may not be  
 4 convicted and sentenced for both the conspiracy and for the public offense.

5 DIVISION VII

6 MURDER

1 SECTION 701. NEW SECTION. **Murder defined.** A person who kills another  
 2 person with malice aforethought either express or implied commits murder.

1 SEC. 702. NEW SECTION. **Murder in the first degree.** A person commits  
 2 murder in the first degree when he or she commits murder under any of the  
 3 following circumstances:

4 1. The person willfully, deliberately, and with premeditation kills another  
 5 person.

6 2. The person kills another person while participating in a forcible felony.

7 3. The person kills another person while escaping or attempting to escape  
 8 from lawful custody.

9 4. The person intentionally kills a peace officer, correctional officer, public  
 10 employee, or hostage while such person is imprisoned in a correctional  
 11 institution under the jurisdiction of the department of social services, or in a city  
 12 or county jail. Murder in the first degree is a class A felony.

1       SEC. 703. NEW SECTION. **Murder in the second degree.** A person commits  
2 murder in the second degree when he or she commits murder which is not  
3 murder in the first degree. Murder in the second degree is a class B felony.

1       SEC. 704. NEW SECTION. **Voluntary manslaughter.** A person commits  
2 voluntary manslaughter when that person causes the death of another person,  
3 under circumstances which would otherwise be murder, if he or she acts solely  
4 as the result of sudden, violent, and irresistible passion resulting from serious  
5 provocation sufficient to excite such passion in a person and there is not an  
6 interval between the provocation and the killing in which a person of ordinary  
7 reason and temperament would regain his or her control and suppress the  
8 impulse to kill.

9       Voluntary manslaughter is an included offense under an indictment for  
10 murder in the first or second degree.

11       Voluntary manslaughter is a class C felony.

1       SEC. 705. NEW SECTION. **Involuntary manslaughter.**

2       1. A person commits a class D felony when the person unintentionally causes  
3 the death of another person by the commission of a public offense other than a  
4 forcible felony or escape.

5       2. A person commits an aggravated misdemeanor when the person  
6 unintentionally causes the death of another person by the commission of an act  
7 in a manner likely to cause death or serious injury.

8       Involuntary manslaughter as defined in this section is an included offense  
9 under an indictment for murder in the first or second degree or voluntary  
10 manslaughter.

1       SEC. 706. NEW SECTION. No person who injures the aggressor through  
2 application of reasonable force in defense of his or her person or property may  
3 be held civilly liable for such injury.

4       No person who injures the aggressor through application of reasonable force  
5 in defense of a second person may be held civilly liable for such injury.

1       SEC. 707. NEW SECTION. **Feticide.** Any person who intentionally  
2 terminates a human pregnancy after the end of the second trimester of the  
3 pregnancy commits feticide. Feticide is a class C felony. This section shall not  
4 apply to the termination of a human pregnancy performed by a physician  
5 licensed in this state to practice medicine or surgery when in the best clinical  
6 judgment of the physician the termination is performed to preserve the life or  
7 health of the pregnant person or of the fetus and every reasonable medical effort  
8 not inconsistent with preserving the life of the pregnant person is made to  
9 preserve the life of the fetus.

10       Any person who terminates a human pregnancy who is not a person licensed  
11 to practice medicine and surgery under the provisions of chapter one hundred  
12 forty-eight (148) of the Code, or an osteopathic physician and surgeon licensed  
13 to practice osteopathic medicine and surgery under the provisions of chapter one  
14 hundred fifty A (150A) of the Code, commits a class C felony.

1       SEC. 708. NEW SECTION. **Nonconsensual termination.**

2       1. A person who terminates a human pregnancy without the consent of the  
3 pregnant person during the commission of a felony or felonious assault is guilty  
4 of a class B felony.

5       2. A person who intentionally terminates a pregnancy without the knowledge  
6 and voluntary consent of the pregnant person is guilty of a class C felony. This  
7 subsection shall not apply to a termination performed without the consent or  
8 knowledge of the pregnant person by a physician licensed in this state to  
9 practice medicine and surgery when circumstances preclude the pregnant person  
10 from providing her consent and the termination is performed to preserve the life



11 or health of the pregnant person or of the fetus.

12 3. A person who by force or intimidation procures the consent of the pregnant  
13 person to a termination of a pregnancy is guilty of a class C felony.

1 SEC. 709. NEW SECTION. **Homicide of fetus aborted alive.** A person who  
2 intentionally kills a fetus aborted alive after the twentieth week of pregnancy  
3 shall be guilty of a class B felony.

1 SEC. 710. NEW SECTION. **Duty to preserve the life of the fetus.** After the  
2 twentieth week of pregnancy, a person who performs or induces a termination of  
3 a human pregnancy and who willfully fails to exercise that degree of  
4 professional skill, care and diligence available to preserve the life and health of a  
5 fetus showing significant, sustainable vital signs shall be guilty of a serious  
6 misdemeanor.

1 SEC. 711. NEW SECTION. **Attempt to commit homicide.** A person commits  
2 a class C felony when, with the intent to cause the death of any person and not  
3 under circumstances which would justify the person's actions, the person does  
4 any act by which he or she expects to set in motion a force or chain of events  
5 which will cause or result in the death of such other person.

6 It is not a defense to an indictment for attempt to commit homicide that the  
7 acts proved could not have caused the death of any person, provided that the  
8 actor intended to cause the death of some person by so acting, and the actor's  
9 expectations were not unreasonable in the light of the facts known to the actor.

10 DIVISION VIII

11 ASSAULT AND BATTERY

1 SECTION 801. NEW SECTION. **Assault.** A person commits an assault when,  
2 without justification, the person does any of the following:

3 1. Any act which is intended to cause pain or injury to, or which is intended  
4 to result in physical contact which will be insulting or offensive to another,  
5 coupled with the apparent ability to execute the act.

6 2. Any act which is intended to place another in fear of immediate physical  
7 contact which will be painful, injurious, insulting, or offensive, coupled with the  
8 apparent ability to execute the act.

9 3. Intentionally points any firearm toward another, or displays in a  
10 threatening manner any dangerous weapon toward another.

11 Provided, that where the person doing any of the above enumerated acts, and  
12 such other person, are voluntary participants in a sport, social or other activity,  
13 not in itself criminal, and such act is a reasonably foreseeable incident of such  
14 sport or activity, and does not create an unreasonable risk of serious injury or  
15 breach of the peace, the act shall not be an assault.

1 SEC. 802. NEW SECTION. **Penalties for assault.**

2 1. A person who commits an assault, as defined in section eight hundred one  
3 (801) of this division, with the intent to inflict a serious injury upon another,  
4 shall be guilty of an aggravated misdemeanor.

5 2. Any other assault is a simple misdemeanor.

1 SEC. 803. NEW SECTION. **Assault while participating in a felony.** Any  
2 person who commits an assault as defined in section eight hundred one (801) of  
3 this division while participating in a felony is guilty of a class C felony if the  
4 person thereby causes serious injury to any person; if no serious injury results,  
5 the person is guilty of a class D felony.

1 SEC. 804. NEW SECTION. **Willful injury.** Any person who does an act  
2 which is not justified and which is intended to cause and does cause serious  
3 injury to another commits a class C felony.

1     SEC. 805. NEW SECTION.     **Administering harmful substances.** Any person  
2 who administers to another or causes another to take, without the other person's  
3 consent or by threat or deception, and for other than medicinal purposes, any  
4 poisonous, stupefying, stimulating, depressing, tranquilizing, narcotic, hypnotic,  
5 hallucinating, or anesthetic substance in sufficient quantity to have such effect,  
6 commits a class D felony.

1     SEC. 806. NEW SECTION.     **Terrorism.** A person commits a class D felony  
2 when the person does any of the following with the intent to injure or provoke  
3 fear or anger in another:

4     1. Shoots, throws, launches, or discharges a dangerous weapon at or into any  
5 building, vehicle, airplane, railroad engine or railroad car, or boat occupied by  
6 another person, and thereby places the occupants thereof in reasonable  
7 apprehension of serious injury.

8     2. Threatens to commit a forcible felony under circumstances raising a  
9 reasonable expectation that the threat will be carried out.

1     SEC. 807. NEW SECTION.     **Harassment.** A person commits harassment  
2 when, with intent to intimidate, annoy or alarm another person, the person does  
3 any of the following:

4     1. Communicates with another by telephone, telegraph, or writing without  
5 legitimate purpose and in a manner likely to cause the other person annoyance  
6 or harm.

7     2. Places any simulated explosive or simulated incendiary device in or near  
8 any building, vehicle, airplane, railroad engine or railroad car, or boat occupied  
9 by such person.

10     3. Orders merchandise or services in the name of another, or to be delivered  
11 to another, without such other person's knowledge or consent.

12     4. Reports or causes to be reported false information to a law enforcement  
13 authority implicating another in some criminal activity, knowing that the  
14 information is false, or reports the alleged occurrence of a criminal act, knowing  
15 the same did not occur.

16     Harassment is a simple misdemeanor.

1     SEC. 808. NEW SECTION.     **Going armed with intent.** A person who goes  
2 armed with any dangerous weapon with the intent to use without justification  
3 such weapon against the person of another commits a class D felony.

1     SEC. 809. NEW SECTION.     **Spring guns and mantraps.** A person who in any  
2 place sets a spring gun or a trap which is intended to be sprung by a person and  
3 which can cause such person serious injury commits an aggravated  
4 misdemeanor.

5   DIVISION IX

6   SEXUAL ABUSE

1     SECTION 901. NEW SECTION.     **Sexual abuse.** Any sex act between persons  
2 is sexual abuse by either of the participants when the act is performed with the  
3 other participant in any of the following circumstances:

4     1. Such act is done by force or against the will of the other. In any case where  
5 the consent or acquiescence of the other is procured by threats of violence  
6 toward any person, the act is done against the will of the other.

7     2. Such other participant is suffering from a mental defect or incapacity which  
8 precludes giving consent, or lacks the mental capacity to know the right and  
9 wrong of conduct in sexual matters

10     3. Such other participant is a child.

1     SEC. 902. NEW SECTION.     **Sexual abuse in the first degree.** A person  
2 commits sexual abuse in the first degree when in the course of committing sexual  
3 abuse the person causes another serious injury.

4     Sexual abuse in the first degree is a class A felony.

1       SEC. 903. NEW SECTION.   **Sexual abuse in the second degree.** A person  
2 commits sexual abuse in the second degree when the person commits sexual  
3 abuse under any of the following circumstances:

4       1. During the commission of sexual abuse the person displays in a threatening  
5 manner a deadly weapon, or uses or threatens to use force creating a substantial  
6 risk of death or serious injury to any person.

7       2. The other participant is under the age of twelve.

8       3. The person is aided or abetted by one or more persons and the sex act is  
9 committed by force or against the will of the other participant.

10       Sexual abuse in the second degree is a class B felony.

1       SEC. 904. NEW SECTION.   **Sexual abuse in the third degree.** Any sex act  
2 between persons who are not at the time cohabiting as husband and wife is  
3 sexual abuse in the third degree by either of the participants when the act is  
4 performed with the other participant in any of the following circumstances:

5       1. Such act is done by force or against the will of the other.

6       2. The other participant is suffering from a mental defect or incapacity which  
7 precludes giving consent, or lacks the mental capacity to know the right and  
8 wrong of conduct in sexual matters.

9       3. The other participant is a child.

10       4. The other person is fourteen years of age but less than sixteen years of age  
11 and the defendant is a member of the same household as the victim, the  
12 defendant is related to the victim by blood or affinity to the fourth degree, or  
13 the defendant is in a position of authority over the victim and used this  
14 authority to coerce the victim to submit.

15       Sexual abuse in the third degree is a class C felony.

16       Sexual abuse in the fourth degree is a class D felony.

1       SEC. 905. NEW SECTION.   **Resistance to sexual abuse.** Under the provisions  
2 of this division it shall not be necessary to establish physical resistance by a  
3 participant in order to establish that an act of sexual abuse was committed by  
4 force or against the will of the participant. However, the circumstances  
5 surrounding the commission of the act may be considered in determining  
6 whether or not the act was done by force or against the will of the other.

1       SEC. 906. NEW SECTION.   **Jury instructions for offenses of sexual abuse.**  
2 No instruction shall be given in a trial for sexual abuse cautioning the jury to  
3 use a different standard relating to a victim's testimony than that of any other  
4 witness to that offense or any other offense.

1       SEC. 907. NEW SECTION.   **Detention in brothel.** Any person who, by force,  
2 intimidation, or false pretense entices another who is not a prostitute to enter a  
3 brothel with the intent to cause such other to become an inmate thereof, or who  
4 detains another, whether a prostitute or not, in any brothel, against the will of  
5 such other, with the intent that such other engage in prostitution therein,  
6 commits a class C felony.

1       SEC. 908. NEW SECTION.   **Lascivious acts with a child.** It is unlawful for  
2 any person eighteen years of age or older to perform any of the following acts  
3 with a child with or without his or her consent unless married to each other, for  
4 the purpose of arousing or satisfying the sexual desires of either of them:

5       1. Fondle or touch the pubes or genitals of a child.

6       2. Permit a child to fondle or touch his or her genitals or pubes.

7       3. Solicit a child to engage in a sex act.

8       4. Inflict pain or discomfort upon a child or permit a child to inflict pain or  
9 discomfort on him or her.

10 Any person who violates a provision of this section shall, upon conviction, be  
11 guilty of a class D felony.

1 SEC. 909. NEW SECTION. **Indecent exposure.** A person who exposes his or  
2 her genitals or pubes to another not his or her spouse, or who commits a  
3 sex act in the presence of or view of a third person, commits a serious mis-  
4 demeanor, if:

5 1. The person does so to arouse or satisfy the sexual desires of either party;  
6 and

7 2. The person knows or reasonably should know that his act is offensive to the  
8 viewer.

1 SEC. 910. NEW SECTION. **Cost of medical examination in crimes of sexual**  
2 **assault.** The cost of a medical examination for the purpose of gathering  
3 evidence and the cost of treatment for the purpose of preventing venereal  
4 disease shall be borne by the state department of health.

5 DIVISION X

6 KIDNAPPING AND RELATED OFFENSES

1 SECTION 1001. NEW SECTION. **Kidnapping.** A person commits kidnapping  
2 when he or she either confines a person or removes a person from one place to  
3 another, knowing that he or she has neither the authority nor the consent of the  
4 other to do so; provided, that to constitute kidnapping the act must be  
5 accompanied by one or more of the following:

6 1. The intent to hold such person for ransom.

7 2. The intent to use such person as a shield or hostage.

8 3. The intent to inflict serious injury upon such person, or to subject the  
9 person to a sexual abuse.

10 4. The intent to secretly confine such person.

11 5. The intent to interfere with the performance of any government function.

1 SEC. 1002. NEW SECTION. **Kidnapping in the first degree.** Kidnapping is  
2 kidnapping in the first degree when the person kidnapped, as a consequence of  
3 the kidnapping, suffers serious injury, or is intentionally subjected to torture or  
4 sexual abuse.

5 Kidnapping in the first degree is a class A felony.

1 SEC. 1003. NEW SECTION. **Kidnapping in the second degree.** Kidnapping  
2 where the purpose is to hold the victim for ransom or where the kidnapper is  
3 armed with a dangerous weapon is kidnapping in the second degree. Kidnapping  
4 in the second degree is a class B felony.

1 SEC. 1004. NEW SECTION. **Kidnapping in the third degree.** All other  
2 kidnappings are kidnappings in the third degree. Kidnapping in the third degree  
3 is a class C felony.

1 SEC. 1005. NEW SECTION. **Child stealing.** A person commits a class C  
2 felony when, knowing that he or she has no authority to do so, forcibly or  
3 fraudulently takes, decoys, or entices away any child with intent to detain or  
4 conceal such child from its parents or guardian, or other persons or institution  
5 having the lawful custody of such child, unless the person is a relative of such  
6 child, and the person's sole purpose is to assume custody of such child.

1 SEC. 1006. NEW SECTION. **Violating custodial order.** Any relative of a  
2 child who, acting in violation of any order of any court which fixes, permanently  
3 or temporarily, the custody of such child in another, takes such child and  
4 removes him from the state, without the consent of the person having lawful  
5 custody, commits a class D felony.

1 SEC. 1007. NEW SECTION. **False imprisonment.** A person commits false  
 2 imprisonment when, having no reasonable belief that he or she has any right or  
 3 authority to do so, the person intentionally confines another against his or her  
 4 will. A person is confined when the person's freedom to move about is  
 5 substantially restricted by force, threat, or deception. False imprisonment is a  
 6 serious misdemeanor.

7 DIVISION XI

8 ROBBERY AND EXTORTION

1 SECTION 1101. NEW SECTION. **Robbery.** A person commits a robbery  
 2 when, having the intent to commit a theft, the person does any of the following  
 3 acts to assist or further the commission of the intended theft, or the person's  
 4 escape from the scene thereof with or without the stolen property:

- 5 1. Commits an assault upon another.
- 6 2. Threatens another with or purposely puts another in fear of immediate  
 7 serious injury.
- 8 3. Threatens to commit immediately any forcible felony.

9 It is immaterial to the question of guilt or innocence of robbery that property  
 10 was or was not actually stolen.

1 SEC. 1102. NEW SECTION. **Robbery in the first degree.** A person commits  
 2 robbery in the first degree when, while perpetrating a robbery, the person  
 3 purposely inflicts or attempts to inflict serious injury, or is armed with a  
 4 dangerous weapon. Robbery in the first degree is a class B felony.

1 SEC. 1103. NEW SECTION. **Robbery in the second degree.** All robbery  
 2 which is not robbery in the first degree is robbery in the second degree. Robbery  
 3 in the second degree is a class C felony.

1 SEC. 1104. NEW SECTION. **Extortion.** A person commits extortion if the  
 2 person does any of the following with the purpose of obtaining for oneself or  
 3 another anything of value, tangible or intangible, including labor or services:

- 4 1. Threatens to inflict physical injury on some person, or to commit any  
 5 public offense.
- 6 2. Threatens to accuse another of a public offense.
- 7 3. Threatens to expose any person to hatred, contempt, or ridicule.
- 8 4. Threatens to harm the credit or business or professional reputation of any  
 9 person.
- 10 5. Threatens to take or withhold action as a public officer or employee, or to  
 11 cause some public official or employee to take or withhold action.
- 12 6. Threatens to testify or provide information or to withhold testimony or  
 13 information with respect to another's legal claim or defense.
- 14 7. Threatens to wrongfully injure the property of another.

15 It is a defense to a charge of extortion that the person making a threat other  
 16 than a threat to commit a public offense, reasonably believed that he or she had  
 17 a right to make such threats in order to recover property, or to receive  
 18 compensation for property or services, or to recover a debt to which the person  
 19 has a good faith claim.

20 Extortion is a class D felony.

21 DIVISION XII

22 ARSON

1 SECTION 1201. NEW SECTION. **Arson.** Causing a fire or explosion, or placing  
 2 any burning or combustible material, or any incendiary or explosive device or  
 3 material, in or near any property with the intent to destroy or damage such  
 4 property, or with the knowledge that such property will probably be destroyed  
 5 or damaged, is arson, whether or not any such property is actually destroyed or  
 6 damaged. Provided, that where a person who owns said property which the

7 defendant intends to destroy or damage, or which he knowingly endangers,  
8 consented to the defendant's acts, and where no insurer has been exposed  
9 fraudulently to any risk, and where the act was done in such a way as not to  
10 unreasonably endanger the life or property of any other person the act shall not  
11 be arson.

1 SEC. 1202. NEW SECTION. **Arson in the first degree.** Arson is arson in the  
2 first degree when the property which the defendant intends to destroy or  
3 damage, or which the defendant knowingly endangers, is property in which the  
4 presence of one or more persons can be reasonably anticipated.

5 Arson in the first degree is a class B felony.

1 SEC. 1203. NEW SECTION. **Arson in the second degree.** Arson which is not  
2 arson in the first degree is arson in the second degree when the property which  
3 the defendant intends to destroy or damage, or which the defendant knowingly  
4 endangers, is a building or a structure, or real property of any kind, or standing  
5 crops, or is personal property the value of which exceeds five hundred dollars.  
6 Arson in the second degree is a class C felony.

1 SEC. 1204. NEW SECTION. **Arson in the third degree.** Arson which is not  
2 arson in the first degree or arson in the second degree is arson in the third  
3 degree. Arson in the third degree is an aggravated misdemeanor.

1 SEC. 1205. NEW SECTION. **Reckless use of fire or explosives.** Any person  
2 who shall so use fire or any incendiary or explosive device or material as to  
3 recklessly endanger the property or safety of another shall be guilty of a serious  
4 misdemeanor.

1 SEC. 1206. NEW SECTION. **Possession of explosive or incendiary materials or  
2 devices.** Any person who shall possess any incendiary or explosive device or  
3 material with the intent to use such device or material to commit any public  
4 offense shall be guilty of a class C felony.

1 SEC. 1207. NEW SECTION. **False reports.** A person who, knowing the  
2 information to be false, conveys or causes to be conveyed to any person any  
3 false information concerning the placement of any incendiary or explosive  
4 device or material or other destructive substance or device in any place where  
5 persons or property would be endangered commits a class D felony.

1 SEC. 1208. NEW SECTION. **Threats.** Any person who threatens to place or  
2 attempts to place any incendiary or explosive device or material, or any  
3 destructive substance or device in any place where it will endanger persons or  
4 property, commits a class D felony.

5 DIVISION XIII

6 BURGLARY

1 SECTION 1301. NEW SECTION. **Burglary.** Any person, having the intent to  
2 commit a felony, assault or theft therein, who, having no right, license or  
3 privilege to do so, enters an occupied structure or area enclosed in such a  
4 manner as to provide a place for the keeping of valuable property secure from  
5 theft or criminal mischief, such occupied structure or place not being open to the  
6 public, or who remains therein after it is closed to the public or after the  
7 person's right, license or privilege to be there has expired, or any person having  
8 such intent who breaks an occupied structure or other place where anything of  
9 value is kept, commits burglary.

1 SEC. 1302. NEW SECTION. **Burglary in the first degree.** A person commits  
2 burglary in the first degree if, while perpetrating a burglary, the person has in his  
3 or her possession an explosive or incendiary device or material, or a dangerous  
4 weapon, or intentionally or recklessly inflicts physical injury on any person.  
5 Burglary in the first degree is a class B felony.

1 SEC. 1303. NEW SECTION. **Burglary in the second degree.** All burglary  
2 which is not burglary in the first degree is burglary in the second degree.  
3 Burglary in the second degree is a class C felony.

1 SEC. 1304. NEW SECTION. **Possession of burglar's tools.** Any person who  
2 possesses any key, tool, instrument, device or any explosive, with the intent to  
3 use it in the perpetration of a burglary, shall be guilty of possessing burglar's  
4 tools. Possessing burglar's tools is a class C felony.

5  
DIVISION XIV  
THEFT

1 SECTION 1401. NEW SECTION. **Theft.** A person commits theft when the  
2 person does any of the following:

3 1. Takes possession or control of the property of another, or property in the  
4 possession of another, with the intent to deprive the other thereof.

5 2. Misappropriates property which the person has in trust, or property of  
6 another which the person has in his or her possession or control, whether such  
7 possession or control is lawful or unlawful, by using or disposing of it in a  
8 manner which is inconsistent with or a denial of the trust or of the owner's rights  
9 in such property, or conceals found property, or appropriates such property to  
10 his or her own use, when the owner of such property is known to him or her.  
11 Failure by a bailee or lessee of personal property to return the property within  
12 seventy-two hours after a time specified in a written agreement of lease or  
13 bailment shall be evidence of misappropriation.

14 3. Obtains the labor or services of another, or a transfer of possession, control,  
15 or ownership of the property of another, or the beneficial use of property of  
16 another, by deception. Where compensation for goods and services is ordinarily  
17 paid immediately upon the obtaining of such goods or the rendering of such  
18 services, the refusal to pay or leaving the premises without payment or offer to  
19 pay or without having obtained from the owner or operator the right to pay  
20 subsequent to leaving the premises gives rise to an inference that the goods or  
21 services were obtained by deception.

22 4. Exercises control over stolen property, knowing such property to have been  
23 stolen, or having reasonable cause to believe that such property has been stolen,  
24 unless the person's purpose is to promptly restore it to the owner or to deliver it  
25 to an appropriate public officer. The fact that the person is found in possession  
26 of property which has been stolen from two or more persons on separate  
27 occasions, or that the person is a dealer or other person familiar with the value  
28 of such property and has acquired it for a consideration which is far below its  
29 reasonable value, shall be evidence from which the court or jury may infer that  
30 the person knew or believed that the property had been stolen.

31 5. Takes, destroys, conceals or disposes of property in which someone else has  
32 a security interest, with intent to defraud the secured party.

33 6. Makes, utters, draws, delivers, or gives any check, draft, or written order on  
34 any bank, person or corporation, and obtains property in exchange therefor, if  
35 the person knows that such check, draft or written order will not be paid when  
36 presented. Whenever the drawee of such instrument has refused payment  
37 because of insufficient funds, and the maker has not paid the holder of the  
38 instrument the amount due thereon within ten days of the maker's receipt of  
39 notice from the holder that payment has been refused by the drawee, the court  
40 or jury may infer from such facts that the maker knew that the instrument  
41 would not be paid on presentation. Notice of refusal of payment shall be by  
42 certified mail, or by personal service in the manner prescribed for serving  
43 original notices.

44 7. Whenever the drawee of such instrument has refused payment because the  
45 maker has no account with the drawee, the court or jury may infer from such

46 fact that the maker knew that the instrument would not be paid on presentation.  
47 8. Any act that is declared to be theft by any provision of the Code.

1 SEC. 1402. NEW SECTION. **Degrees of theft.**

2 1. The theft of property exceeding five thousand dollars in value, or the theft  
3 of property from the person of another, or from a building which has been  
4 destroyed or left unoccupied because of physical disaster, riot, bombing, or the  
5 proximity of battle, or the theft of property which has been removed from a  
6 building because of a physical disaster, riot, bombing, or the proximity of battle,  
7 is theft in the first degree. Theft in the first degree is a class C felony.

8 2. The theft of any property not exceeding five thousand dollars in value by  
9 one who has before been twice convicted of theft, or the theft by any other  
10 person of property exceeding five hundred dollars but not exceeding five  
11 thousand dollars in value or theft of a motor vehicle, irrespective of value, is  
12 theft in the second degree. Theft in the second degree is a class D felony.

13 3. The theft of property exceeding one hundred dollars but not exceeding five  
14 hundred dollars in value is theft in the third degree. Theft in the third degree is  
15 an aggravated misdemeanor.

16 4. The theft of property exceeding fifty dollars in value but not exceeding one  
17 hundred dollars in value is theft in the fourth degree. Theft in the fourth degree  
18 is a serious misdemeanor.

19 5. The theft of property not exceeding fifty dollars in value is theft in the fifth  
20 degree. Theft in the fifth degree is a simple misdemeanor.

1 SEC. 1403. NEW SECTION. **Value.** The value of property is its normal  
2 market or exchange value within the community at the time that it is stolen. If  
3 money or property is stolen by a series of acts from the same person or location,  
4 or from different persons by a series of acts which occur in approximately the  
5 same location or time period so that the thefts are attributable to a single  
6 scheme, plan or conspiracy, such acts may be considered a single theft and the  
7 value may be the total value of all the property stolen.

1 SEC. 1404. NEW SECTION. **Claim of right.** No person who takes, obtains,  
2 disposes of, or otherwise uses or acquires property, is guilty of theft by reason of  
3 such act if the person reasonably believes that he or she has a right, privilege or  
4 license to do so, or if the person does in fact have such right, privilege or license.

1 SEC. 1405. NEW SECTION. **Evidence of intention.** The fact that any person  
2 has concealed unpurchased property of any store or other mercantile  
3 establishment, either on the premises or outside the premises of such store, shall  
4 be material evidence of intent to deprive the owner thereof, and the finding of  
5 such unpurchased property concealed, upon the person or among the belongings  
6 of such person, shall be material evidence of intent to deprive and, if such  
7 person conceals, or causes to be concealed, such unpurchased property, upon the  
8 person or among the belongings of another, the finding of the same shall also be  
9 material evidence of intent to deprive on the part of the person concealing such  
10 goods.

1 SEC. 1406. NEW SECTION. **Land.** The mere trespass on or occupation of  
2 land, contrary to the rights of the owner thereof, is not theft.

1 SEC. 1407. NEW SECTION. **Operating vehicle without owner's consent.** Any  
2 person who shall take possession or control of any railroad vehicle, or any self-  
3 propelled vehicle, aircraft, or motor boat, the property of another, without the  
4 consent of the owner of such, but without the intent to deprive the owner  
5 thereof, shall be guilty of an aggravated misdemeanor. A violation of this section  
6 may be proved as a lesser included offense on an indictment or information  
7 charging theft.



1 SEC. 1408. NEW SECTION. **Fraudulent practices.** A person who does any of  
 2 the following acts is guilty of a fraudulent practice. A fraudulent practice is an  
 3 aggravated misdemeanor.

4 1. Makes, tenders or keeps for sale any warehouse receipt, bill of lading, or  
 5 any other instrument purporting to represent any right to goods, with knowledge  
 6 that the goods represented by such instrument do not exist.

7 2. Knowingly attaches or alters any label to any goods offered or kept for sale  
 8 so as to materially misrepresent the quality or quantity of such goods, or the  
 9 maker or source of such goods.

10 3. Knowingly executes or tenders any false affidavit or certificate, which is  
 11 required by law, or which is given in support of any claim for compensation,  
 12 indemnification, restitution, or other payment.

13 4. Makes any entry in or alteration of any public records, or any records of  
 14 any corporation, partnership, or other business enterprise or nonprofit  
 15 enterprise, knowing the same to be false.

16 5. Removes, alters or defaces any serial or other identification number, or any  
 17 owners' identification mark, from any property not his or her own.

18 6. For the purpose of soliciting assistance, contributions, or other thing of  
 19 value, falsely represents oneself to be a veteran of the armed forces of the  
 20 United States, or a member of any fraternal, religious, charitable, or veterans  
 21 organization, or any pretended organization of a similar nature, or to be acting  
 22 on behalf of such person or organization.

23 7. Manufactures, sells, or keeps for sale any token or device suitable for the  
 24 operation of a coin-operated device or vending machine, with the intent that  
 25 such token or device may be so used, or with the representation that they can be  
 26 so used; provided, that the owner or operator of any coin-operated device or  
 27 vending machine may sell slugs or tokens for use in his own devices.

28 8. Manufactures or possesses any false or counterfeit label, with the intent  
 29 that it be placed on merchandise to falsely identify its origin or quality, or who  
 30 sells any such false or counterfeit label with the representation that it may be so  
 31 used.

32 9. Alters or renders inoperative or inaccurate any meter or measuring device  
 33 used in determining the value of or compensation for the purchase, use or  
 34 enjoyment of property, with the intent to defraud any person.

35 10. Does any act expressly declared to be a fraudulent practice by any other  
 36 section of the Code.

37 DIVISION XV

38 FALSE USE OF A FINANCIAL INSTRUMENT

1 SECTION 1501. NEW SECTION. **Financial instrument defined.** A financial  
 2 instrument is any of the following:

3 1. A check, bill note, draft, bond receipt, or any writing which ostensibly  
 4 evidences an obligation of, or surrender of right or claim by, the person who has  
 5 purportedly executed it or authorized its execution. Writing includes printing or  
 6 any other method of recording information, money, coins, tokens, stamps, seals,  
 7 credit cards, badges, trademarks, and other symbols of value, right, privilege, or  
 8 identification.

9 2. Any deed, will or testamentary document, bill of sale, warehouse receipt,  
 10 bill of lading, or any writing which purports to convey an interest in some  
 11 property, or to be evidence of or to establish a right in some property.

12 3. Any letter, credit card, charge plate, or other device which is designed to  
 13 identify the person tendering such device as one to whom credit may be  
 14 extended, or as one to whom goods or services may be furnished and charged to  
 15 the account of another.

16 4. Any endorsement, acceptance, acknowledgement, codicil, or any writing of  
 17 any kind upon or ancillary to any financial instrument which does or purports to  
 18 affect such instrument or the rights or obligations evidenced thereby.

1       SEC. 1502. NEW SECTION. **Use of financial instrument defined.** One uses a  
2 financial instrument when he or she does any of the following  
3       1. Makes or executes such instrument or an endorsement thereon, or alters  
4 such instrument so as to materially change its nature or the right or obligation  
5 which it purports to represent.  
6       2. Tenders or offers such instrument to another in the course of a financial or  
7 commercial transaction, with the representation, either express or by implication,  
8 that the instrument is what it purports to be and that he or she is a person who  
9 is shown on its face to be one who may rightfully so use such instrument.  
10       3. Possesses such instrument, knowing it to be false or knowing that he or she  
11 has no right to use or possess it.

1       SEC. 1503. NEW SECTION. **Intent and knowledge.** The term "intent to  
2 obtain fraudulently anything of value" includes the intent to deliver a financial  
3 instrument to another, knowing that the other person intends to use the  
4 instrument to obtain fraudulently something of value.  
5       One acts with knowledge of facts when the person has information which  
6 would put a reasonable person on inquiry as to such facts, but acts without  
7 making a reasonable inquiry.

1       SEC. 1504. NEW SECTION. **Proof of intent.** The intent to obtain  
2 fraudulently anything of value shall not be proved by the mere possession of a  
3 falsified financial instrument or a financial instrument which the possessor has  
4 no right to use.

1       SEC. 1505. NEW SECTION. **"Person" defined.** The term "person" as used  
2 in this division means a natural person, a fiduciary, a state, a private or public  
3 corporation or de facto corporation of any kind, or an officer or agent thereof,  
4 and includes fictitious persons or corporations. It is immaterial that any person  
5 whom the instrument on its face identifies as having the right to use it, does or  
6 does not have such a right, or whether such person does or does not actually  
7 exist.

1       SEC. 1506. NEW SECTION. **False use of a financial instrument.** The use of a  
2 financial instrument with the intent to obtain fraudulently anything of value by  
3 one who knows that the instrument is not what it purports to be, or who knows  
4 that he or she is not the person nor the authorized agent of the person who, as  
5 shown on the instrument, has the right to so use the instrument, shall constitute  
6 the false use of a financial instrument. False use of a financial instrument is a  
7 class C felony.

DIVISION XVI

DAMAGE AND TRESPASS TO PROPERTY

1       SECTION 1601. NEW SECTION. **Criminal mischief.** Any damage, defacing,  
2 alteration, or destruction of tangible property is criminal mischief when done  
3 intentionally by one who has no right to so act.

1       SEC. 1602. NEW SECTION. **Multiple acts.** Whenever criminal mischief is  
2 committed upon more than one item of property at approximately the same  
3 location or time period, so that all of these acts of mischief can be attributed to  
4 a single scheme, plan or conspiracy, such acts shall be considered as a single act  
5 of criminal mischief.

1       SEC. 1603. NEW SECTION. **Criminal mischief in the first degree.** Criminal  
2 mischief is criminal mischief in the first degree if the cost of replacing, repairing,  
3 or restoring the property so damaged, defaced, altered, or destroyed is more  
4 than five thousand dollars, or if such acts are intended to or do in fact cause a  
5 substantial interruption or impairment of service rendered to the public by a gas,

6 electric, steam or waterworks corporation, telephone or telegraph corporation,  
7 common carrier, or a public utility operated by a municipality. Criminal  
8 mischief in the first degree is a class C felony.

1 SEC. 1604. NEW SECTION. **Criminal mischief in the second degree.**  
2 Criminal mischief is criminal mischief in the second degree if the cost of  
3 replacing, repairing, or restoring the property so damaged, defaced, altered, or  
4 destroyed exceeds five hundred dollars but does not exceed five thousand  
5 dollars. Criminal mischief in the second degree is a class D felony.

1 SEC. 1605. NEW SECTION. **Criminal mischief in the third degree.** Criminal  
2 mischief is criminal mischief in the third degree if the cost of replacing,  
3 repairing, or restoring the property so damaged, defaced, altered, or destroyed  
4 exceeds one hundred dollars, but does not exceed five hundred dollars, or if the  
5 property is a deed, will, commercial paper or any civil or criminal process or  
6 other instrument having legal effect, or if the act consists of rendering  
7 substantially less effective than before any light, signal, obstruction, barricade,  
8 or guard which has been placed or erected for the purpose of enclosing any  
9 unsafe or dangerous place or of alerting persons to an unsafe or dangerous  
10 condition. Criminal mischief in the third degree is an aggravated misdemeanor.

1 SEC. 1606. NEW SECTION. **Criminal mischief in the fourth degree.** All  
2 criminal mischief which is not criminal mischief in the first degree, second  
3 degree or third degree is criminal mischief in the fourth degree. Criminal  
4 mischief in the fourth degree is a simple misdemeanor.

1 SEC. 1607. NEW SECTION. **Criminal trespass.**

2 1. The term "property" shall include any land, dwelling, building, conveyance,  
3 vehicle, or other temporary or permanent structure whether publicly or privately  
4 owned.

5 2. The term "trespass" shall mean one or more of the following acts:

6 a. Entering upon or in property without justification or without the implied or  
7 actual permission of the owner, lessee, or person in lawful possession with the  
8 intent to commit a public offense or to use, remove therefrom, alter, damage,  
9 harass, or place thereon or therein anything animate or inanimate, without  
10 justification, or without the implied or actual permission of the owner, lessee, or  
11 person in lawful possession.

12 b. Entering or remaining upon or in property without justification after being  
13 notified or requested to abstain from entering or to remove or vacate therefrom  
14 by the owner, lessee, or person in lawful possession, or the agent or employee of  
15 the owner, lessee, or person in lawful possession, or by any peace officer,  
16 magistrate, or public employee whose duty it is to supervise the use or  
17 maintenance of the property.

18 c. Entering upon or in property for the purpose or with the effect of unduly  
19 interfering with the lawful use of the property by others.

20 d. Being upon or in property and wrongfully using, removing therefrom,  
21 altering, damaging, harassing, or placing thereon or therein anything animate or  
22 inanimate, without the implied or actual permission of the owner, lessee, or  
23 person in lawful possession.

24 3. The term "trespass" shall not mean entering upon the property of another  
25 for the sole purpose of retrieving personal property which has accidentally or  
26 inadvertently been thrown, fallen, strayed, or blown onto the property of  
27 another, provided that the person retrieving the property takes the most direct  
28 and accessible route to and from the property to be retrieved, quits the property  
29 as quickly as is possible, and does not unduly interfere with the lawful use of the  
30 property.

1       SEC. 1608. NEW SECTION.   **Penalties.**

2       1. Any person who knowingly trespasses upon the property of another  
3       commits a simple misdemeanor.

4       2. Any person committing a trespass as defined in section one thousand six  
5       hundred seven (1607) of this chapter which results in injury to any person or  
6       damage in an amount more than one hundred dollars to anything, animate or  
7       inanimate, located thereon or therein commits a serious misdemeanor.

8                                   DIVISION XVII

9                                   INJURY TO ANIMALS

1       SECTION 1701. NEW SECTION.   **Injuries to animals.** Any person who, having  
2       no right to do so, shall maliciously kill, maim, or disfigure any animal of another,  
3       or maliciously administer poison to any such animal, or expose any poisonous  
4       substance with the intent that the same should be taken by any such animal, shall  
5       be guilty of an aggravated misdemeanor.

1       SEC. 1702. NEW SECTION.   **Cruelty to animals.** Any person who shall  
2       impound or confine or cause to be impounded or confined, in any place, any  
3       domestic animal, or fowl, or any dog or cat, and fail to supply such animal  
4       during confinement with a sufficient quantity of food and water, or who shall  
5       torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload,  
6       drive when overloaded, beat, or kill any such animal by any means which shall  
7       cause unjustified pain, distress or suffering, whether intentionally or negligently,  
8       shall be guilty of a simple misdemeanor.

1       SEC. 1703. NEW SECTION.   **Exhibitions and fights.** A person who arranges,  
2       promotes, or stages an exhibition at which any animal is tormented, or any fight  
3       between animals or between a person and an animal, or who keeps a place  
4       where such exhibitions and fights are staged for the entertainment of spectators,  
5       commits a serious misdemeanor.

6                                   DIVISION XVIII

6                                   OFFENSES AGAINST THE GOVERNMENT

1       SECTION 1801. NEW SECTION.   **Insurrection.** An insurrection is three or  
2       more persons acting in concert and using physical violence against persons or  
3       property, with the purpose of interfering with, disrupting, or destroying the  
4       government of the state or any subdivision thereof, or to prevent any executive,  
5       legislative, or judicial officer or body from performing its lawful function.  
6       Participation in insurrection is a class C felony.

1       SEC. 1802. NEW SECTION.   **Impersonating a public official.** Any person  
2       who falsely holds himself or herself out or assumes to act as an elected or  
3       appointed officer, magistrate, peace officer, or person authorized to act on  
4       behalf of the state or any subdivision thereof, having no authority to do so,  
5       commits an aggravated misdemeanor.

1       SEC. 1803. NEW SECTION.   **Willful disturbance.** Any person who willfully  
2       disturbs any deliberative body or agency of the state, or subdivision thereof,  
3       with the purpose of disrupting the functioning of such body or agency by  
4       tumultuous behavior, or coercing by force or the threat of force any official  
5       conduct or proceeding, commits a serious misdemeanor.

1       SEC. 1804. NEW SECTION.   **Harassment of public officers and employees.**  
2       Any person who willfully prevents or attempts to prevent any public officer or  
3       employee from performing the officer's or employee's duty commits a simple  
4       misdemeanor.

1       SEC. 1805. NEW SECTION.   **Falsifying public documents.** A person who,  
2       having no right or authority to do so, makes or alters any public document, or  
3       any instrument which purports to be a public document, or who possesses a seal  
4       or any counterfeit seal of the state or of any of its subdivisions, or of any officer,

5 employee, or agency of the state or of any of its subdivisions, commits a class D  
6 felony.

1 SEC. 1806. NEW SECTION. **False reports to law enforcement authorities.** A  
2 person who reports or causes to be reported false information to a fire  
3 department or a law enforcement authority, knowing that the information is  
4 false, or who reports the alleged occurrence of a criminal act knowing the same  
5 did not occur, commits a simple misdemeanor.

6 DIVISION XIX

7 OBSTRUCTING JUSTICE

1 SECTION 1901. NEW SECTION. **Interference with official acts.** A person  
2 who knowingly resists or obstructs anyone known by the person to be a peace  
3 officer in the performance of any act which is within the scope of the officer's  
4 lawful duty or authority, or who knowingly resists or obstructs the service or  
5 execution by any authorized person of any civil or criminal process or order of  
6 any court, commits a simple misdemeanor. If a person commits an interference  
7 with official acts, as defined in this section, and in so doing he purposely inflicts  
8 or attempts to inflict serious injury, or displays a dangerous weapon, or is armed  
9 with a firearm, he commits an aggravated misdemeanor.

1 SEC. 1902. NEW SECTION. **Refusing to assist officer.** Any person who is  
2 requested or ordered by any magistrate or peace officer to render the magistrate  
3 or officer assistance in making or attempting to make an arrest, or to prevent the  
4 commission of any criminal act, shall render assistance as required. A person  
5 who, unreasonably and without lawful cause, refuses or neglects to render  
6 assistance when so requested commits a simple misdemeanor.

1 SEC. 1903. NEW SECTION. **Obstructing prosecution.** A person who, with  
2 intent to prevent the apprehension or obstruct the prosecution or defense of any  
3 person, knowingly does any of the following acts, commits an aggravated  
4 misdemeanor:

5 1. Destroys, alters, conceals or disguises physical evidence which would be  
6 admissible in the trial of another for a public offense, or makes available false  
7 evidence or furnishes false information with the intent that it be used in the trial  
8 of that case.

9 2. Induces a witness having knowledge material to the subject at issue to leave  
10 the state or conceal himself or herself, or to fail to appear when subpoenaed.

1 SEC. 1904. NEW SECTION. **Escape from custody.**

2 1. A person convicted of a felony, or charged with the commission of a felony,  
3 who intentionally escapes from any detention facility or institution to which the  
4 person has been committed by reason of such conviction or charge, or from the  
5 custody of any public officer or employee to whom the person has been  
6 entrusted, commits a class D felony.

7 2. A person convicted or charged with a misdemeanor, who intentionally  
8 escapes from any detention facility or institution to which the person has been  
9 committed by reason of such conviction or charge, or from the custody of any  
10 public officer or employee to whom the person has been entrusted, commits a  
11 serious misdemeanor.

12 3. Any person who has been committed to any institution under the control of  
13 the division of adult corrections, or to any jail or correctional institution, who  
14 knowingly and voluntarily absents himself or herself from any place where the  
15 person is required to be, commits a serious misdemeanor.

1 SEC. 1905. NEW SECTION. **Permitting prisoner to escape.** Any jailer or  
2 other public officer or employee who voluntarily permits, aids or abets in the  
3 escape or attempted escape of any person in custody by reason of a conviction  
4 or charge of any crime, commits the crime of permitting a prisoner to escape  
5 which is subject to the following penalties:

6 1. If the prisoner is in custody by reason of a conviction or charge of a class A  
7 felony, the defendant commits a class C felony.

8 2. If the prisoner is in custody by reason of a conviction or charge of any  
9 public offense other than a class A felony, the defendant commits a class D  
10 felony.

1 SEC. 1906. NEW SECTION. **Assisting prisoner to escape.** Any person who  
2 introduces into any detention facility or correctional institution any weapon,  
3 explosive or incendiary substance, rope, ladder, or any instrument or device by  
4 which he intends to facilitate the escape of any prisoner, or any person who, not  
5 being authorized by law, knowingly causes any such weapon, explosive or  
6 incendiary substance, rope, ladder, instrument or device to come into the  
7 possession of any prisoner, commits the crime of assisting a prisoner to escape  
8 which is subject to the following penalties:

9 1. If the prisoner was confined by reason of a conviction of a class A felony,  
10 the defendant commits a class C felony.

11 2. If the prisoner was confined by reason of a conviction of any public offense  
12 other than a class A felony, the defendant commits a class D felony.

1 SEC. 1907. NEW SECTION. **Furnishing intoxicants to inmates.** Any person  
2 not authorized by law who furnishes or knowingly makes available any  
3 intoxicating beverage to any inmate at any detention facility, correctional  
4 institution or any institution under the management of the department of social  
5 services, or who introduces any intoxicating beverage into the premises of any  
6 such institution, commits a simple misdemeanor.

1 SEC. 1908. NEW SECTION. **Furnishing controlled substance to inmate.** Any  
2 person not authorized by law who furnishes or knowingly makes available any  
3 controlled substance to any inmate at any detention facility or correctional  
4 institution, or at any institution under the management of the department of  
5 social services, or who introduces any controlled substance into the premises of  
6 any such institution, commits a class D felony.

7 DIVISION XX

8 INTERFERENCE WITH JUDICIAL PROCESS

1 SECTION 2001. NEW SECTION. **Compounding a felony.** A person having  
2 knowledge of the commission by another of a felony indictable in this state who  
3 receives any consideration for a promise to conceal such crime, or not to  
4 prosecute or aid or give evidence to the prosecution of such crime, compounds  
5 that felony. Compounding any felony is an aggravated misdemeanor.

1 SEC. 2002. NEW SECTION. **Perjury.** A person who, while under oath or  
2 affirmation in any proceeding or other matter in which statements under oath or  
3 affirmation are required or authorized by law, knowingly makes a false  
4 statement of material facts or who falsely denies knowledge of material facts,  
5 commits a class D felony. Where, while under oath or affirmation, in the same  
6 proceeding or different proceedings where oath or affirmation is required, a  
7 person has made contradictory statements, the indictment will be sufficient if it  
8 states that one or the other of the contradictory statements was false, to the  
9 knowledge of such person, and it shall be sufficient proof of perjury that one of  
10 the statements must be false, and that the person making the statements knew  
11 that one of them was false when the person made the statement, provided that  
12 both statements have been made within the period prescribed by the applicable  
13 statute of limitations. No person shall be guilty of perjury if the person retracts  
14 the false statement in the course of the proceedings where it was made before  
15 the false statement has substantially affected the proceeding.

1 SEC. 2003. NEW SECTION. **Suborning perjury.** A person who procures or  
2 offers any inducement to another to make a statement under oath or affirmation

3 in any proceeding or other matter in which statements under oath or affirmation  
4 are required or authorized, with the intent that such person will make a false  
5 statement, or who procures or offers any inducement to one who the person  
6 reasonably believes will be called upon for a statement in any such proceeding  
7 or matter, to conceal material facts known to such person, commits a class D  
8 felony.

1 SEC. 2004. NEW SECTION. **Tampering with witnesses or jurors.** A person  
2 who offers any bribe to any person who he or she believes has been or may be  
3 summoned as a witness or juror in any judicial or arbitration proceeding, or any  
4 legislative hearing, or who makes any threats toward such person or who  
5 forcibly or fraudulently detains or restrains such person, with the intent to  
6 improperly influence such witness or juror with respect to his or her testimony or  
7 decision in such case, or to prevent such person from testifying or serving in  
8 such case, or who, in retaliation for anything lawfully done by any witness or  
9 juror in any case, harasses such witness or juror, commits an aggravated  
10 misdemeanor.

1 SEC. 2005. NEW SECTION. **Use of false process or records.** Any person  
2 who represents any document or paper to be any public record or any civil or  
3 criminal process, when the person knows such representation to be false,  
4 commits a simple misdemeanor.

1 SEC. 2006. NEW SECTION. **Malicious prosecution.** A person who causes or  
2 attempts to cause another to be indicted or prosecuted for any public offense,  
3 having no reasonable grounds for believing that the person committed the  
4 offense commits a serious misdemeanor.

5 DIVISION XXI

6 OFFICIAL MISCONDUCT

1 SECTION 2101. NEW SECTION. **Felonious misconduct in office.** Any public  
2 officer or employee, who knowingly does any of the following, commits a class  
3 D felony:

- 4 1. Makes or gives any false entry, false return, false certificate, or false receipt,  
5 where such entries, returns, certificates, or receipts are authorized by law.
- 6 2. Falsifies any public record, or issues any document falsely purporting to be  
7 a public document.

1 SEC. 2102. NEW SECTION. **Misconduct in office.** Any public officer or  
2 employee, or any person acting under color of such office or employment, who  
3 knowingly does any of the following, commits a serious misdemeanor:

- 4 1. Makes any contract which contemplates an expenditure known by him or  
5 her to be in excess of that authorized by law.
- 6 2. Fails to report to the proper officer the receipt or expenditure of public  
7 monies, together with the proper vouchers therefor, when such is required of him  
8 or her by law.
- 9 3. Requests, demands, or receives from another for performing any service or  
10 duty which is required of him or her by law, or which is performed as an  
11 incident of his or her office or employment, any compensation other than the  
12 fee, if any, which he or she is authorized by law to receive for such performance.
- 13 4. By color of his or her office and in excess of the authority conferred on him  
14 or her by that office, requires any person to do anything or to refrain from doing  
15 any lawful thing.
- 16 5. Uses or permits any other person to use the property owned by the state or  
17 any subdivision or agency of the state for any private purpose and for personal  
18 gain, to the detriment of the state or any subdivision thereof.
- 19 6. Fails to perform any duty required of him or her by law.

20 7. Demands that any public employee contribute or pay anything of value,  
 21 either directly or indirectly, to any person, organization or fund, or in any way  
 22 coerces or attempts to coerce any public employee to make any such  
 23 contributions or payments, except where such contributions or payments are  
 24 expressly required by law.

1 SEC. 2103. NEW SECTION. **Misuse of public records and files.** A public  
 2 officer or employee who, by reason of his or her employment, has access to any  
 3 public record, or to any file, dossier, or accumulation of information of any  
 4 kind, and who gives or transfers to any person, in exchange for anything of  
 5 value other than fees authorized by law, any such record, file, dossier, or  
 6 accumulation of information, or any part thereof, or who imparts to any person  
 7 any information contained therein, in exchange for anything of value other than  
 8 fees authorized by law, commits a serious misdemeanor.

1 SEC. 2104. NEW SECTION. **Interest in public contracts.** Any officer or  
 2 employee of the state or of any subdivision thereof who is directly or indirectly  
 3 interested in any contract to furnish anything of value to the state or any  
 4 subdivision thereof where such interest is prohibited by statute commits a  
 5 serious misdemeanor. This section shall not apply to any contract awarded as a  
 6 result of open, public and competitive bidding.

7 DIVISION XXII

8 BRIBERY AND CORRUPTION

1 SECTION 2201. NEW SECTION. **Bribery.** A person who offers, promises or  
 2 gives anything of value or any benefit to any person who is serving or has been  
 3 elected, selected, appointed, employed or otherwise engaged to serve in a public  
 4 capacity, including any public officer or employee, any referee, juror or  
 5 venireman, or any witness in any judicial or arbitration hearing or any official  
 6 inquiry, or any member of a board of arbitration, with intent to influence the  
 7 act, vote, opinion, judgment, decision or exercise of discretion of such person  
 8 with respect to his or her services in such capacity commits a class D felony. In  
 9 addition, any person convicted under this section shall be disqualified from  
 10 holding public office under the laws of this state.

1 SEC. 2202. NEW SECTION. **Accepting bribe.** Any person who is serving or  
 2 has been elected, selected, appointed, employed or otherwise engaged to serve in  
 3 a public capacity, including any public officer or employee, any referee, juror or  
 4 venireman, or any witness in any judicial or arbitration hearing or any official  
 5 inquiry, or any member of a board of arbitration who shall solicit or knowingly  
 6 receive any promise or anything of value or any benefit given with the intent to  
 7 influence the act, vote, opinion, judgment, decision or exercise of discretion of  
 8 such person commits a class C felony. In addition, any person convicted under  
 9 this section shall be disqualified from holding public office under the laws of this  
 10 state.

1 SEC. 2203. NEW SECTION. **Bribery in sports.** A person who offers, solicits,  
 2 gives or receives anything of value or any benefit or promise of anything of value  
 3 or any benefit, with the intent that the recipient thereof, do any of the following,  
 4 commits an aggravated misdemeanor:

5 1. If the person is a participant or prospective participant in any professional  
 6 or amateur sport, match, or contest as a contestant or player, lose or in some  
 7 way affect the outcome of such sport, match, or contest.

8 2. If the person is an umpire, referee, judge, or other official in any  
 9 professional or amateur sport, match, or contest, or an owner, manager, coach,  
 10 trainer or relative of any participant, use his position or influence to affect the  
 11 outcome of any such sport, match, or contest or the score thereof.

1 SEC. 2204. NEW SECTION. **Bribery of elector.** A person who offers,  
 2 promises or gives anything of value or benefit to any elector for the purpose of



3 influencing the elector's vote, in any election authorized by law, or any elector  
4 who receives anything of value or any benefit knowing that it was given for such  
5 purpose, commits an aggravated misdemeanor.

1 SEC. 2205. NEW SECTION. **Bribery of election officials.** A person who  
2 offers, promises or gives anything of value or any benefit to any precinct  
3 election official authorized by law, or to any executive officer attending the  
4 same, conditioned on some act done or omitted to be done contrary to his or her  
5 official duty in relation to such election, commits an aggravated misdemeanor.

1 SEC. 2206. NEW SECTION. **Improper voting.** Any person who does any of  
2 the following commits a serious misdemeanor: any of the following commits a  
3 serious misdemeanor:

4 1. Votes more than once in any election which may be held by virtue of any  
5 law of this state.

6 2. Votes at any election authorized by law, knowing himself or herself not to  
7 be qualified.

1 SEC. 2207. NEW SECTION. **Misconduct by election official.** A precinct  
2 election official who knowingly does any of the following commits a serious  
3 misdemeanor:

4 1. Furnishes a voter with a ballot other than the proper ballot to be used at  
5 that election.

6 2. Causes a voter to cast his or her vote contrary to the voter's intention or  
7 wishes.

8 3. Changes any ballot, or in any way causes any vote to be recorded contrary  
9 to the intent of the person casting that vote.

10 4. Makes or consents to any false entry on the list of voters or poll books.

11 5. Places or permits another election official to place into a ballot box  
12 anything other than a ballot as provided in section forty-nine point eighty-five  
13 (49.85) of the Code, or who permits any person other than an election official to  
14 place anything into a ballot box.

15 6. Takes out of a ballot box, or permits to be so taken out, any ballot  
16 deposited therein, except in the manner prescribed by law.

17 7. Destroys or alters any ballot which has been given to an elector.

18 8. Permits any person to vote in a manner prohibited by law.

19 9. Refuses or rejects the vote of any qualified voter.

20 10. Wrongfully does any act or refuses to act for the purpose of avoiding an  
21 election, or of rendering invalid the ballots cast from any precinct or other  
22 district.

23 11. Having been deputized to carry the poll books of any election to the place  
24 where they are to be canvassed, willfully or negligently fails to deliver them to  
25 such place, safe, with seals unbroken, and within the time specified by law.

1 SEC. 2208. NEW SECTION. **Duress to prevent voting.** A person who  
2 unlawfully and by force, or threats of force, prevents or endeavors to prevent an  
3 elector from giving his or her vote at any public election commits an aggravated  
4 misdemeanor.

1 SEC. 2209. NEW SECTION. **Procuring vote by duress.** A person who  
2 procures, or endeavors to procure the vote of an elector for or against any  
3 candidate or for or against any issue by means of violence, threats of violence or  
4 by any means of duress commits an aggravated misdemeanor.

5 DIVISION XXIII

6 PUBLIC DISORDER

1 SECTION 2301. NEW SECTION. **Riot.** A riot is three or more persons  
2 assembled together in a violent manner, to the disturbance of others, and with  
3 any use of unlawful force or violence by them or any of them against another  
4 person, or causing property damage. A person who willingly joins in or remains

5 a part of a riot, knowing or having reasonable grounds to believe that it is such,  
6 commits an aggravated misdemeanor.

1 SEC. 2302. NEW SECTION. **Unlawful assembly.** An unlawful assembly is  
2 three or more persons assembled together, with them or any of them acting in a  
3 violent manner, and with intent that they or any of them will commit a public  
4 offense. A person who willingly joins in or remains a part of an unlawful  
5 assembly, knowing or having reasonable grounds to believe that it is such,  
6 commits a simple misdemeanor.

1 SEC. 2303. NEW SECTION. **Failure to disperse.** A peace officer may order  
2 the participants in a riot or unlawful assembly or persons in the immediate  
3 vicinity of a riot or unlawful assembly to disperse. Any person within hearing  
4 distance of such command, who refuses to obey, commits a simple  
5 misdemeanor.

1 SEC. 2304. NEW SECTION. **Disorderly conduct.** A person commits a simple  
2 misdemeanor when the person does any of the following:

3 1. Engages in fighting or violent behavior in any public place or in or near  
4 any lawful assembly of persons, provided, that participants in athletic contests  
5 may engage in such conduct which is reasonably related to that sport.

6 2. Makes loud and raucous noise in the vicinity of any residence or hospital  
7 which causes unreasonable distress to the occupants thereof.

8 3. Directs abusive epithets or makes any threatening gesture which the person  
9 knows or reasonably should know is likely to provoke a violent reaction by  
10 another.

11 4. Without lawful authority or color of authority, the person disturbs any  
12 lawful assembly or meeting of persons by conduct intended to disrupt the  
13 meeting or assembly.

14 5. By words or action, initiates or circulates a report or warning of fire,  
15 epidemic, or other catastrophe, knowing such report to be false or such warning  
16 to be baseless.

17 6. Knowingly and publicly uses the flag of the United States in such a manner  
18 as to show disrespect for the flag as a symbol of the United States, with the  
19 intent or reasonable expectation that such use will provoke or encourage another  
20 to commit a public offense.

21 7. Without authority or justification, the person obstructs any street, sidewalk,  
22 highway, or other public way, with the intent to prevent or hinder its lawful use  
23 by others.

24 DIVISION XXIV

WEAPONS

1 SECTION 2401. NEW SECTION. **Offensive weapons.** An offensive weapon is  
2 any device or instrumentality of the following types.

3 1. A machine gun. A machine gun is a firearm which shoots or is designed to  
4 shoot more than one shot, without manual reloading, by a single function of the  
5 trigger.

6 2. A shotgun having a barrel or barrels shorter than eighteen inches in length,  
7 or a rifle having a barrel or barrels shorter than sixteen inches in length.

8 3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol,  
9 revolver or musket, which fires or can be made to fire a projectile by the  
10 explosion of a propellant charge, which has a barrel or tube with the bore of  
11 more than six-tenths of an inch in diameter, or the ammunition or projectile  
12 therefor, but not including antique weapons kept for display or lawful shooting.

13 4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas;  
14 any rocket having a propellant charge of more than four ounces; any missile  
15 having an explosive charge of more than one-quarter ounce; or any device  
16 similar to any of these.

17 5. Any part or combination of parts either designed or intended to be used to  
 18 convert any device into an offensive weapon as described in subsections one (1)  
 19 through four (4), inclusive, of this section, or to assemble into such an offensive  
 20 weapon, except magazines or other parts, ammunition, or ammunition  
 21 components used in common with lawful sporting firearms or parts including  
 22 but not limited to barrels suitable for refitting to sporting firearms.

1 SEC. 2402. NEW SECTION. **Authority to possess.** Any of the following is  
 2 authorized to possess an offensive weapon when his or her duties or lawful  
 3 activities require or permit such possession:

- 4 1. Any peace officer.
- 5 2. Any member of the armed forces of the United States or of the national  
 6 guard.
- 7 3. Any person in the service of the United States.
- 8 4. Any person who under the laws of this state and the United States, is  
 9 lawfully engaged in the business of supplying those authorized to possess such  
 10 devices.
- 11 5. Any person, firm or corporation who under the laws of this state and the  
 12 United States is lawfully engaged in the improvement, invention or manufacture  
 13 of firearms.
- 14 6. Any correctional officer, serving in an institution under the authority of the  
 15 division of adult corrections.

1 SEC. 2403. NEW SECTION. **Unauthorized possession of offensive weapons.**  
 2 Any person, other than a person authorized herein, who knowingly possesses an  
 3 offensive weapon commits a class D felony.

1 SEC. 2404. NEW SECTION. **Carrying weapons.** A person who goes armed  
 2 with a dangerous weapon concealed on or about his person, or who, within the  
 3 limits of any city, goes armed with a pistol or revolver, or any loaded firearm of  
 4 any kind, whether concealed or not, or who knowingly carries or transports in a  
 5 vehicle a pistol or revolver, commits an aggravated misdemeanor, provided that  
 6 this section shall not apply to any of the following:

- 7 1. A person who goes armed with a dangerous weapon in his or her own  
 8 dwelling or place of business, or on land owned or possessed by the person.
- 9 2. Any peace officer, when his or her duties require the person to carry such  
 10 weapons.
- 11 3. Any member of the armed forces of the United States or of the national  
 12 guard or person in the service of the United States, when the weapons are  
 13 carried in connection with his or her duties as such.
- 14 4. Any person who for any lawful purpose carries an unloaded pistol, revolver,  
 15 or other dangerous weapon inside a closed and fastened container or securely  
 16 wrapped package which is too large to be concealed on the person.
- 17 5. Any person who for any lawful purpose carries or transports an unloaded  
 18 pistol or revolver in any vehicle inside a cargo or luggage compartment where  
 19 the pistol or revolver will not be readily accessible to any person riding in the  
 20 vehicle or common carrier.
- 21 6. Any person while he or she is lawfully engaged in target practice on a range  
 22 designed for that purpose or while engaged in lawful hunting for game in any  
 23 place designated by local law as a hunting area.
- 24 7. Any person who has in his or her possession and who displays to any peace  
 25 officer on demand a valid permit to carry weapons which has been issued to the  
 26 person, and whose conduct is within the limits of that permit. No person shall be  
 27 convicted of a violation of this section if the person produces at his or her trial a  
 28 permit to carry weapons which was valid at the time of the alleged offense and  
 29 which would have brought the person's conduct within this exception if the  
 30 permit had been produced at the time of the alleged offense.

31 8. Any correctional officer, when his or her duties require, serving under the  
32 authority of the division of adult corrections.

1 SEC. 2405. NEW SECTION. **Professional permits to carry weapons.** A person  
2 may be issued a permit to carry weapons when the person's employment as a  
3 security guard, private detective licensed under chapter eighty A (80A) of the  
4 Code, bank messenger or other person transporting property of a value requiring  
5 security, or in police work, reasonably justifies that person going armed. Such  
6 permits shall be on a form prescribed and published by the commissioner of  
7 public safety, shall identify the holder thereof, and shall state the nature of the  
8 employment requiring his or her going armed. A permit so issued shall authorize  
9 the person to whom it is issued to go armed anywhere in the state, only while  
10 engaged in such employment, and while going to and from the place of such  
11 employment. Any such permit shall expire twelve months after the date when  
12 issued. When such employment is terminated, the holder of such permit shall  
13 surrender his or her permit to the issuing officer for cancellation.

1 SEC. 2406. NEW SECTION. **Nonprofessional permits.** Any person who can  
2 reasonably justify his or her going armed may be issued a nonprofessional  
3 permit to carry weapons. Such permits shall be on a form prescribed and  
4 published by the commissioner of public safety, which shall be readily  
5 distinguishable from the professional permit, and shall identify the holder  
6 thereof, and state the reason for the issuance of the permit, and the limits of the  
7 authority granted by such permit. All permits so issued shall be for a definite  
8 period as established by the issuing officer, but in no event shall exceed a period  
9 of twelve months.

1 SEC. 2407. NEW SECTION. **Training program.** A training program to  
2 qualify persons in the safe use of firearms shall be provided by the issuing  
3 officer of permits, as provided in section two thousand four hundred ten (2410)  
4 of this division. The commissioner of public safety shall approve the training  
5 program, and the county sheriff or the commissioner of public safety conducting  
6 the training program within their respective jurisdictions may contract with a  
7 private organization or use the services of other agencies, or may use a  
8 combination of the two, to provide such training. Any person eligible to be  
9 issued a permit to carry weapons may enroll in such course. A fee sufficient to  
10 cover the cost of the program may be charged each person attending.  
11 Certificates of completion, on a form prescribed and published by the  
12 commissioner of public safety, shall be issued to each person who successfully  
13 completes the program. No person shall be issued either a professional or  
14 nonprofessional permit unless he has received a certificate of completion or is a  
15 certified peace officer. No peace officer or correctional officer, except a certified  
16 peace officer, shall go armed with a pistol or revolver unless he or she has  
17 received a certificate of completion, provided that this requirement shall not  
18 apply to persons who are employed in this state as peace officers on the effective  
19 date of this Act until six months after the effective date of this Act, or to peace  
20 officers of other jurisdictions exercising their legal duties within this state.

1 SEC. 2408. NEW SECTION. **Persons eligible.** No person shall be issued a  
2 professional or nonprofessional permit to carry weapons unless:

- 3 1. The person is eighteen years of age or older.
- 4 2. The person has never been convicted of a forcible felony.
- 5 3. The person is not addicted to the use of alcohol or any controlled  
6 substance.
- 7 4. The person has no history of repeated acts of violence.

8 5. The issuing officer reasonably determines from competent evidence that the  
9 applicant does not constitute a danger to himself or others.

10 6. He has never been convicted of any crime defined in division eight (VIII)  
11 of this Act, except "assault" as defined in section eight hundred one (801) of this  
12 Act and "harrassment" as defined in section eight hundred eight (808)\* of this  
13 Act.

1 SEC. 2409. NEW SECTION. **Application.** No person shall be issued a permit  
2 to carry weapons unless the person has completed and signed an application on  
3 a form to be prescribed and published by the commissioner of public safety. The  
4 application shall state the full name, social security number, residence, and age  
5 of the applicant, and shall state whether the applicant has ever been convicted of  
6 a felony, whether the person is addicted to the use of alcohol or any controlled  
7 substance, and whether he has any history of mental illness or repeated acts of  
8 violence. Any person who knowingly makes a false statement on such  
9 application commits an aggravated misdemeanor.

1 SEC. 2410. NEW SECTION. **Issuance of permit.** Applications for permits to  
2 carry weapons shall be made to the sheriff of the county in which the applicant  
3 resides. Applications from persons who are nonresidents of the state, or whose  
4 need to go armed arises out of employment by the state, shall be made to the  
5 commissioner of public safety. In either case, the issuance of the permit shall be  
6 by and at the discretion of the sheriff or commissioner, who shall, before issuing  
7 the permit, determine that the requirements of sections two thousand four  
8 hundred five (2405) through two thousand four hundred nine (2409), inclusive,  
9 of this division have been satisfied. However, the training program requirements  
10 in sections two thousand four hundred seven (2407) of this division may be  
11 waived for renewal permits. The issuing officer shall collect a fee of three  
12 dollars, except from a duly appointed peace officer, for each permit issued.  
13 Renewal permits shall be issued for a fee of one dollar. The issuing officer shall  
14 notify the commissioner of public safety of the issuance of any permit.

1 SEC. 2411. NEW SECTION. **Permits not transferable.** Permits to carry  
2 weapons shall be issued to a specific person only, and may not be transferred  
3 from one person to another.

1 SEC. 2412. NEW SECTION. **Report and record of sales.** Any person who  
2 sells or transfers ownership of a revolver or pistol, whether such person is a  
3 dealer or otherwise, shall report within five days to the county sheriff the sale or  
4 transfer of such weapon, on forms prescribed and published by the  
5 commissioner of public safety, and on the forms shall set forth the time of  
6 selling or transfer, the age, occupation, place of employment or business, name  
7 and residence of such recipient of such weapon, together with the model, caliber,  
8 serial number, and make of such weapon, and the sheriff on receipt of such  
9 information shall make a permanent record of the same in a book specially kept  
10 for that purpose. A copy of this report shall be forwarded by the sheriff to the  
11 commissioner of public safety. Any person who fails to make a report as  
12 required by this section shall be guilty of a simple misdemeanor. Any person  
13 who transfers the ownership of a revolver or pistol to a person related to him or  
14 her within the second degree of consanguinity or affinity shall be exempt from  
15 the reporting requirements of this section.

1 SEC. 2413. NEW SECTION. **Giving false information when purchasing**  
2 **weapon.** A person who gives a false name or presents false identification, or  
3 otherwise gives false information to one from whom the person seeks to  
4 purchase a pistol or revolver, commits an aggravated misdemeanor.

1 SEC. 2414. NEW SECTION. **Sale to minors.** A person who sells, loans, gives  
2 or makes available a firearm or ammunition for a firearm, to any person below  
3 the age of eighteen years commits a simple misdemeanor; provided, that a rifle

\* According to enrolled Act

4 or shotgun or the ammunition therefor, which lawfully may be used for hunting,  
5 may be given to such person by his or her parent or guardian, or by another  
6 with the express consent of his or her parent or guardian; and further provided,  
7 that any such person may allow a minor to possess a rifle, shotgun, or pistol, and  
8 the ammunition therefor, while on military duty, when such duty requires the  
9 possession of such a weapon, or while receiving instruction in the proper use  
10 thereof from an adult instructor.

1       SEC. 2415. NEW SECTION.   **Revocation of permits.** The issuing officer may  
2 revoke any permit to carry weapons when the officer learns that any of the  
3 conditions required for the issuance of that permit as stated in sections two  
4 thousand four hundred five (2405) through two thousand four hundred nine  
5 (2409), inclusive, of this division have ceased to exist, or when the officer learns  
6 that that permit was improperly issued. When the issuing officer revokes a  
7 permit, the officer shall notify the permit holder of such revocation on a form  
8 prescribed and published by the commissioner of public safety, and shall  
9 forward a copy of the form to the commissioner of public safety. From the time  
10 the permit holder receives notice of revocation, the permit shall cease to have  
11 any force or effect. Permit revocations may be reviewed by writ of certiorari.

1       SEC. 2416. NEW SECTION.   **Records kept by commissioner.** The  
2 commissioner of public safety shall maintain a permanent record of all permits  
3 authorized by this division of permit revocations and reports of sales of weapons  
4 required by this division.

1       SEC. 2417. NEW SECTION.   **Permit to purchase required.** Any person who  
2 purchases a pistol or revolver without a valid permit to purchase pistols or  
3 revolvers or any person who sells a pistol or revolver to a person who does not  
4 have in his or her possession a valid permit to purchase pistols or revolvers is  
5 guilty of a simple misdemeanor.

1       SEC. 2418. NEW SECTION.   **Application.** The application for a permit to  
2 purchase pistols or revolvers may be made to the sheriff of any county and shall  
3 be on a form prescribed and published by the commissioner of public safety.  
4 The application shall state the full name of the applicant, the social security  
5 number of the applicant, the residence of the applicant, and the age of the  
6 applicant.

1       SEC. 2419. NEW SECTION.   **Issuance.** The permit to purchase pistols or  
2 revolvers shall be issued to the applicant immediately upon completion of the  
3 application and shall be on a form prescribed and published by the  
4 commissioner of public safety. The permit shall contain the name of the  
5 permittee, the social security number of the permittee, the residence of the  
6 permittee, and the effective date of the permit.

1       SEC. 2420. NEW SECTION.   **Validity.** The permit shall be valid throughout  
2 the state and shall be valid three days after the date of application and shall be  
3 invalid one year after the date of application.

1       SEC. 2421. NEW SECTION.   **Mailing of applications.** A person may by mail  
2 or personally request the sheriff to mail an application for a permit to purchase  
3 pistols or revolvers and the sheriff shall immediately forward to such person an  
4 application for a permit to purchase pistols or revolvers. A person may upon  
5 completion of the application mail such application to the sheriff who shall note  
6 the period of validity on the application and shall immediately forward the  
7 permit to purchase pistols or revolvers to the applicant. For the purposes of this  
8 section the date of application shall be the date on which the sheriff received the  
9 completed application.

1 SEC. 2422. NEW SECTION. **Purchase or sale of firearms in contiguous states.**

2 A resident of Iowa not otherwise precluded by applicable law, may purchase  
3 firearms, rifles, shotguns, ammunition, reloading components, or firearms  
4 accessories in states contiguous to Iowa. This authorization is enacted in  
5 conformance with the Gun Control Act of 1968, 18 U.S.C., section 922 (b) (3)  
6 (A). In the event that presently enacted federal restrictions on the purchase of  
7 firearms, rifles, shotguns, ammunition, reloading components, or firearms  
8 accessories are repealed or set aside by courts of competent jurisdiction, this  
9 section shall in no way be interpreted to prohibit or restrict the purchase of  
10 firearms, shotguns, rifles, ammunition, reloading components, or firearms  
11 accessories by residents of Iowa otherwise competent to purchase the same in  
12 contiguous or other states.

13 A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector  
14 licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a  
15 resident of an adjacent state, if the purchaser's state of residence permits such  
16 sale or delivery by law, the sale fully complies with the legal conditions of Iowa  
17 and the adjacent state, and the purchaser and licensee have, prior to the sale or  
18 delivery for sale of the rifle or shotgun, complied with all the requirements of the  
19 federal Gun Control Act of 1968.

1 SEC. 2423. NEW SECTION. **Existing permits.** Any permit issued by virtue  
2 of the authority granted by chapter six hundred ninety-five (695) of the Code  
3 prior to the effective date of the repeal of that chapter by this Act shall remain  
4 in effect until its normal expiration date.

1 SEC. 2424. NEW SECTION. **Duty to carry permit.** It shall be the duty of  
2 any person armed with a revolver, pistol, or pocket billy concealed upon his or  
3 her person to have in his or her immediate possession the permit provided for in  
4 this division and to produce same for inspection at the request of any peace  
5 officer. Failure to so produce such permit shall constitute a simple misdemeanor.

1 SEC. 2425. NEW SECTION. **Felony defined.** As used in section two  
2 thousand four hundred twenty-six (2426) of this division the word "felony"  
3 means any offense punishable in the jurisdiction where it occurred by  
4 imprisonment for a term exceeding one year.

1 SEC. 2426. NEW SECTION. **Receipt, transportation and possession of firearms  
2 and destructive devices by felons.** Any person who is convicted of a felony in  
3 any state or federal court and who subsequently possesses, receives, or transports  
4 or causes to be transported a firearm or offensive weapon is guilty of an  
5 aggravated misdemeanor.

1 SEC. 2427. NEW SECTION. **Exception.** The provisions of section two  
2 thousand four hundred twenty-six (2426) of this division shall not apply to a  
3 person who is pardoned or has had his or her civil rights restored, by the  
4 President of the United States or the chief executive of a state and who is  
5 expressly authorized by the President of the United States or such chief  
6 executive to receive, transport, or possess firearms or destructive devices.

7 DIVISION XXV

8 VICE

1 SECTION 2501. NEW SECTION. **Prostitution.** A person who sells or offers  
2 for sale his or her services as a partner in a sex act, or who purchases or offers to  
3 purchase such services, commits an aggravated misdemeanor.

1 SEC. 2502. NEW SECTION. **Pimping.** A person who solicits a patron for a  
2 prostitute, or who knowingly takes or shares in the earnings of a prostitute, or  
3 who knowingly furnishes a room or other place to be used for the purpose of  
4 prostitution, whether for compensation or not, commits a class D felony.

1 SEC. 2503. NEW SECTION. **Pandering.** A person who persuades or  
 2 arranges for another to become an inmate of a brothel, or to become a  
 3 prostitute, such person not having previously engaged in prostitution, or to  
 4 return to the practice of prostitution after having abandoned it, or who keeps or  
 5 maintains a brothel or who knowingly takes a share in the income from a  
 6 brothel, commits a class D felony.

1 SEC. 2504. NEW SECTION. **Leasing premises for prostitution.** A person  
 2 who has rented or let any building, structure or part thereof, boat, trailer or  
 3 other place offering shelter or seclusion, and who knows, or has reason to know,  
 4 that the lessee or tenant is using such for the purposes of prostitution, and who  
 5 does not, immediately upon acquiring such knowledge, terminate the tenancy or  
 6 effectively put an end to such practice of prostitution in such place, commits a  
 7 serious misdemeanor.

1 SEC. 2505. NEW SECTION. **Public indecent exposure.** A holder of a liquor  
 2 license or beer permit or any owner, manager, or person who exercises direct  
 3 control over any licensed premises defined in section one hundred twenty-three  
 4 point three (123.3), subsection thirty-one (31) of the Code shall be guilty of a  
 5 serious misdemeanor under any of the following circumstances:

6 1. If such person allow or permit the actual or simulated public performance  
 7 of any sex act upon or in such licensed premises.

8 2. If such person allow or permit the exposure of the genitals or buttocks or  
 9 female breast of any person who acts as a waiter or waitress.

10 3. If such person allow or permit the exposure of the genitals or female breast  
 11 nipple of any person who acts as an entertainer, whether or not the owner of the  
 12 licensed premises in which the activity is performed employs or pays any  
 13 compensation to such person to perform such activity.

14 4. If such person allow or permit any person to remain in or upon the licensed  
 15 premises who exposes to public view his or her genitals, pubic hair, or anus.

16 5. If such person allow or permit the displaying of moving pictures, films, or  
 17 pictures depicting any sex act or the display of the pubic hair, anus, or genitals  
 18 upon or in such licensed premises.

19 Provided that the provisions of this section shall not apply to a theater,  
 20 concert hall, art center, museum, or similar establishment which is primarily  
 21 devoted to the arts or theatrical performances and any of the circumstances  
 22 contained in this section were permitted or allowed as part of such art exhibits  
 23 or performances.

1 SEC. 2506. NEW SECTION. **Exhibiting deformed or abnormal persons.** Any  
 2 person who shall exhibit, place on exhibition, or cause to be exhibited any  
 3 deformed, maimed, idiotic or abnormal person or human monstrosity without  
 4 his or her consent, and receive any fee or compensation therefor, commits a  
 5 serious misdemeanor.

6 DIVISION XXVI

7 PROTECTION OF THE FAMILY

1 SECTION 2601. NEW SECTION. **Bigamy.** Any person, having a living  
 2 husband or wife, who marries another, commits bigamy. Any of the following is  
 3 a defense to the charge of bigamy:

4 1. The prior marriage was terminated in accordance with applicable law, or  
 5 the person reasonably believes on reasonably convincing evidence that the prior  
 6 marriage was so terminated.

7 2. The person believes, on reasonably convincing evidence, that the prior  
 8 spouse is dead.

9 3. The person has, for three years, had no evidence by which he or she can  
 10 reasonably believe that the prior spouse is alive.



11 Any person who marries another who the person knows has another living  
12 husband or wife commits bigamy. Bigamy is a serious misdemeanor.

1 SEC. 2602. NEW SECTION. **Incest.** A person, except a child as defined in  
2 this Act, who has sexual intercourse with any person whom he or she knows to  
3 be related to him, either legitimately or illegitimately, as an ancestor,  
4 descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or  
5 nephew, commits incest. Incest is a class D felony.

1 SEC. 2603. NEW SECTION. **Abandoning child.** A person who is the father,  
2 mother, or some other person having custody of a child, or of any other person  
3 who by reason of mental or physical disability is not able to care for himself or  
4 herself, who knowingly or recklessly exposes such person to a hazard or danger  
5 against which such person cannot reasonably be expected to protect himself or  
6 herself or who deserts or abandons such person, knowing or having reason to  
7 believe that the person will be exposed to such hazard or danger, commits a  
8 class C felony.

1 SEC. 2604. NEW SECTION. **Husband or wife may be witness.** In all  
2 prosecutions under section two thousand six hundred three (2603) of this Act,  
3 the husband or wife shall be a competent witness for the state and may testify to  
4 any relevant acts or communications between them, anything in previous  
5 statutes to the contrary notwithstanding, provided, however, that no husband or  
6 wife shall be called or compelled to testify against the other under section two  
7 thousand six hundred three (2603) of this Act except upon consent of such  
8 witness.

1 SEC. 2605. NEW SECTION. **Nonsupport.** A person, who being able to do  
2 so, fails or refuses to provide support for his or her child or ward under the age  
3 of eighteen years commits nonsupport; provided that no person shall be held to  
4 have violated this section who fails to support any child or ward under the age  
5 of eighteen who has left the home of the parent or other person having legal  
6 custody of him or her without the consent of that parent or person having legal  
7 custody of him or her. Support, for the purposes of this section, means any  
8 support which has been fixed by court order, or, in the absence of any such  
9 order or decree, the minimal requirements of food, clothing, or shelter.  
10 Nonsupport is a class D felony.

1 SEC. 2606. NEW SECTION. **Wanton neglect of a child.** A person who is the  
2 parent or adoptive parent or any person having custody of any child under the  
3 age of eighteen years commits wanton neglect of a child when the person does  
4 any of the following:

5 1. The person knowingly acts in a manner likely to be injurious to the  
6 physical, mental or moral welfare of such child.

7 A parent or adoptive parent or person having custody who provides his or her  
8 child exclusively with nonmedical treatment by a religious method of healing  
9 permitted under the laws of this state shall not, for this reason alone, be  
10 considered in violation of this subsection.

11 2. The person abandons such child to fend for himself or herself, knowing that  
12 the child is unable to do so.

13 Wanton neglect of a child is a serious misdemeanor.

1 SEC. 2607. NEW SECTION. **Wanton neglect of a resident of a health care  
2 facility.** A person commits wanton neglect of a resident of a health care  
3 facility when the person knowingly acts in a manner likely to be injurious to the  
4 physical, mental or moral welfare of a resident of a health care facility as  
5 defined in section one hundred thirty-five C point one (135C.1) of the Code.  
6 Wanton neglect of a resident of a health care facility is a serious misdemeanor.

7 DIVISION XXVII

8 HEALTH, SAFETY AND WELFARE

1 SECTION 2701. NEW SECTION. **Distributing dangerous substances.** Any  
2 person who distributes samples of any drugs or medicine, or any corrosive,  
3 caustic, poisonous or other injurious substance, commits a simple misdemeanor  
4 unless the person delivers such into the hands of a competent person, or  
5 otherwise takes reasonable precautions that the substance will not be taken by  
6 children or animals from the place where the substance is deposited.

1 SEC. 2702. NEW SECTION. **Fireworks.** The term "fireworks" shall mean  
2 and include any explosive composition, or combination of explosive substances,  
3 or article prepared for the purpose of producing a visible or audible effect by  
4 combustion, explosion, deflagration or detonation, and shall include blank  
5 cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks  
6 of like construction and any fireworks containing any explosive or inflammable  
7 compound, or other device containing any explosive substance. The term  
8 "fireworks" shall not include goldstar-producing sparklers on wires which  
9 contain no magnesium or chlorate or perchlorate, no flitter sparklers in paper  
10 tubes that do not exceed one-eighth of an inch in diameter, nor toy snakes which  
11 contain no mercury nor caps used in cap pistols. Except as hereinafter provided,  
12 any person, firm, copartnership, or corporation who offers for sale, exposes for  
13 sale, sells at retail, or uses or explodes any fireworks, commits a serious  
14 misdemeanor; provided the council of any city or the county board of  
15 supervisors may, upon application in writing, grant a permit for the display of  
16 fireworks by municipalities, fair associations, amusement parks, and other  
17 organizations or groups of individuals approved by such city or such county  
18 board of supervisors when such fireworks display will be handled by a  
19 competent operator but no such permit shall be required for such display of  
20 fireworks at the Iowa state fairgrounds by the Iowa state fair board nor of  
21 incorporated county fairs nor of district fairs receiving state aid. Sales of  
22 fireworks for such display may be made for that purpose only; provided further,  
23 that nothing in this section shall be construed to prohibit any resident, dealer,  
24 manufacturer, or jobber from selling such fireworks as are not herein prohibited;  
25 or the sale of any kind of fireworks provided the same are to be shipped out of  
26 the state; or the sale or use of blank cartridges for a show or the theater, or for  
27 signal purposes in athletic sports or by railroads or trucks, for signal purposes, or  
28 by a recognized military organization; and provided further that nothing in this  
29 section shall apply to any substance or composition prepared and sold for  
30 medicinal or fumigation purposes.

1 SEC. 2703. NEW SECTION. **Abandoned or unattended refrigerators.** Any  
2 person who abandons or otherwise leaves unattended any refrigerator, ice box,  
3 or similar container, with doors that may become locked, outside of buildings  
4 and accessible to children, or any person who allows any such refrigerator, ice  
5 box, or similar container, to remain outside of buildings on premises in the  
6 person's possession or control, abandoned or unattended and so accessible to  
7 children, commits a simple misdemeanor.

1 SEC. 2704. NEW SECTION. **Exposing persons to X-ray radiation.** Any  
2 person other than one licensed to practice medicine, osteopathic medicine,  
3 chiropractic, or dentistry, or one acting under the direction of a person so  
4 licensed, who knowingly exposes any other person to X-ray radiation, commits a  
5 simple misdemeanor.

1 SEC. 2705. NEW SECTION. **Obstructing emergency phone calls.** An  
2 emergency call is any call to a fire department or police department for aid, or a  
3 call for medical aid or ambulance service, when human life or property is in  
4 jeopardy and the prompt summoning of aid is essential. Any person who fails to  
5 relinquish any telephone or telephone line which the person is using when

6 informed that such phone or line is needed for an emergency call commits a  
7 simple misdemeanor.

1 SEC. 2706. NEW SECTION. **Falsely claiming emergency.** Any person who  
2 secures the use of a telephone or telephone line by falsely stating that such  
3 telephone or line is needed for an emergency call commits a simple  
4 misdemeanor.

1 SEC. 2707. NEW SECTION. **Publication required.** Every telephone company  
2 doing business in this state shall print a copy of sections two thousand seven  
3 hundred five (2705) and two thousand seven hundred six (2706) of this division  
4 in a prominent place in every telephone directory published by it. Any person,  
5 firm, or corporation providing telephone service which distributes or causes to  
6 be distributed in this state copies of a telephone directory which is subject to the  
7 provisions of this section which does not contain the notice herein provided for  
8 commits a simple misdemeanor.

1 SEC. 2708. NEW SECTION. **Electronic and mechanical eavesdropping.** Any  
2 person, having no right or authority to do so, who taps into or connects a  
3 listening or recording device to any telephone or other communication wire, or  
4 who by any electronic or mechanical means listens to, records, or otherwise  
5 intercepts a conversation or communication of any kind, commits a serious  
6 misdemeanor; provided, that the sender or recipient of a message or one who is  
7 openly present and participating in or listening to a communication shall not be  
8 prohibited hereby from recording such message or communication; and further  
9 provided, that nothing herein shall restrict the use of any radio or television  
10 receiver to receive any communication transmitted by radio or wireless signal.

1 SEC. 2709. NEW SECTION. **Transacting business without a license.** Unless  
2 another penalty is specifically provided, any person who without a license carries  
3 on or transacts any business or occupation for which a license is required by any  
4 law of this state, commits a simple misdemeanor.

5 DIVISION XXVIII  
6 OBSCENITY

1 SECTION 2801. NEW SECTION. **Definitions.** As used in this division, unless  
2 the context otherwise requires:

3 1. "Obscene material" is any material depicting or describing the genitals, sex  
4 acts, masturbation, excretory functions or sado-masochistic abuse which the  
5 average person, taking the material as a whole and applying contemporary  
6 community standards with respect to what is suitable material for minors, would  
7 find appeals to the prurient interest and is patently offensive; and the material,  
8 taken as a whole, lacks serious literary, scientific, political or artistic value.

9 2. "Material" means any book, magazine, newspaper or other printed or  
10 written material or any picture, drawing, photograph, motion picture, or other  
11 pictorial representation or any statue or other figure, or any recording,  
12 transcription or mechanical, chemical or electrical reproduction or any other  
13 articles, equipment, machines or materials.

14 3. "Disseminate" means to transfer possession, with or without consideration.

15 4. "Knowingly" means being aware of the character of the matter.

16 5. "Sado-masochistic abuse" means the infliction of physical or mental pain  
17 upon a person or the condition of a person being fettered, bound or otherwise  
18 physically restrained.

19 6. "Minor" means any person under the age of eighteen.

20 7. "Sex act" means any sexual contact, actual or simulated, either natural or  
21 deviate, between two or more persons, or between a person and an animal, by  
22 penetration of the penis into the vagina or anus, or by contact between the  
23 mouth or tongue and genitalia or anus, or by contact between a finger of one

24 person and the genitalia or another person or by use of artificial sexual organs  
25 or substitutes therefor in contact with the genitalia or anus.

1       SEC. 2802. NEW SECTION. **Dissemination and exhibition of obscene material**  
2 **to minors.** Any person, other than the parent or guardian of the minor, who  
3 knowingly disseminates or exhibits obscene material to a minor, including the  
4 exhibition of obscene material so that it can be observed by a minor on or off  
5 the premises where it is displayed, is guilty of a public offense and shall upon  
6 conviction be guilty of a serious misdemeanor.

1       SEC. 2803. NEW SECTION. **Admitting minors to premises where obscene**  
2 **material is exhibited.** Any person who knowingly sells, gives, delivers, or  
3 provides a minor with a pass or admits a minor to premises where obscene  
4 material is exhibited is guilty of a public offense and shall upon conviction be  
5 guilty of a serious misdemeanor.

1       SEC. 2804. NEW SECTION. Any person who knowingly sells or offers for sale  
2 material depicting a sex act involving sado-masochistic abuse, excretory  
3 functions, a child, or bestiality which the average adult taking the material as a  
4 whole in applying contemporary community standards would find that it  
5 appeals to the prurient interest and is patently offensive; and the material, taken  
6 as a whole, lacks serious literary, scientific, political, or artistic value shall, upon  
7 conviction be guilty of a simple misdemeanor. Charges under this section may  
8 only be brought by a county attorney, the attorney general, or a grand jury.

1       SEC. 2805. NEW SECTION. **Civil suit to determine obscenity.** Whenever the  
2 county attorney of any county has reasonable cause to believe that any person is  
3 engaged or plans to engage in the dissemination or exhibition of obscene  
4 material within his or her county to minors the county attorney may institute  
5 a civil proceeding in the district court of the county to enjoin the dissemination  
6 or exhibition of obscene material to minors. Such application for injunction is  
7 optional and not mandatory and shall not be construed as a prerequisite to  
8 criminal prosecution for a violation of this division.

1       SEC. 2806. NEW SECTION. **Exemptions for public libraries and educational**  
2 **institutions.** Nothing in this division prohibits the use of appropriate material  
3 for educational purposes in any accredited school, or any public library, or in  
4 any educational program in which the minor is participating. Nothing in this  
5 division prohibits the attendance of minors at an exhibition or display of art  
6 works or the use of any materials in any public library.

1       SEC. 2807. NEW SECTION. **Suspension of licenses or permits.** Any person  
2 who knowingly permits a violation of section two thousand eight hundred two  
3 (2802) or two thousand eight hundred three (2803) of this chapter to occur on  
4 premises under the person's control shall have all permits and licenses issued to  
5 the person under state or local law as a prerequisite for doing business on such  
6 premises revoked for a period of six months. The county attorney shall notify all  
7 agencies responsible for issuing licenses and permits of any conviction under  
8 section two thousand eight hundred two (2802) or two thousand eight hundred  
9 three (2803) of this chapter.

1       SEC. 2808. NEW SECTION. **Evidence considered.** At a trial for violation of  
2 section two thousand eight hundred two (2802) or two thousand eight hundred  
3 three (2803) of this chapter the court may consider the material, and receive into  
4 evidence in addition to other competent evidence, the offered testimony of  
5 experts pertaining to:

- 6       1. The artistic, literary, political, or scientific value, if any, of the challenged  
7 material.
- 8       2. The degree of public acceptance within the community of the material or  
9 material of similar character.

10 3. The intent of the author, artist, producer, publisher, or manufacturer in  
11 creating the material.

12 4. The advertising promotion and other circumstances relating to the sale of  
13 the material.

1 SEC. 2809. NEW SECTION. **Affirmative defense.** In any prosecution for  
2 disseminating or exhibiting obscene material to minors, it is an affirmative  
3 defense that the defendant had reasonable cause to believe that the minor  
4 involved was eighteen years old or more and the minor exhibited to the  
5 defendant a draft card, driver's license, birth certificate or other official or  
6 apparently official document purporting to establish that such minor was  
7 eighteen years old or more or was accompanied by a parent or spouse eighteen  
8 years of age or more.

1 SEC. 2810. NEW SECTION. **Uniform application.** In order to provide for the  
2 uniform application of the provisions of this division relating to obscene  
3 material applicable to minors within this state, it is intended that the sole and  
4 only regulation of obscene material shall be under the provisions of this division,  
5 and no municipality, county or other governmental unit within this state shall  
6 make any law, ordinance or regulation relating to the availability of obscene  
7 materials. All such laws, ordinances or regulations, whether enacted before or  
8 after this Act, shall be or become void, unenforceable and of no effect upon the  
9 effective date of this Act. Nothing in this section shall restrict the zoning  
10 authority of cities and counties.

## 11 CHAPTER 2

### 12 DIVISION I

#### 13 CRIMINAL PROCEDURE SCOPE AND DEFINITIONS

1 SECTION 101. NEW SECTION. **Short title.** This chapter shall be known and  
2 may be cited as the "Iowa code of criminal procedure".

1 SEC. 102. NEW SECTION. **Scope.** The provisions of this code shall govern  
2 procedure in the courts of Iowa in all criminal proceedings except where a  
3 different procedure is specifically provided by law.

1 SEC. 103. NEW SECTION. **General purposes.** The provisions of this code  
2 shall be liberally construed to give effect to the general purposes thereof, which  
3 shall be to provide for:

- 4 1. Simplicity in criminal procedure.
- 5 2. Fairness in administration of the criminal laws.
- 6 3. Elimination of unjustifiable delay in pretrial, trial, and post-trial  
7 proceedings.
- 8 4. Just determination of every criminal proceeding by a fair and impartial trial  
9 and review.
- 10 5. The effective apprehension and trial of persons suspected of committing  
11 public offenses without violation of fundamental human rights.

1 SEC. 104. NEW SECTION. **General definitions.** For the purposes of this  
2 Act, unless the context otherwise requires:

- 3 1. "Attorney general" includes an authorized assistant of the attorney general.
- 4 2. "Charge" means a written statement presented to a court accusing a person  
5 of the commission of a public offense, including but not limited to a complaint,  
6 information, or indictment.
- 7 3. "County attorney" includes an authorized assistant of the county attorney.
- 8 4. "Court" means a place where justice is administered by a magistrate and  
9 includes such magistrate while acting in his or her judicial capacity.
- 10 5. "Criminal proceeding" is a proceeding in which a person is accused of a  
11 public offense.

- 12 6. "Magistrate" means all judges of the district court, including district  
13 associate judges and judicial magistrates throughout the state.
- 14 7. "Peace officers", sometimes designated "law enforcement officers", include:  
15 a. Sheriffs and their regular deputies who are subject to mandated law  
16 enforcement training.
- 17 b. Marshals and policemen of cities and towns.
- 18 c. Special agents appointed by the commissioner of public safety and  
19 members of the department of public safety, except members of the clerical  
20 force, as defined in section ninety-seven A point one (97A.1), subsection two (2)  
21 of the Code.
- 22 d. Probation and parole agents acting pursuant to chapter three (3), section  
23 five hundred two (502) of this Act.
- 24 e. Probation officers acting pursuant to section two hundred thirty-one point  
25 ten (231.10) of the Code.
- 26 f. Employees of the director of the department of general services pursuant to  
27 section eighteen point twelve (18.12), subsection two (2) of the Code.
- 28 g. Special security officers employed by board of regent's institutions as set  
29 forth in section two hundred sixty-two point thirteen (262.13) of the Code.
- 30 h. Conservation officers as authorized by section one hundred seven point  
31 thirteen (107.13) of the Code.
- 32 i. Such employees of the department of transportation as are designated  
33 "peace officers" by resolution of the department under section three hundred  
34 twenty-one point four hundred seventy-seven (321.477), Code 1975.
- 35 j. Such persons as may be otherwise so designated by law.
- 36 8. "Prosecuting attorney", sometimes designated "prosecutor", means any  
37 attorney who is authorized by law to appear on the behalf of the state in a  
38 criminal case, and includes the attorney general, an assistant attorney general,  
39 the county attorney, an assistant county attorney, or a special or substitute  
40 prosecutor whose appearance is approved by a court having jurisdiction to try  
41 the defendant for the offense with which he or she is charged. In the case of  
42 prosecution for a municipal ordinance violation, "prosecuting attorney" means a  
43 city attorney or an assistant city attorney.
- 44 9. The words "accused person", "accused", "defendant", and similar words  
45 mean an individual, a public or private corporation, a partnership, or an  
46 unincorporated or voluntary association.
- 47 10. "Indigent" is a person with insufficient resources as defined in section  
48 three hundred thirty-six A point four (336A.4) of the Code.
- 49 11. "Complaint" means a statement in writing, under oath or affirmation,  
50 made before a magistrate, of the commission of a public offense, and accusing  
51 someone thereof. A complaint shall be substantially in the form provided in the  
52 Iowa rules of criminal procedure.
- 53 12. "Prosecution" means the commencement, including the filing of a  
54 complaint, and continuance of a criminal proceeding, and pursuit of that  
55 proceeding to final judgment on behalf of the state or other political subdivision.

## DIVISION II

## LIMITATION OF CRIMINAL ACTIONS

1 SECTION 201. NEW SECTION. **Murder.** A prosecution for murder in the  
2 first or second degree may be commenced at any time after the death of the  
3 victim.

1 SEC. 202. NEW SECTION. **Eighteen-month limitation.** An indictment or  
2 information for sexual abuse or its attempt shall be found within eighteen  
3 months after its commission.

1 SEC. 203. NEW SECTION. **Three-year limitation.** In all cases, except those  
2 enumerated in sections two hundred one (201) and two hundred two (202) of

3 this division, an indictment or information for a felony or aggravated or serious  
4 misdemeanor shall be found within three years after its commission.

1 SEC. 204. NEW SECTION. **One-year limitation.** A prosecution for a simple  
2 misdemeanor or violation of a municipal or county rule or ordinance shall be  
3 commenced within one year after its commission.

1 SEC. 205. NEW SECTION. **Extension for fraud, fiduciary breach.** If the  
2 period prescribed in sections two hundred two (202), two hundred three (203)  
3 and two hundred four (204) of this division has expired, prosecution may  
4 nevertheless be commenced for any offense a material element of which is either  
5 fraud or a breach of fiduciary obligation within one year after discovery of the  
6 offense by an aggrieved party or by a person who has legal duty to represent an  
7 aggrieved party and who is himself or herself not a party to the offense, but in  
8 no case shall this provision extend the period of limitation otherwise applicable  
9 by more than three years.

1 SEC. 206. NEW SECTION. **Periods excluded from limitation.**

2 1. When a person leaves the state with the intention of avoiding prosecution,  
3 the indictment or prosecution may be found or commenced within the time  
4 herein limited after his or her coming into the state, and no period during  
5 which the party charged was not publicly resident within the state is a part of  
6 the limitation.

7 2. The time within which an indictment or information must be found shall  
8 not include the time during which the defendant is a public officer or employee  
9 and the offense arises from misconduct relating to the duties and trust of that  
10 office or employment.

1 SEC. 207. NEW SECTION. **Continuing crimes.** When an offense is based on  
2 a series of acts committed at different times, the period of limitation prescribed  
3 by this division shall commence upon the commission of the last of such acts.

1 SEC. 208. NEW SECTION. **Time of finding indictment and information.**  
2 Within the meaning of this division:

3 1. An indictment is found when it is duly presented by the grand jury in open  
4 court and filed.

5 2. An information is found when it is filed.

1 SEC. 209. NEW SECTION. **Indictment or information where a defect is found.**  
2 If a defect, error, or irregularity is discovered in any indictment or information  
3 which, on motion of either party, causes same to be dismissed or the prosecution  
4 to be set aside or reversed on appeal, a new indictment or information may be  
5 found within thirty days after such action notwithstanding the time limitations  
6 enumerated in this division.

7 DIVISION III

8 JURISDICTION OF PUBLIC OFFENSES AND PLACE OF TRIAL

1 SECTION 301. NEW SECTION. **State criminal jurisdiction.**

2 1. A person is subject to prosecution in this state for an offense which the  
3 person commits within or outside this state, by the person's own conduct or that  
4 of another for which he is legally accountable, if:

5 a. The offense is committed either wholly or partly within this state.

6 b. Conduct of the person outside the state constitutes an attempt to commit  
7 an offense within this state.

8 c. Conduct of the person outside the state constitutes a conspiracy to commit  
9 an offense within this state.

10 d. Conduct of the person within this state constitutes an attempt, solicitation  
11 or conspiracy to commit an offense in another jurisdiction, which conduct is  
12 punishable under the laws of both this state and such other jurisdiction.

13 2. An offense may be committed partly within this state if conduct which is an  
 14 element of the offense, or a result which constitutes an element of the offense,  
 15 occurs within this state. If the body of a homicide victim is found within the  
 16 state, the death is presumed to have occurred within the state.

17 3. An offense which is based on an omission to perform a duty imposed upon  
 18 a person by the law of this state is committed within the state, regardless of the  
 19 location of the person at the time of the omission.

1 SEC. 302. NEW SECTION. **Place of trial—general.** Criminal actions shall be  
 2 tried in the county in which the crime is committed, except as otherwise  
 3 provided by law. All objections to place of trial are waived by a defendant  
 4 unless the defendant objects thereto prior to trial.

1 SEC. 303. NEW SECTION. **Place of trial—special provisions.** The following  
 2 special provisions apply:

3 1. If conduct or results which constitute elements of an offense occur in two  
 4 or more counties, prosecution of the offense may be had in any of such counties.  
 5 In such cases, where a dominant number of elements occur in one county, that  
 6 county shall have the primary right to proceed with prosecution of the offender.

7 2. If an offense commenced outside the state is consummated within this state,  
 8 trial of the offense shall be held in the county or counties in which the offense is  
 9 consummated or the interest protected by the involved penal statute is impaired.

10 3. If an offense is committed in or upon any conveyance in transit, and it  
 11 cannot readily be determined in which county the offense was committed, trial  
 12 of the offense may be held in any county through or over which the conveyance  
 13 passed in the course of its journey.

14 4. If an offense is committed on the boundary of two or more counties, and it  
 15 cannot readily be determined within which county the commission took place,  
 16 trial of the offense may be held in any of the counties concerned.

17 5. If the offense is a traffic offense, section seven hundred fifty-three point  
 18 twenty (753.20) of the Code shall be applicable.

1 SEC. 304. NEW SECTION. **Bar to action.** A conviction or acquittal of an  
 2 offense in a court having jurisdiction thereof is a bar to a prosecution of the  
 3 offense in another court.

#### 4 DIVISION IV

#### 5 COMMENCEMENT OF ACTIONS; ARREST; DISPOSITION OF PRISONERS

1 SECTION 401. NEW SECTION. **Arrest by warrant—complaint and citation**  
 2 **defined.** A criminal proceeding may be commenced by the filing of a  
 3 complaint before a magistrate. When such complaint is made, charging the  
 4 commission of some designated public offense in which such magistrate has  
 5 jurisdiction, and it appears from the complaint or from affidavits filed with it  
 6 that there is probable cause to believe an offense has been committed and a  
 7 designated person has committed it, the magistrate shall, except as otherwise  
 8 provided, issue a warrant for the arrest of such person. Whenever the complaint  
 9 charges a misdemeanor the magistrate may in his or her discretion issue a  
 10 citation instead of a warrant of arrest. The citation shall set forth substantially  
 11 the nature of the offense and shall command the person against whom the  
 12 complaint was made to appear before the magistrate issuing the citation at a  
 13 time and place stated therein.

14 The citation may be served in the same manner as an original notice in a civil  
 15 action.

16 If the person named in the citation is actually served as provided herein and  
 17 willfully fails without good cause to appear as commanded by the citation, the  
 18 person shall be guilty of a simple misdemeanor and the magistrate may issue a  
 19 warrant of arrest for the offense originally charged.



20 If after issuing a citation the magistrate becomes satisfied that the person to  
 21 whom such citation has been directed will not appear, the magistrate may at  
 22 once issue a warrant of arrest without waiting for the date mentioned in the  
 23 citation.

1 SEC. 402. NEW SECTION. **Contents of arrest warrant.** The warrant must be  
 2 directed to any peace officer in the state; give the name of the defendant, if  
 3 known, to the magistrate; if unknown, may designate "name unknown"; and  
 4 must state by name or general description an offense which authorizes a warrant  
 5 to issue, the date of issuing it, the county, city, or town where issued, and be  
 6 signed by the magistrate with the magistrate's name of office.

1 SEC. 403. NEW SECTION. **Order for bail—endorsed on warrant.** If the  
 2 offense stated in the warrant be bailable, the magistrate issuing it must make an  
 3 endorsement thereon as follows: "Let the defendant, when arrested, be  
 4 (admitted to bail in the sum of \_\_\_\_\_ dollars) or (stating other  
 5 conditions of release)."

1 SEC. 404. NEW SECTION. **Manner of executing warrant.** The warrant may  
 2 be delivered to any peace officer for execution, and served in any county in the  
 3 state.

1 SEC. 405. NEW SECTION. **Arrest defined.** Arrest is the taking of a person  
 2 into custody when and in the manner authorized by law, including restraint of  
 3 the person or his or her submission to custody.

1 SEC. 406. NEW SECTION. **Persons authorized to make an arrest.** An arrest  
 2 pursuant to a warrant may be made by a peace officer; in other cases, an arrest  
 3 may be made by a peace officer or by a private person.

1 SEC. 407. NEW SECTION. **Arrests by peace officers.** A peace officer may  
 2 make an arrest in obedience to a warrant delivered to the peace officer; and  
 3 without a warrant:

4 1. For a public offense committed or attempted in the peace officer's  
 5 presence.

6 2. Where a public offense has in fact been committed, and the peace officer  
 7 has reasonable ground for believing that the person to be arrested has  
 8 committed it.

9 3. Where the peace officer has reasonable ground for believing that an  
 10 indictable public offense has been committed and has reasonable ground for  
 11 believing that the person to be arrested has committed it.

12 4. Where the peace officer has received from the department of public safety,  
 13 or from any other peace officer of this state or any other state or the United  
 14 States an official communication by bulletin, radio, telegraph, telephone, or  
 15 otherwise, informing the peace officer that a warrant has been issued and is  
 16 being held for the arrest of the person to be arrested on a designated charge.

1 SEC. 408. NEW SECTION. **Arrest of material witness.** When a law  
 2 enforcement officer has probable cause to believe that a person is a necessary  
 3 and material witness to a felony and that such person might be unavailable for  
 4 service of a subpoena, the officer may arrest such person as a material witness  
 5 with or without an arrest warrant.

6 At the time of the arrest,\* the law enforcement officer shall inform the person  
 7 of:

8 1. His or her identity as a law enforcement officer; and

9 2. The reason for the arrest which is that the person is believed to be a  
 10 material witness to an identified felony and that the person might be unavailable  
 11 for service of a subpoena.

\*According to enrolled Act

1       SEC. 409. NEW SECTION.   **Initial appearance before magistrate—arrest of**  
2 **material witness.** The officer shall, without unnecessary delay, take the person  
3 arrested before the nearest and most accessible magistrate to the place where the  
4 arrest occurred.

5       At the appearance before the magistrate, the law enforcement officer shall  
6 make a showing to the magistrate, by sworn affidavit, that probable cause exists  
7 to believe that a person is a necessary and material witness to a felony and that  
8 such person might be unavailable for service of a subpoena. The magistrate may  
9 order the person released pursuant to chapter two (2), section one thousand one  
10 hundred two (1102) of this Act.

1       SEC. 410. NEW SECTION.   **Arrests by private persons.** A private person may  
2 make an arrest:

- 3       1. For a public offense committed or attempted in the person's presence.  
4       2. When a felony has been committed, and the person has reasonable ground  
5 for believing that the person to be arrested has committed it.

1       SEC. 411. NEW SECTION.   **Use of force by peace officer making an arrest.** A  
2 peace officer, while making a lawful arrest, is justified in the use of any force  
3 which the peace officer reasonably believes to be necessary to effect the arrest or  
4 to defend any person from bodily harm while making the arrest. However, the  
5 peace officer is justified in using deadly force only when he or she reasonably  
6 believes that such force is necessary to prevent death or serious injury to any  
7 person, or when the peace officer reasonably believes that the person being  
8 arrested has committed a felony.

9       A peace officer making an arrest pursuant to an invalid warrant is justified in  
10 the use of any force which the peace officer would be justified in using if the  
11 warrant were valid, unless the peace officer knows that the warrant is invalid.

1       SEC. 412. NEW SECTION.   **Use of force in arrest by private person.** A  
2 private person who makes or assists another private person in making a lawful  
3 arrest is justified in using any force which the person reasonably believes to be  
4 necessary to make the arrest or which he reasonably believes to be necessary to  
5 prevent serious injury to any person. A private person who is summoned or  
6 directed by a peace officer to assist in making an arrest may use whatever force  
7 the peace officer could use under the circumstances, provided that, if the arrest  
8 is unlawful, the private person assisting the officer shall be justified as if the  
9 arrest were a lawful arrest, unless the person knows that the arrest is unlawful.

1       SEC. 413. NEW SECTION.   **Use of force in resisting arrest.** A person is not  
2 authorized to use force to resist an arrest, either of himself, herself, or another  
3 which the person knows is being made either by a peace officer or by a private  
4 person summoned and directed by a peace officer to make the arrest, even if the  
5 person believes that the arrest is unlawful or the arrest is in fact unlawful.

1       SEC. 414. NEW SECTION.   **Use of force in preventing an escape.** A peace  
2 officer or other person who has an arrested person in his or her custody is  
3 justified in the use of such force to prevent the escape of the arrested person  
4 from custody as he or she would be justified in using if he or she were arresting  
5 such person.

1       SEC. 415. NEW SECTION.   **Manner of making arrest.** The person making  
2 the arrest must inform the person to be arrested of the intention to arrest him or  
3 her, the reason for arrest, and that he or she is a peace officer, if such be the  
4 case, and require him or her to submit to the person's custody, except when the  
5 person to be arrested is actually engaged in the commission of or attempt to  
6 commit an offense, or escapes, so that there is no time or opportunity to do so;  
7 if acting under the authority of a warrant, the law enforcement officer need not  
8 have the warrant in his or her possession at the time of the arrest, but upon  
9 request the officer shall show the warrant to the person being arrested as soon as

10 possible. If the officer does not have the warrant in his or her possession at the  
11 time of arrest, the officer shall inform the person being arrested of the fact that a  
12 warrant has been issued.

1       SEC. 416. NEW SECTION.   **Breaking and entering premises—demand to enter.**  
2 If a law enforcement officer has reasonable cause to believe that a person whom  
3 the officer is authorized to arrest is present on any private premises, the officer  
4 may upon identifying himself or herself as such, demand that he or she be  
5 admitted to such premises for the purpose of making the arrest. If such demand  
6 is not promptly complied with, the officer may thereupon enter such premises to  
7 make the arrest, using such force as is reasonably necessary.

1       SEC. 417. NEW SECTION.   **Time of arrest.** An arrest may be made on any  
2 day and at any time of the day or night.

1       SEC. 418. NEW SECTION.   **Summoning aid.** Any peace officer making a  
2 legal arrest may orally summon as many persons as the officer reasonably finds  
3 necessary to aid him or her in making the arrest.

1       SEC. 419. NEW SECTION.   **Taking weapons.** Any person who makes an  
2 arrest may take from the person arrested all items which are capable of causing  
3 bodily harm which the arrested person may have within his or her control to be  
4 disposed of according to law.

1       SEC. 420. NEW SECTION.   **Receipt given.** When money or other property is  
2 taken from the defendant arrested on a charge of a public offense, the officer  
3 taking it shall, at the time, give duplicate receipts therefor, specifying particularly  
4 the amount of money and the kind of property taken; one of which receipts he  
5 must deliver to the defendant, and the other he must forthwith file with the clerk  
6 of the district court of the county where the depositions and statements are to be  
7 sent by the magistrate.

1       SEC. 421. NEW SECTION.   **Communications by arrested persons.** Any peace  
2 officer or other person having custody of any person arrested or restrained of his  
3 liberty for any reason whatever, shall permit that person, without unnecessary  
4 delay after arrival at the place of detention, to call, consult, and see a member of  
5 his or her family or an attorney of his or her choice, or both. Such person shall  
6 be permitted to make a reasonable number of telephone calls as may be required  
7 to secure an attorney. If a call is made, it shall be made in the presence of the  
8 person having custody of the one arrested or restrained. If such person is  
9 intoxicated, or a person under eighteen years of age, the call may be made by  
10 the person having custody. An attorney shall be permitted to see and consult  
11 confidentially with such person alone and in private at the jail or other place of  
12 custody without unreasonable delay. A violation of this section shall constitute a  
13 simple misdemeanor.

1       SEC. 422. NEW SECTION.   **Initial appearance before magistrate—arrest by  
2 warrant.**

3       1. Any person arrested in obedience to a warrant shall, without unnecessary  
4 delay, be taken before the nearest and most accessible magistrate to the place  
5 where the arrest occurred and the officer must at the same time deliver to the  
6 magistrate the warrant, with the officer's return thereon endorsed and subscribed  
7 by the officer with his or her official title.

8       2. Where the offense be bailable, the magistrate shall fix bail giving due  
9 consideration to the bail endorsed on the warrant or other conditions stipulated  
10 on the warrant for the defendant's appearance in the court which issued the  
11 warrant; if such person is not released on bail, the magistrate must redeliver to  
12 the officer the warrant and the officer shall retain custody of the arrested person  
13 until his or her removal to appear before the magistrate who issued the warrant.

14 3. If the magistrate who issued the warrant is absent or unable to act, the  
 15 arrested person shall be taken to the nearest and most accessible magistrate in  
 16 the judicial district where the offense occurred, and all documents on which the  
 17 warrant was issued must be sent to such magistrate, or if they cannot be  
 18 procured, the informant and his or her witnesses must be subpoenaed to make  
 19 new affidavits.

1 SEC. 423. NEW SECTION. **Initial appearance before magistrate—arrest**  
 2 **without warrant.** When an arrest is made without a warrant, the person arrested  
 3 shall, without unnecessary delay, be taken before the nearest or most accessible  
 4 magistrate in the judicial district in which such arrest was made, and the  
 5 grounds on which the arrest was made shall be stated to the magistrate by  
 6 complaint, subscribed and sworn to by the complainant, or supported by the  
 7 complainant's affirmation, and such magistrate shall proceed as follows:

8 1. If the magistrate believes from such complaint that the offense charged is  
 9 triable in his or her court, the magistrate shall proceed with the case.

10 2. If the magistrate believes from such complaint that the offense charged is  
 11 triable in another court, the magistrate shall by written order, commit the person  
 12 arrested to a peace officer, to be taken before the appropriate magistrate in the  
 13 district in which the offense is triable, and shall fix the amount of bail or other  
 14 conditions of release which the person arrested may give for his or her  
 15 appearance at the other court.

1 SEC. 424. NEW SECTION. **Arrests by private persons—disposition of prisoner.**  
 2 A private citizen who has arrested another for the commission of an offense  
 3 must, without unnecessary delay, take the arrested person before a magistrate, or  
 4 deliver the arrested person to a peace officer, who may take the arrested person  
 5 before a magistrate, but the person making the arrest must also accompany the  
 6 officer before the magistrate.

1 SEC. 425. NEW SECTION. **Bail—discharge.** Any magistrate or clerk who  
 2 receives bail as provided for in sections four hundred twenty-two (422),  
 3 subsection two (2), and four hundred twenty-three (423), subsection two (2), of  
 4 this division shall endorse, on the order of commitment or on the warrant, an  
 5 order for the discharge from custody of the arrested person, who shall forthwith  
 6 be discharged, and shall transmit by mail, or otherwise, as soon as it can be  
 7 conveniently done, to the court at which the person is bound to appear, the  
 8 affidavits, order of commitment or warrant, and discharge, together with the  
 9 undertaking of bail.

1 SEC. 426. NEW SECTION. **Officer's return.** In all cases, the peace officer,  
 2 when he or she takes a person committed to the officer under an order as  
 3 provided in this division before a magistrate or clerk of the district court, either  
 4 for the purpose of giving bail, if bail be taken, or for trial or preliminary  
 5 examination, must make his or her return on such order, and sign such return  
 6 with his or her name of office, and deliver the same to the magistrate or clerk.

1 SEC. 427. NEW SECTION. **Conveying prisoner to jail—fees and expenses.**  
 2 Every officer or person who shall arrest anyone with a warrant or order issued  
 3 by any court or officer, or who shall be required to convey a prisoner to such jail  
 4 on an order of commitment, may be allowed the same fees and expenses as  
 5 provided for in case of such services by the sheriff.

1 SEC. 428. NEW SECTION. **Department of public safety prisoners.** The  
 2 sheriff of any county shall accept for custody in the county jail of the sheriff's  
 3 respective county any person handed over to him or her for safekeeping and  
 4 lodging by any member of the department of public safety.

1 SEC. 429. NEW SECTION. **Legislators' immunity from arrest.** Senators and  
 2 representatives in all cases, except treason, felony, or breach of the peace, shall

3 be privileged from arrest during the session of the general assembly, and in  
4 going to and returning from the same.

5 DIVISION V

6 POLICE CITATIONS

1 SECTION 501. NEW SECTION. **Conditions.** Whenever it would be lawful for  
2 a peace officer to arrest a person without a warrant, the officer may issue a  
3 citation instead of making the arrest and taking the person before a magistrate.

1 SEC. 502. NEW SECTION. **Form.** The citation shall include the name and  
2 address of the person, the nature of the offense, the time and place at which the  
3 person is to appear in court, and the penalty for nonappearance.

1 SEC. 503. NEW SECTION. **Procedure.** Before he or she is released, the cited  
2 person shall sign the citation as a written promise to appear in court at the time  
3 and place specified. A copy of the citation shall be given to the person.

1 SEC. 504. NEW SECTION. **Complaint.** The law enforcement officer issuing  
2 the citation shall cause to be filed a complaint in the court in which the cited  
3 person is required to appear, as soon as practicable, charging the crime stated in  
4 said notice.

1 SEC. 505. NEW SECTION. **Failure to appear.**

2 1. Any person who willfully fails to appear in court as specified by the citation  
3 shall be guilty of a simple misdemeanor. Where a defendant fails to make a  
4 required court appearance, the court shall issue an arrest warrant for the offense  
5 of failure to appear, and shall forward the warrant and the original citation to  
6 the clerk. The clerk shall enter a transfer to the issuing agency on the docket,  
7 and shall return the warrant with the original citation attached to the law  
8 enforcement agency which issued the original citation for enforcement of the  
9 warrant. Upon arrest of the defendant, the warrant and the original citation  
10 shall be returned to the court, and the offenses shall be heard and disposed of  
11 simultaneously. This subsection shall not apply in any case in which the citation  
12 alleges a simple misdemeanor and in which the person cited has submitted bond  
13 as provided in subsection two (2) of this section.

14 2. In the case of a citation which alleges the commission of a simple  
15 misdemeanor and in which the person cited has submitted an appearance bond  
16 in the form of cash, check, or guaranteed arrest bond certificate as defined in  
17 section three hundred twenty-one point one (321.1) of the Code, the court shall  
18 not issue an arrest warrant for failure to appear, but shall order a forfeiture of  
19 the bond as provided in subsection four (4) of section one thousand one  
20 hundred six (1106) of chapter two (2) of this Act.

21 DIVISION VI

22 UNIFORM FRESH PURSUIT LAW

1 SECTION 601. NEW SECTION. **Authority of officers from another state.** Any  
2 member of a duly organized state, county, or municipal law enforcing unit of  
3 another state of the United States who enters this state in fresh pursuit, and  
4 continues within this state in such fresh pursuit, of a person in order to arrest the  
5 person on the ground that the person is believed to have committed a felony in  
6 such other state, shall have the same authority to arrest and hold such person in  
7 custody, as has any member of any duly organized state, county, or municipal  
8 law enforcing unit of this state, to arrest and hold in custody a person on the  
9 ground that the person is believed to have committed a felony in this state.

1 SEC. 602. NEW SECTION. **Procedure following arrest.** If an arrest is made  
2 in this state by an officer of another state in accordance with the provisions of  
3 section six hundred one (601) of this division, the officer shall without  
4 unnecessary delay take the person arrested before a magistrate of the county in

5 which the arrest was made, who shall conduct a hearing for the purpose of  
6 determining the lawfulness of the arrest. If the magistrate determines that the  
7 arrest was lawful the magistrate shall commit the person arrested to await for a  
8 reasonable time the issuance of an extradition warrant by the governor of this  
9 state or admit the person to bail for such purpose. If the magistrate determines  
10 that the arrest was unlawful the magistrate shall discharge the person arrested.

1 SEC. 603. NEW SECTION. **Construction of statute.** Section six hundred one  
2 (601) of this division shall not be construed so as to make unlawful any arrest in  
3 this state which would otherwise be lawful.

1 SEC. 604. NEW SECTION. **Officers from District of Columbia.** For the  
2 purpose of this division the word "state" shall include the District of Columbia.

1 SEC. 605. NEW SECTION. **Definitions of terms.** The term "fresh pursuit" as  
2 used in this division shall include fresh pursuit as defined by the common law,  
3 and also the pursuit of a person who has committed a felony or who is  
4 reasonably suspected of having committed a felony. It shall also include the  
5 pursuit of a person suspected of having committed a supposed felony, though no  
6 felony has actually been committed, if there is reasonable ground for believing  
7 that a felony has been committed. Fresh pursuit as used herein shall not  
8 necessarily imply instant pursuit, but pursuit without unreasonable delay.

1 SEC. 606. NEW SECTION. **Name of act.** This division may be cited as the  
2 "uniform act on fresh pursuit."

3 . DIVISION VII

4 PROCEEDINGS AGAINST CORPORATIONS

1 SECTION 701. NEW SECTION. **Summons upon a complaint against a**  
2 **corporation, by whom issued, and when returnable.** Upon the filing of a  
3 complaint against a corporation, the magistrate shall issue a summons, signed by  
4 the magistrate, requiring the corporation to appear before the magistrate, at a  
5 specified time and place, to answer the charge, the time to be not less than  
6 twenty days after the issuing of the summons.

1 SEC. 702. NEW SECTION. **Form of the summons.** The summons may be in  
2 substantially the following form:

3 County of \_\_\_\_\_ (as the case may be.)  
4 "In the name of the people of the State of Iowa:  
5 "To the (naming the corporation.)  
6 "You are hereby summoned to appear before me, at  
7 (naming the place) on (specifying the day and hour),  
8 to answer a charge made against you, upon the com-  
9 plaint of A.B., for (designating the offense, gen-  
10 erally.)  
11 "Dated at the city (or town) of \_\_\_\_\_, the  
12 \_\_\_\_\_ day of \_\_\_\_\_,  
13 G. H. Magistrate"  
14 (or as the case may be.)

1 SEC. 703. NEW SECTION. **When and how served.** The summons for the  
2 appearance of a corporation shall be served in the manner provided for service  
3 of original notice upon a corporation in a civil action.

1 SEC. 704. NEW SECTION. **Examination of the charge.** At the time  
2 appointed in the summons, the magistrate shall proceed to investigate the  
3 charge, in the same manner as in the case of a natural person brought before the  
4 magistrate, so far as those proceedings are applicable. If the corporation does  
5 not appear or plead at the time and place specified in the summons, the court  
6 shall make inquiry into the service of process, and being satisfied that same has

7 been carried out as provided herein, the court may proceed with the matter  
8 without further process.

1 SEC. 705. NEW SECTION. **Bringing an indicted corporation into court.**  
2 When an indictment or a trial information is filed against any corporation, such  
3 corporation shall be arraigned thereon. Prior to arraignment the court shall  
4 proceed as follows:

5 1. The clerk of the court wherein such indictment is found or the information  
6 filed, or the judge, must issue a summons signed by him or her with his or her  
7 name of office, requiring such corporation to appear and plead to the  
8 indictment, at a time and place to be specified in such summons, such time to be  
9 not less than twenty days after the issue thereof. The summons may be  
10 substantially in the following form:

11 District Court, \_\_\_\_\_ County.

12 The People of the State of Iowa  
13 vs.

14 The A. B. Company,

15 You are hereby summoned to appear in this  
16 court at (naming the place) on (stating the day  
17 and hour), and plead to an indictment filed  
18 against you by the grand jury of this county,  
19 on the \_\_\_\_ day of \_\_\_\_\_,  
20 charging you with the crime of (designating  
21 the offense, generally), and in case of your  
22 failure to so appear and answer, judgment will  
23 be pronounced against you.

24 Dated at the city (or town) of \_\_\_\_\_,  
25 the \_\_\_\_ day of \_\_\_\_\_.

26 \_\_\_\_\_  
27 C.D.,

28 \_\_\_\_\_  
29 Clerk of the District Court.  
(or by order of the court)

30 2. The summons shall be served at least ten days before the appearance fixed  
31 therein, in the same manner as is provided for the service of an original notice  
32 upon a corporation in a civil action; and if the corporation does not appear or  
33 plead at the time and place specified in the summons, the court may proceed to  
34 trial and judgment without further process.

35 3. Nothing contained in this section shall be construed as preventing the  
36 appearance of a corporation by counsel to plead to an indictment, with or  
37 without the issuance or service of the summons provided herein. And when an  
38 indictment shall have been filed against a corporation it may voluntarily appear  
39 and plead to the same by counsel duly authorized to so appear for it.

1 SEC. 706. NEW SECTION. **Collection of fines.** When a corporation is  
2 convicted of an offense and the court imposes a fine as penalty, it may be  
3 collected in the same manner as a judgment in a civil action.

1 SEC. 707. NEW SECTION. **Attachment.** Upon the filing of a complaint or  
2 indictment, the court wherein same is filed shall have authority to issue a writ of  
3 attachment to secure the maximum fine allowable by law for the offense  
4 charged, and costs.

5 DIVISION VIII  
6 SEARCH AND SEIZURE

1 SECTION 801. NEW SECTION. **Definitions.** For purposes of this division,  
2 unless the context otherwise requires:

3 1. "Search warrant" means an order in writing, in the name of the state,  
4 signed by a magistrate, and directed to a peace officer commanding him or her

5 to search a person, premises, or thing.

6 2. "Affidavit" means a written declaration or statement of fact made under  
7 oath, or legally sufficient affirmation, before any person authorized to  
8 administer oaths within or without the state.

1 SEC. 802. NEW SECTION. **Authorization.** A search warrant may be issued:

2 1. For property which has been obtained in violation of law.

3 2. For property, the possession of which is unlawful.

4 3. For property used or possessed with the intent to be used as the means of  
5 committing a public offense or concealed to prevent an offense from being  
6 discovered.

7 4. For any other property relevant and material as evidence in a criminal  
8 prosecution.

1 SEC. 803. NEW SECTION. **Application for search warrants.** Any person may  
2 make application for the issuance of a search warrant by submitting before any  
3 magistrate a written application, supported by the person's oath or affirmation,  
4 and setting forth therein facts, information, and circumstances tending to  
5 establish sufficient grounds for granting the application, and probable cause for  
6 believing that such grounds exist. The application shall describe the person,  
7 place, or thing to be searched and the property to be seized with such specificity  
8 so as to enable an independent reasonable man with reasonable effort to  
9 ascertain and identify such person, place, or thing. If the magistrate thereafter  
10 issues the search warrant, the magistrate shall endorse on the application the  
11 name and address of all persons upon whose sworn testimony the magistrate  
12 relied to issue such warrant together with the abstract of each witness'  
13 testimony, or his or her affidavit. However, if the grounds for issuance is  
14 supplied by an informant, the magistrate shall identify only the peace officer to  
15 whom the information was given. The magistrate may in his discretion require  
16 that any witness upon whom the applicant relies for information to appear  
17 personally and be examined concerning such information.

1 SEC. 804. NEW SECTION. **Issuance.** Upon a finding of probable cause for  
2 grounds to issue a search warrant, the magistrate shall issue a warrant, signed by  
3 the magistrate with his or her name of office, directed to any authorized person,  
4 commanding the person forthwith to search the named person, place, or thing  
5 within the state for the property specified, and bring any property seized before  
6 the magistrate.

1 SEC. 805. NEW SECTION. **Execution.** A search warrant may be executed  
2 by any peace officer. No persons other than those authorized by this section  
3 shall execute search warrants except in aid of those so authorized and on such  
4 authorized person's request, the authorized person being present and acting. The  
5 warrant may be executed in the daytime or in the nighttime. The warrant, when  
6 executed, shall be forthwith returned to the issuing magistrate. Where the  
7 property to be seized has been, or is susceptible of being, removed from the  
8 officer's jurisdiction, the officer executing the warrant may pursue it and search  
9 for property designated in the warrant.

1 SEC. 806. NEW SECTION. **Forcible execution.** The officer may break into  
2 any structure or vehicle where reasonably necessary to execute the warrant if,  
3 after notice of this authority and purpose the officer's admittance has not been  
4 immediately authorized. The officer may use reasonable force to enter a  
5 structure or vehicle to execute a search warrant without notice of the officer's  
6 authority and purpose in the case of vacated or abandoned structures or  
7 vehicles.

8 The officer executing a search warrant may break restraints when necessary  
9 for the officer's own liberation or to effect the release of a person who has  
10 entered a place to aid the officer.



1       SEC. 807. **NEW SECTION. Detention and search of persons on premises.** In  
2 the execution of a search warrant the person executing the same may reasonably  
3 detain and search any person or thing in the place at the time for any of the  
4 following reasons:

- 5       1. To protect himself or herself from attack.
- 6       2. To prevent the disposal or concealment of any property subject to seizure  
7 described in the warrant.
- 8       3. To remove any item which is capable of causing bodily harm that the  
9 person may use to resist arrest or effect his escape.

1       SEC. 808. **NEW SECTION. Return.** A search warrant shall be executed  
2 within ten days from its date; failure to execute within that period shall void the  
3 warrant. Property seized and its containers, if any, shall be safely kept by the  
4 officer, and incident thereto:

- 5       1. Upon such seizure the officer shall furnish an itemized receipt for such  
6 property to the person from whom taken or in whose possession it was found, if  
7 such person can be located or a copy of the inventory may be left on the  
8 premises searched.
- 9       2. The officer must file, with his or her return, a complete inventory of the  
10 property taken, and state under oath that it is accurate to the best of the officer's  
11 knowledge. The magistrate must, if requested, deliver a copy of the inventory of  
12 seized property to the person from whose possession it was taken and to the  
13 applicant for the warrant.

1       SEC. 809. **NEW SECTION. Safe-keeping of seized property.** Property of an  
2 evidentiary nature seized in the execution of a search warrant shall be safely  
3 kept, subject to the orders of any court having jurisdiction to try any offense  
4 involved therewith, so long as reasonably necessary to enable its production at  
5 trials. The disposition of such property shall be in accordance with chapter two  
6 (2), division nine (IX) of this Act.

1       SEC. 810. **NEW SECTION. Maliciously suing out a warrant-officer exceeding  
2 authority.** Whoever maliciously and without just cause procures a search  
3 warrant to be issued and executed is guilty of a serious misdemeanor. Anyone  
4 who, in executing a search warrant, willfully exceeds his or her authority, or  
5 exercises it with unnecessary severity, is guilty of a serious misdemeanor.

1       SEC. 811. **NEW SECTION. Transmission of papers to district court clerk.**  
2 The magistrate who has issued a search warrant shall attach to the warrant a  
3 copy of the return, inventory and all other papers in connection therewith and  
4 shall file them with the clerk of the district court for the county in which the  
5 property was seized.

1       SEC. 812. **NEW SECTION. Detention and search in shoplifting.**

2       1. Persons concealing property as set forth in chapter one (1), section one  
3 thousand four hundred five (1405) of this Act, may be detained and searched by  
4 a peace officer, merchant, or merchant's employee, provided that the detention  
5 is for a reasonable length of time and that the search is conducted in a  
6 reasonable manner by a person of the same sex and according to subsection two  
7 (2) of this section.

8       2. No search of the person under this section shall be conducted by any  
9 person other than someone acting under the direction of a peace officer except  
10 where permission of the one to be searched has first been obtained.

11       3. The detention or search under this section by a peace officer, merchant, or  
12 merchant's employee shall not render such peace officer, merchant, or  
13 merchant's employee liable, in a criminal or civil action, for false arrest or false  
14 imprisonment provided the peace officer, merchant, or merchant's employee had  
15 reasonable grounds to believe the person detained or searched had concealed or  
16 was attempting to conceal property as set forth in chapter one (1), section one

17 thousand four hundred five (1405) of this Act.

18 DIVISION IX

19 DISPOSITION OF SEIZED PROPERTY

1 SECTION 901. NEW SECTION. **Seized property.** For the purposes of this  
2 division, "seized property" means all property or any part thereof seized in the  
3 execution of a search warrant, arrest warrant, or arrest without warrant; and  
4 includes the following:

5 1. Property which has been obtained in violation of law.

6 2. Property, the possession of which is unlawful.

7 3. Property used or possessed with the intent to be used as the means of  
8 committing a public offense or concealed to prevent the offense from being  
9 discovered.

10 4. Property subject to forfeiture except such property described in chapters  
11 one hundred twenty-seven (127) and two hundred four (204), Code 1975.

12 5. Other property relevant and material as evidence in a criminal prosecution.

1 SEC. 902. NEW SECTION. **Notice of hearing.** The clerk of court shall issue  
2 a notice of a hearing, containing a reasonable description of the property and  
3 the time, place, and cause of its seizure, within forty-eight hours of the time of  
4 its seizure. Such notice shall be reasonably calculated to apprise affected persons  
5 of the pendency of the hearing.

1 SEC. 903. NEW SECTION. **Claimant.** Any person claiming the right to  
2 possession of seized property may make application for its return in the office of  
3 the clerk of court for the county in which it was seized.

1 SEC. 904. NEW SECTION. **Hearing.** All claims made for the return of the  
2 seized property shall be set for hearing and such hearing shall be held not less  
3 than five nor more than thirty days after the filing of the first claim.

1 SEC. 905. NEW SECTION. **Return.**

2 1. Property not required for evidence or use in further investigation may be  
3 returned by the officer to the person from whom it was seized without the  
4 requirement of a hearing, providing that that person's right of possession is not  
5 prohibited by law.

6 2. In the event that the finding of the right to possess is in favor of a claimant,  
7 other than the state, the magistrate shall order the return of the property,  
8 providing that:

9 a. Possession of such property by the claimant is not prohibited by law; and

10 b. The property is not needed as evidence in any judicial proceedings; or, if  
11 needed, satisfactory arrangements have been made for its return for subsequent  
12 use as evidence. If such proceedings have not been completed, the magistrate  
13 shall make satisfactory arrangements for return of the property upon their  
14 completion.

1 SEC. 906. NEW SECTION. **Other disposition.**

2 1. Forfeiture. Unless otherwise specified by law, the magistrate shall order the  
3 immediate destruction of all forfeited property of an illegal nature or character.  
4 When the forfeited property is not of an illegal nature or character, the  
5 magistrate shall order all such property or the proceeds of its sale to be applied  
6 to the court fund of the county.

7 2. No claimant. Where there is no claimant or where the right to possession  
8 cannot be determined, nonperishable property shall be held for a period of six  
9 months from the date of filing of the return, pending claim. Thereafter, the  
10 magistrate or other officer having the property in his or her custody shall, on  
11 payment of the necessary expenses incurred for its preservation, deliver it to the  
12 treasurer of the county, to be credited to the court fund.

1        SEC. 907. NEW SECTION.     **Appeal.** When the judgment of rightful  
 2 possession or of forfeiture is not made by a district judge, appeal to a district  
 3 judge may be made in the manner of other appeals from judgments of judicial  
 4 magistrates. Such appeal shall be filed with the magistrate within two days of the  
 5 judgment. The appellant, other than the state, shall post a bond in such a  
 6 reasonable sum as the magistrate may fix and approve, conditioned to pay all  
 7 costs of the proceedings in case the appellant is unsuccessful on appeal.

8    DIVISION X

9    LINEUPS AND NONTTESTIMONIAL IDENTIFICATION

1        SECTION 1001. NEW SECTION.     **Definition.** As used in this division, the  
 2 term "nontestimonial identification" includes, but is not limited to, identification  
 3 by fingerprints, palm prints, footprints, measurements, hair strands, handwriting  
 4 samples, voice samples, photographs, blood and saliva samples, ultraviolet or  
 5 black-light examinations, paraffin tests, and lineups.

1        SEC. 1002. NEW SECTION.     **Nontestimonial identification order at request of**  
 2 **defendant.** A person arrested for or charged with an offense may request a  
 3 district court judge to order a nontestimonial identification procedure. If it  
 4 appears that the results of specific nontestimonial identification procedures will  
 5 be of material aid in determining whether the defendant committed the offense,  
 6 the judge shall order such identification procedures involving the defendant  
 7 under such terms and conditions as the judge shall prescribe.

8    DIVISION XI

9    BAIL

1        SECTION 1101. NEW SECTION.     **Bailable and nonbailable offenses.** All  
 2 defendants are bailable both before and after conviction, by sufficient surety, or  
 3 subject to release upon condition or on their own recognizance, except that a  
 4 defendant convicted of a class A felony shall not be admitted to bail while  
 5 appealing such conviction or seeking post-conviction relief.

1        SEC. 1102. NEW SECTION.     **Release of defendants-conditions of bail bond.**

2        1. Conditions for release of defendant. All bailable defendants shall be  
 3 ordered released from custody pending judgment on their personal recognizance,  
 4 or upon the execution of an unsecured appearance bond in an amount specified  
 5 by the magistrate unless the magistrate determines in the exercise of his or her  
 6 discretion, that such a release will not reasonably assure the appearance of the  
 7 defendant as required. When such determination is made, the magistrate shall,  
 8 either in lieu of or in addition to the above methods of release, impose the first  
 9 of the following conditions of release which will reasonably assure the  
 10 appearance of the person for trial or, if no single condition gives that assurance,  
 11 any combination of the following conditions:

- 12        a. Place the defendant in the custody of a designated person or organization  
 13 agreeing to supervise the defendant.  
 14        b. Place restrictions on the travel, association or place of abode of the  
 15 defendant during the period of release.  
 16        c. Require the execution of an appearance bond in a specified amount and the  
 17 deposit with the clerk of court in cash or other qualified security of a sum not to  
 18 exceed ten percent of the amount of the bond, such deposit to be returned to the  
 19 defendant upon the performance of the appearances as required in section one  
 20 thousand one hundred six (1106) of this division.  
 21        d. Require the execution of a bail bond with sufficient surety, or the deposit  
 22 of cash in lieu thereof, provided that, except as provided in section one thousand  
 23 one hundred one (1101) of this division, bail initially given shall remain valid  
 24 until final disposition of the offense. If the amount of bail is deemed insufficient  
 25 by the court before whom the offense is pending, the court may order an

26 increase thereof and the defendant must provide the additional undertaking,  
27 written or cash, to secure his or her release.

28 e. Impose any other condition deemed reasonably necessary to assure  
29 appearance as required, including a condition requiring that the defendant  
30 return to custody after specified hours.

31 2. Determination of conditions. In determining which conditions of release  
32 will reasonably assure appearance, the magistrate shall, on the basis of available  
33 information, take into account the nature and circumstances of the offense  
34 charged, the defendant's family ties, employment, financial resources, character  
35 and mental condition, the length of his or her residence in the community, the  
36 defendant's record of convictions, and the defendant's record of appearance at  
37 court proceedings or of flight to avoid prosecution or failure to appear at court  
38 proceedings.

39 3. Statement to all defendants. When a defendant appears before a magistrate  
40 pursuant to rule two (2) or rule three (3), rules of criminal procedure, the  
41 defendant shall be informed of the defendant's right to have said conditions of  
42 release reviewed. If the defendant indicates he or she desires such a review and  
43 is indigent and unable to retain legal counsel, the magistrate shall appoint an  
44 attorney to represent the defendant for the purpose of such review. Unless the  
45 conditions of release are amended and the defendant is thereupon released, the  
46 magistrate shall set forth in writing the reasons for requiring conditions imposed.  
47 A defendant who is ordered released by a magistrate other than a district court  
48 judge or district associate judge on a condition which required that the  
49 defendant return to custody after specified hours, shall, upon application, be  
50 entitled to review by the magistrate who imposed the condition in the same  
51 manner as a defendant who remains in full-time custody. In the event that the  
52 magistrate who imposed conditions of release is not available, any other  
53 magistrate in the judicial district may review such conditions.

54 4. Statement of conditions when defendant is released. A magistrate  
55 authorizing the release of a defendant under this section shall issue a written  
56 order containing a statement of the conditions imposed if any, shall inform the  
57 defendant of the penalties applicable to violation of the conditions of his or her  
58 release and shall advise the defendant that a warrant for the defendant's arrest  
59 will be issued immediately upon such violation.

60 5. Amendment of release conditions. A magistrate ordering the release of the  
61 defendant on any conditions specified in this section may at any time amend his  
62 or her order to impose additional or different conditions of release, provided  
63 that, if the imposition of different or additional conditions results in the  
64 detention of the defendant as a result of the defendant's inability to meet such  
65 conditions, the provisions of subsection three (3) of this section shall apply.

66 6. Appeal from conditions of release.

67 a. A defendant who is detained, or whose release on a condition requiring the  
68 defendant to return to custody after specified hours is continued, after review of  
69 the defendant's application pursuant to subsections three (3) or five (5) of this  
70 section, by a magistrate, other than a district court judge or district associate  
71 judge having original jurisdiction of the offense with which he is charged, may  
72 make application to a district court judge or district associate judge having  
73 jurisdiction to amend the order. Said motion shall be promptly set for hearing  
74 and a record made thereof.

75 b. In any case in which a court denied a motion under paragraph a of this  
76 subsection to amend an order imposing conditions of release, or a defendant is  
77 detained after conditions of release have been imposed or amended upon such a  
78 motion, an appeal may be taken to the supreme court. The appeal shall be  
79 determined summarily without briefs on the record made. However, the  
80 defendant may elect to file briefs and may be heard in oral argument, in which  
81 case the prosecution shall have a right to respond as in an ordinary appeal from  
82 a criminal conviction. The supreme court may, on its own motion, order the

83 parties to submit briefs and set the time in which such briefs shall be filed. Any  
 84 order so appealed shall be affirmed if it is supported by the proceeding below. If  
 85 the order is not so supported the court may remand the case for a further  
 86 hearing, or may with or without additional evidence order the defendant  
 87 released pursuant to subsection one (1) of this section.

88 7. Failure to appear—penalty. Any person who, having been released  
 89 pursuant to this section, willfully fails to appear before any court or magistrate  
 90 as required shall, in addition to the forfeiture of any security given or pledged  
 91 for the person's release, if he or she was released in connection with a charge  
 92 which constitutes a felony, or while awaiting sentence or pending appeal after  
 93 conviction of any public offense, be guilty of a class D felony. If the defendant  
 94 was released before conviction or acquittal in connection with a charge which  
 95 constitutes any public offense not a felony, the defendant shall be guilty of a  
 96 serious misdemeanor. If the person was released for appearance as a material  
 97 witness, the person shall be guilty of a simple misdemeanor. In addition, nothing  
 98 herein shall limit the power of the court to punish for contempt.

1 SEC. 1103. NEW SECTION. **Qualification and examination of surety.**

2 1. Insurance companies doing business in this state under the provisions of  
 3 section five hundred fifteen point forty-eight (515.48), subsection two (2) of the  
 4 Code, may act as surety. Resident property owners within the state, worth the  
 5 amount specified in the undertaking, may act as surety, and must in all cases  
 6 justify by an affidavit taken before an officer authorized to administer oaths that  
 7 such surety possesses such qualifications.

8 2. In taking bail each signer may justify severally in amounts less than that  
 9 expressed in the undertaking, if the whole justification be equivalent to one  
 10 sufficient bail.

11 3. The court in which the action is pending, or the clerk thereof, or magistrate  
 12 may require the personal appearance of sureties offered, and may thereupon  
 13 further examine them upon oath concerning their sufficiency, and may also  
 14 receive other evidence for or against the sufficiency of the bail. When such  
 15 examination is closed, the official conducting such examination must make an  
 16 order, either allowing or disallowing the bail, and forthwith cause the same, with  
 17 the affidavits or justification and undertaking of bail, to be filed with the clerk  
 18 of the court to which the papers on the preliminary examination are required to  
 19 be sent.

1 SEC. 1104. NEW SECTION. **Undertaking of bail as liens on real estate.**

2 Undertakings of bail, immediately after such undertakings are filed with the  
 3 clerk of the district court, shall be docketed as liens on real estate, entered upon  
 4 the lien index as required for judgments in civil cases, and from the time of such  
 5 entries, shall be liens upon real estate of the persons executing the same.  
 6 Attested copies of such undertakings may be filed in the office of the clerk of  
 7 the district court of the county in which the real estate is situated, in the same  
 8 manner and with like effect as attested copies of civil judgments, and shall be  
 9 immediately docketed and indexed in the same manner.

1 SEC. 1105. NEW SECTION. **Bail on appeal.**

2 After conviction, upon appeal  
 3 to the supreme court, the defendant must be admitted to bail, if it be from the  
 4 judgment imposing a fine, upon the undertaking of bail that the defendant will,  
 5 in all respects, abide the orders and the judgment of the supreme court upon  
 6 appeal; if from a judgment of imprisonment, except as provided in section one  
 7 thousand one hundred one (1101) of this division upon the undertaking of bail  
 8 that the defendant will surrender himself or herself in execution of the judgment  
 9 and direction of the supreme court, and in all respects abide the orders and  
 10 judgment of the supreme court upon the appeal. Such bail may be taken, either  
 11 by the court where the judgment was rendered, or the district court of the  
 county in which the defendant is imprisoned, or by the supreme court, or a

12 judge or clerk of any of such courts. Provided, that in lieu of bail,ailable  
13 defendants as described herein may be released in accordance with the  
14 provisions of section one thousand one hundred two (1102) of this division.

1       **SEC. 1106. NEW SECTION. Forfeiture of bail.**

2       1. A defendant released pursuant to this division shall appear at arraignment,  
3 trial, judgment, or such other proceedings where the defendant's appearance is  
4 required. If the defendant fails to appear at the time and place when his or her  
5 personal appearance is lawfully required, or to surrender himself or herself in  
6 execution of the judgment, the court must direct an entry of such failure to be  
7 made of record, and the undertaking of the defendant's bail, or the money  
8 deposited, is thereupon forfeited. As a part of such entry, except as provided in  
9 rule forty-three (43), rules of criminal procedure, the court shall direct the sheriff  
10 of the county to give ten days' notice in writing to the defendant and his or her  
11 sureties to appear and show cause, if any, why judgment should not be entered  
12 for the amount of such bail. If such appearance is not made, judgment shall be  
13 entered by the court. If such appearance is made, the court shall set the case  
14 down for immediate hearing as an ordinary action.

15       2. Where a forfeiture and judgment have been entered as provided in this  
16 section, and the amount of the judgment has been paid to the clerk, the clerk  
17 shall hold the same as funds of his or her office for a period of sixty days from  
18 the date of judgment.

19       3. The court may, upon application, set aside such judgment if, within sixty  
20 days from the date thereof, the defendant shall voluntarily surrender himself or  
21 herself to the sheriff of the county, or his or her bondsmen shall, at their own  
22 expense, deliver the defendant to the custody of the sheriff. Such judgment shall  
23 not be set aside, however, unless a condition precedent thereto, the defendant  
24 and the defendant's sureties shall have paid all costs and expenses incurred in  
25 connection therewith.

26       4. The provisions of subsections one (1), two (2) and three (3) of this section  
27 shall not apply to a case in which a simple misdemeanor is charged by police  
28 citation pursuant to section five hundred five (505) of chapter two (2) of this Act  
29 or by uniform citation and complaint pursuant to section seven hundred fifty-  
30 three point fifteen (753.15) of the Code, and in which the defendant has  
31 submitted appearance bond in the form of cash, check, or guaranteed arrest  
32 bond certificate as defined in section three hundred twenty-one point one (321.1)  
33 of the Code. Where a defendant fails to appear as required in such a case, the  
34 court shall enter a judgment of forfeiture of the bond which shall be final upon  
35 entry and shall not be set aside.

1       **SEC. 1107. NEW SECTION. Recommitment after bail.**

2       1. The magistrate may, by an order entered on the record, direct the  
3 defendant to be arrested and committed to jail until legally discharged, after the  
4 defendant has given bail or deposited money in lieu thereof, or otherwise is  
5 released pursuant to this division, when it satisfactorily appears to the court that  
6 the defendant has failed to appear as required, or the defendant has violated a  
7 condition of release, or when, after the filing of an indictment or information,  
8 the court finds the bail taken or money deposited is insufficient.

9       2. Such order for recommitment must recite generally the facts upon which it  
10 is founded, and must direct that the defendant be arrested and committed to the  
11 custody of the sheriff of the county in which such order is entered. The  
12 defendant may be arrested pursuant to such order, upon a certified copy thereof,  
13 in any county of the state.

14       3. If the order recite, as the ground on which it is made, the failure of the  
15 defendant to appear for judgment upon conviction, the defendant must be  
16 committed according to the requirements of the order; if made for any other  
17 cause and the offense isailable, the court must cause a direction to be inserted  
18 in the order that the defendant be admitted to bail, in a sum to be stated in the  
19 order.

**SEC. 1108. NEW SECTION. Surrender of defendant.**

1           1. At any time before the forfeiture of the defendant's undertaking, the bail  
2 may surrender the defendant, or the defendant may surrender himself or herself,  
3 to the officer to whose custody the defendant was committed at the time of  
4 giving bail, and such officer shall detain the defendant as upon a commitment  
5 and must, upon such surrender and the receipt of a certified copy of the  
6 undertaking of bail, acknowledge the surrender by a certificate in writing.

7           2. Upon the filing of the undertaking and the certificate of the officer, or the  
8 certificate of the officer alone if money has been deposited instead of bail, the  
9 court or clerk shall immediately order return of the money deposited to the  
10 person who deposited the same, or order an exoneration of the bondsmen.

11           3. For the purpose of surrendering the defendant, the bail, at any time before  
12 finally charged and at any place within the state, may arrest the defendant, or,  
13 by a written authority endorsed on a certified copy of the undertaking, may  
14 empower any person of suitable age and discretion to do so.

## DIVISION XII

## CONFINEMENT OF MENTALLY ILL OR DANGEROUS PERSONS

**Subdivision I**

## DETENTION AFTER CONVICTION

1           **SECTION 1201. NEW SECTION. When detention allowed.** When a person is  
2 awaiting sentence after conviction of a felony or following sentence of  
3 confinement is pursuing an appeal in such case, and the person would be  
4 otherwise eligible for release under division eleven (XI) of this chapter, but it  
5 appears by clear and convincing evidence that if released the person is likely to  
6 pose a danger to another person or to the property of others, such person may  
7 be detained under the authority of this division.

1           **SEC. 1202. NEW SECTION. Hearing.** The following procedures shall apply  
2 to detention hearings held pursuant to this subdivision:

3           1. The prosecuting attorney may initiate a detention hearing by ex parte  
4 written motion. Upon such motion, the district court may issue a warrant for the  
5 arrest of the person, if the person is not in custody.

6           2. The detention hearing shall be held immediately upon the person being  
7 brought before the district court for such hearing unless the person or the  
8 prosecuting attorney moves for a continuance. A continuance granted on motion  
9 of the person shall not exceed three calendar days. A continuance on motion of  
10 the prosecuting attorney shall be granted only upon good cause shown and shall  
11 not exceed three calendar days. The person may be detained pending the  
12 hearing.

13           3. The person shall be entitled to representation by counsel, including  
14 appointed counsel for indigent persons, and shall be entitled to the right of  
15 cross-examination and to present information, to testify, and to present  
16 witnesses in his own behalf.

17           4. Information stated in, or offered in connection with, any order entered  
18 pursuant to this section need not conform to the formal rules of evidence.

19           5. Testimony of the person given during the hearing shall not be admissible on  
20 the issue of guilt in any other judicial proceeding, subject only to the following  
21 exceptions: Such testimony shall be admissible in proceedings under sections  
22 one thousand one hundred two (1102), subsection seven (7) and one thousand  
23 one hundred eight (1108) of this chapter, and in perjury proceedings.

24           6. Unless the defendant otherwise requests in writing, the district court shall  
25 conduct the hearing as a private hearing, and any order entered shall remain  
26 confidential as to the public generally until the conclusion of the trial.

27 7. Appeals from orders of detention may be taken in the manner provided  
28 under section one thousand one hundred two (1102), subsection six (6) of this  
29 chapter.

30 8. If the trial court issues an order of detention, it shall be accompanied by a  
31 written finding of fact and the reasons for the detention order.

32 9. For the purposes of such proceedings, the trial court is not divested of  
33 jurisdiction by the filing of a notice of appeal.

#### 34 **Subdivision II**

##### 35 **MENTAL INCOMPETENCY OF ACCUSED TO STAND TRIAL**

1 **SECTION 1203. NEW SECTION. Mental incompetency of accused.** If at any  
2 stage of a criminal proceeding it reasonably appears that the defendant is  
3 suffering from a mental disorder which prevents him from appreciating the  
4 charge against him, understanding the proceedings, or assisting effectively in his  
5 defense, further proceedings must be suspended and a hearing had upon that  
6 question.

1 **SEC. 1204. NEW SECTION. Cessation of criminal prosecution.** If, upon  
2 hearing conducted by the court, the accused is found to be incapacitated in the  
3 manner described in section one thousand two hundred three (1203) of this  
4 division, no further proceedings shall be taken under the complaint or  
5 indictment until the accused's capacity is restored, and, if his or her release will  
6 endanger the public peace or safety, the court must order him or her committed  
7 to the custody of the department of social services.

1 **SEC. 1205. NEW SECTION. Effect of restoration of mental capacity.** If the  
2 accused is committed to the department of social services, after the expiration of  
3 a period not to exceed six months, the court shall upon hearing review the  
4 confinement and determine whether there is a substantial probability the  
5 prisoner will regain capacity within a reasonable time. If not, the state shall be  
6 directed to institute civil commitment proceedings. When it thereafter appears  
7 that the accused can effectively assist in his or her defense, that department shall  
8 give notice to the sheriff and county attorney of the proper county of such fact,  
9 and the sheriff, without delay, must receive and hold the accused in custody  
10 until he or she is brought to trial or judgment, as the case may be, or is legally  
11 discharged, the expense for conveying and returning the accused, or any other,  
12 to be paid in the first instance by the county from which the accused is sent, but  
13 such county may recover the same from another county or municipal body  
14 bound to provide for or maintain the accused elsewhere, and the sheriff shall be  
15 allowed for his or her services the same fees as are allowed for conveying  
16 convicts to the penitentiary.

#### 17 **DIVISION XIII**

##### 18 **IOWA RULES OF CRIMINAL PROCEDURE**

1 **SECTION 1301. NEW SECTION. Provisions relating to hearing and trial in**  
2 **indictable cases.**

3 **Rule 1. Scope of rules and definitions.**

4 1. Scope. The rules in this section provide procedures for indictable criminal  
5 cases.

6 2. Definitions.

7 a. "Committing magistrate" means judicial magistrates, district associate  
8 judges, and district judges.

9 b. "Judicial officer" means justices of the supreme court and committing  
10 magistrates.

11 c. "Unnecessary delay" is any unexcused delay longer than twenty-four hours,  
12 and consists of a shorter period whenever a magistrate is accessible and  
13 available.

14 **Rule 2. Proceedings before the magistrate.**



15 1. Initial appearance of defendant. An officer making an arrest with or  
16 without a warrant shall take the arrested person without unnecessary delay  
17 before a committing magistrate as provided by law. When a person arrested  
18 without a warrant is brought before a magistrate, a complaint shall be filed  
19 forthwith. If the defendant received a citation or was arrested without a warrant,  
20 the magistrate shall, prior to further proceedings in the case, make an initial,  
21 preliminary determination from the complaint, or from an affidavit or affidavits  
22 filed with the complaint or from an oral statement under oath or affirmation  
23 from the arresting officer or other person, whether there is probable cause to  
24 believe that an offense has been committed and that the defendant has  
25 committed it. The magistrate's decision in this regard shall be entered in the  
26 magistrate's record of the case.

27 2. Statement by the magistrate. The magistrate shall inform a defendant who  
28 appears before the magistrate after arrest, complaint, summons, or citation of  
29 the complaint against the defendant, of the defendant's right to retain counsel,  
30 of the defendant's right to request the assignment of counsel if the defendant is  
31 unable to obtain counsel, of the general circumstances under which the  
32 defendant may secure pretrial release, of the defendant's right to review of any  
33 conditions imposed on the defendant's release and shall provide the defendant  
34 with a copy of the complaint. The magistrate shall also inform the defendant  
35 that he or she is not required to make a statement and that any statement made  
36 by the defendant may be used against him or her. The magistrate shall allow the  
37 defendant reasonable time and opportunity to consult counsel.

38 3. Counsel. From a list approved by the district court judge, the magistrate  
39 shall have authority to appoint counsel to represent the defendant in the event  
40 the defendant requests representation by counsel and is entitled to same.  
41 Counsel will be assigned to assist the defendant only upon a showing as required  
42 in section three hundred thirty-six A point four (336A.4) of the Code. Counsel so  
43 appointed may make application in the district court for compensation for such  
44 services.

45 4. Preliminary hearing. The defendant shall not be called upon to plead and  
46 the magistrate shall proceed as follows:

47 a. Preliminary hearing. The magistrate shall inform the defendant that he or  
48 she is entitled to a preliminary hearing unless the defendant is indicted by a  
49 grand jury or a true information is filed against the defendant or unless he or  
50 she waives the preliminary hearing. If the defendant waives preliminary hearing,  
51 the magistrate shall order the defendant held to answer in further proceedings. If  
52 the defendant does not waive the preliminary hearing, the magistrate shall  
53 schedule a preliminary hearing and inform the defendant of the date of the  
54 preliminary hearing. Such hearing shall be held within a reasonable time but in  
55 any event not later than ten days following the initial appearance if the  
56 defendant is in custody and no later than twenty days if he or she is not in  
57 custody. Upon showing of good cause, the time limits specified in this paragraph  
58 may be extended by the magistrate.

59 b. Probable cause finding. If from the evidence it appears that there is  
60 probable cause to believe that an offense has been committed and that the  
61 defendant committed it, the magistrate shall order the defendant held to answer  
62 in further proceedings. The finding of probable cause shall be based upon  
63 substantial evidence, which may be hearsay in whole or in part, provided there is  
64 a substantial basis for believing the source of the hearsay to be credible and for  
65 believing that there is a factual basis for the information furnished. The  
66 defendant may cross-examine witnesses against him or her and may introduce  
67 evidence in his or her own behalf.

68 c. Constitutional objections. Rules excluding evidence on the ground that it  
69 was acquired by unlawful means are not applicable. Motions to suppress must  
70 be made to the trial court as provided in rule eleven (11).

71 d. Private hearing. The magistrate must also, upon request of the defendant,  
72 exclude from the hearing all persons except the magistrate, the magistrate's  
73 clerk, the peace officer who has custody of the defendant, a court reporter, the  
74 attorney or attorneys representing the state, a peace officer selected by the  
75 attorney representing the state, the defendant and the defendant's counsel.

76 e. Discharge of defendant. If from the evidence it appears that there is no  
77 probable cause to believe that an offense has been committed or that the  
78 defendant committed it, the magistrate shall dismiss the complaint and discharge  
79 the defendant. The discharge of the defendant shall not preclude the government  
80 from instituting a subsequent prosecution for the same offense.

81 f. Transmission of magistrate's record entries. After concluding the  
82 proceedings the magistrate shall transmit forthwith to the clerk of the district  
83 court all papers and recordings in the proceeding.

84 g. Preliminary hearing testimony preserved by stenographer or tape recorder:  
85 production prior to trial. Proceedings at the preliminary hearing shall be taken  
86 down by a court reporter or recording equipment and shall be made available on  
87 the following basis:

88 (1) On timely application to a magistrate, for good cause shown, and subject  
89 to the availability of facilities, the attorney for a defendant in a criminal case  
90 may be given the opportunity to have the recorded tape of the hearing on  
91 preliminary examination replayed for his or her information in connection with  
92 any further hearing or in connection with his or her preparation for trial.

93 (2) On application of a defendant addressed to a district judge, showing that  
94 the record of preliminary hearing, in whole or in part, should be made available  
95 to the defendant's counsel, an order may issue that the clerk make available a  
96 copy of the record, or of a portion thereof, to defense counsel. Such order shall  
97 provide for prepayment of costs of such record by the defendant unless the  
98 defendant makes a sufficient affidavit that he or she is unable to pay or to give  
99 security therefor, in which case the expense shall be paid by the county. The  
100 prosecution may move also that a copy of the record, in whole or in part, be  
101 made available to it, for good cause shown, and an order may be entered  
102 granting such motion in whole or in part, on appropriate terms, except that the  
103 government need not prepay costs nor furnish security therefor.

104 (3) The copy of the record of such proceedings furnished pursuant to  
105 subparagraph two (2) of this paragraph may consist of a tape of the recorded  
106 proceedings or a stenographic transcript of the proceedings.

107 If the record is ordered, the court shall specify in its order to the magistrate an  
108 appropriate method of making the record available. If, in any circumstance, a  
109 typewritten transcript is furnished counsel, a copy thereof shall be filed with the  
110 clerk of court.

111 **Rule 3. The grand jury.**

112 1. Drawing grand jurors. At such times as prescribed by the chief judge of the  
113 district court in the public interest, the names of the twelve persons constituting  
114 the panel of the grand jury shall be placed by the clerk in a container, and after  
115 thoroughly mixing the same, in open court the clerk shall draw therefrom seven  
116 names, and the persons so drawn shall constitute the grand jury. Should any of  
117 the persons so drawn be excused by the court or fail to attend on the day  
118 designated for their appearance, the clerk shall draw additional names until the  
119 seven grand jurors are secured.

120 If the panel is insufficient to provide and maintain a grand jury of seven  
121 members, the panel shall be refilled from the jury box by the clerk of the court  
122 under direction of the court; additional grand jurors shall be selected until a  
123 grand jury of seven grand jurors is secured, and they shall be summoned in the  
124 manner as those originally drawn.

125 2. Challenge to grand jury.

126 a. Challenge to array. A defendant held to answer for a public offense may,  
127 before the grand jury is sworn, challenge the panel or the grand jury, only for  
128 the reason that it was not composed or drawn as prescribed by law. If the  
129 challenge be sustained, the court shall thereupon proceed to take remedial action  
130 to compose a proper grand jury panel or grand jury.

131 b. Challenge to individual jurors. A challenge to an individual grand juror  
132 may be made before the grand jury is sworn as follows:

133 (1) By the state or the defendant, because the grand juror does not possess the  
134 qualifications required by law.

135 (2) By the state only because:

136 (a) The juror is related either by affinity or consanguinity nearer than in the  
137 fifth degree, or stands in the relation of agent, clerk, servant, or employee, to any  
138 person held to answer for a public offense, whose case may come before the  
139 grand jury.

140 (b) The juror is bail for anyone held to answer for a public offense, whose  
141 case may come before the grand jury.

142 (c) The juror is defendant in a prosecution similar to any prosecution to be  
143 examined by the grand jury.

144 (d) The juror is, or within one year preceding has been, engaged or interested  
145 in carrying on any business, calling, or employment the carrying on of which is a  
146 violation of law, and for which the juror may be indicted by the grand jury.

147 (3) By the defendant only because:

148 (a) The juror is a prosecutor upon a charge against the defendant.

149 (b) The juror has formed or expressed such an opinion as to the guilt or  
150 innocence of the defendant as would prevent the juror from rendering a true  
151 verdict upon the evidence submitted.

152 c. Decision by court. Challenges to the panel or to an individual grand juror  
153 shall be decided by the court.

154 d. Motion to dismiss. A motion to dismiss the indictment may be based on  
155 challenges to the array or to an individual juror, if the grounds for challenge  
156 which are alleged in the motion of the defendant have not previously been  
157 determined pursuant to a challenge asserted by the defendant pursuant to  
158 paragraph a or paragraph b of this subsection.

159 3. Discharging and summoning jurors.

160 a. Discharge. A grand jury, on the completion of its business, shall be  
161 discharged by the court. The grand jury shall serve until discharged by the court,  
162 and the regular term of service by a grand juror should not exceed one calendar  
163 year. However, when an investigation which has been undertaken by the grand  
164 jury is incomplete, the court may by order extend the eligibility of a grand juror  
165 beyond one year, to the completion of the investigation.

166 b. Summoning jurors. Upon order of the court the clerk shall issue his precept  
167 or precepts to the sheriff, commanding the sheriff to summon the grand juror or  
168 jurors. Upon a failure of a grand juror to obey such summons without sufficient  
169 cause, he may be punished for contempt.

170 c. Excusing jurors. If the court excuses a juror, the court may impanel another  
171 person in place of the juror excused. If the grand jury has been reduced to a less  
172 number than seven by reason of challenges to individual jurors being allowed, or  
173 from any other cause, the additional jurors required to fill the panel shall be  
174 summoned, first, from such of the twelve jurors originally summoned which were  
175 not drawn on the grand jury as first impaneled, and if they are exhausted the  
176 additional number required shall be drawn from the grand jury list. If a challenge  
177 to the array is allowed, a new grand jury shall be impaneled to inquire into the  
178 charge against the defendant in whose behalf the challenge to the array has been  
179 allowed, and they shall be summoned in the manner prescribed in this rule.

180 4. Oaths and procedure.

181 a. Foreman. From the persons impaneled as grand jurors the court shall  
182 appoint a foreman, or when the foreman already appointed is discharged,  
183 excused, or from any cause becomes unable to act before the grand jury is  
184 finally discharged, an acting foreman may be appointed.

185 The foreman of the grand jury may administer the oath to all witnesses  
186 produced and examined before it.

187 b. Clerks and bailiffs. The court may appoint as clerk of the grand jury a  
188 competent person who is not a member thereof. In addition thereto the court  
189 may, if it deems it necessary, appoint assistant clerks of the grand jury. If no  
190 such appointments are made by the court, the grand jury shall appoint as its  
191 clerk one of its own number who is not its foreman. In like manner the court  
192 may appoint bailiffs for the grand jury to serve with the powers of a peace  
193 officer while so acting.

194 c. Oaths administered to grand jury, clerk, and bailiff. The following oath  
195 shall be administered to the grand jury: "Do each of you, as the grand jury,  
196 solemnly swear or affirm that you will diligently inquire and true presentment  
197 make of all public offenses against the people of this state, triable on indictment  
198 within this county, of which you have or can obtain legal evidence; you shall  
199 present no person through malice, hatred, or ill will, nor leave any unrepresented  
200 through fear, favor, or affection, or for any reward, or the promise or hope  
201 thereof, but in all your presentments that you shall present the truth, the whole  
202 truth, and nothing but the truth, according to the best of your skill and  
203 understanding?"

204 Any clerk, assistant clerk, or bailiff appointed by the court must be given the  
205 following oath: "Do you solemnly swear that you will faithfully and impartially  
206 perform the duties of your office, that you will not reveal to anyone its  
207 proceedings or the testimony given before it and will abstain from expressing  
208 any opinion upon any question before it, to or in the presence or hearing of the  
209 grand jury or any member thereof?"

210 d. Secrecy of proceedings. Every member of the grand jury, and its clerks and  
211 bailiffs, shall keep secret the proceedings of that body and the testimony given  
212 before it, except as provided in rule thirteen (13). No such person shall disclose  
213 the fact that an indictment has been found except when necessary for the  
214 issuance and execution of a warrant or summons, and such duty of  
215 nondisclosure shall continue until the indicted person has been arrested. The  
216 county attorney shall be allowed to appear before the grand jury on his or her  
217 own request for the purpose of giving information or for the purpose of  
218 examining witnesses, and the grand jury may at all reasonable times ask the  
219 advice of the county attorney or the court. However, neither the county attorney  
220 nor any other officer or person except the grand jury may be present when the  
221 grand jury is voting upon the finding of an indictment.

222 e. Securing witnesses and records. The clerk of the court must, when required  
223 by the foreman of the grand jury or county attorney, issue subpoenas for  
224 witnesses to appear before the grand jury. The grand jury is entitled to free  
225 access at all reasonable times to county institutions and places of confinement,  
226 and to the examination without charge of all public records within the county.

227 f. Minutes. The clerk of the grand jury shall take and preserve minutes of the  
228 proceedings and of the evidence given before it, except the votes of its individual  
229 members on finding an indictment.

230 g. Evidence for defendant. The grand jury is not bound to hear evidence for  
231 the defendant, but may do so, and must weigh all the evidence submitted to it,  
232 and when it has reason to believe that other evidence within its reach will  
233 explain away the charge, it may order the same produced.

234 h. Refusal of witness to testify. When a witness under examination before the  
235 grand jury refuses to testify or to answer a question put to him or her, it shall  
236 proceed with the witness before a district court judge, and the foreman shall  
237 then distinctly state before a district court judge the question and the refusal of

238 the witness, and if upon hearing the witness the court shall decide that the  
239 witness is bound to testify or answer the question propounded, the judge shall  
240 inquire of the witness if he or she persists in his or her refusal, and, if he does,  
241 shall proceed with the witness as in cases of similar refusal in open court.

242 i. Effect of refusal to indict. If, upon investigation, the grand jury refuses to  
243 find an indictment against one charged with a public offense, it shall return all  
244 papers to the clerk, with an endorsement thereon, signed by the foreman, to the  
245 effect that the charge is ignored. Thereupon the district court judge must order  
246 the discharge of the defendant from custody if in jail, and the exoneration of  
247 bail if bail be given. Upon good cause shown, the district court judge may direct  
248 that the charge again be submitted to the grand jury. Such ignoring of the  
249 charge does not prevent the cause from being submitted to another grand jury as  
250 the court may direct; but without such direction it cannot be again submitted.

251 j. Duty of grand jury. The grand jury shall inquire into all indictable offenses  
252 which may be tried within the county, and present them to the court by  
253 indictment. The grand jury shall meet at times specified by order of a district  
254 judge. In addition to those times, the grand jury shall meet at the request of the  
255 county attorney or upon the request of a majority of the grand jurors.

256 It is made the special duty of the grand jury to inquire into:

257 (1) The case of every person imprisoned in the detention facilities of the  
258 county on a criminal charge and not indicted.

259 (2) The condition and management of the public prisons, county institutions  
260 and places of detention within the county.

261 (3) The unlawful misconduct in office in the county of public officers and  
262 employees.

#### 263 Rule 4. Indictment.

264 1. Defined. An indictment is an accusation in writing, found and presented by  
265 a grand jury legally impaneled and sworn to the court in which it is impaneled,  
266 charging that the person named therein has committed an indictable public  
267 offense, punishable on indictment.

268 2. Use of indictment. Criminal offenses in which the punishment exceeds a  
269 fine of one hundred dollars or exceeds imprisonment for thirty days may be  
270 prosecuted to final judgment either on indictment or on information as provided  
271 in rule five (5).

272 3. Evidence to support. An indictment should be found when all the evidence,  
273 taken together, is such as in the judgment of the grand jury, if unexplained,  
274 would warrant a conviction by the trial jury; otherwise it should not. An  
275 indictment can be found only upon evidence given by witnesses produced,  
276 sworn, and examined before the grand jury, or furnished by legal documentary  
277 evidence, or upon the stenographic or taped record of evidence given by  
278 witnesses before a committing magistrate. If an indictment is found in whole or  
279 in part upon testimony taken before a committing magistrate, the clerk of the  
280 grand jury shall write out a brief minute of the substance of such evidence, and  
281 the same shall be returned to the court with the indictment.

282 4. Vote necessary. An indictment cannot be found without the concurrence of  
283 five grand jurors. Every indictment must be endorsed "a true bill" and the  
284 endorsement signed by the foreman of the grand jury.

285 5. Presentation and filing. An indictment, when found by the grand jury and  
286 properly endorsed, shall be presented to the court with the minutes of evidence  
287 of the witnesses relied on. The presentation shall be made by the foreman of the  
288 grand jury in the presence of the members of the grand jury. The indictment,  
289 minutes of evidence, and all exhibits relating thereto shall be transmitted to the  
290 clerk of the court and filed by the clerk.

#### 291 6. Minutes.

292 a. A minute of evidence shall consist of a notice in writing stating the name,  
293 place of residence, and occupation of the witness upon whose testimony the  
294 indictment is found, and a full and fair statement of the witness' testimony

295 before the grand jury.

296 b. Copy to defense. Such minutes of evidence shall not be open for the  
297 inspection of any person except the judge of the court, the county attorney, or  
298 the defendant and his or her counsel. The clerk of the court must, on demand  
299 made, furnish the defendant or his or her counsel a copy thereof without charge.

300 c. Minutes used again. A grand jury may consider minutes of testimony  
301 previously heard by the same or another grand jury. In any case, a grand jury  
302 may take additional testimony.

303 7. Contents of indictment. An indictment is a plain, concise, and definite  
304 statement of the offense charged. The indictment shall be signed by the foreman  
305 of the grand jury. The names of all witnesses on whose evidence the indictment  
306 is found must be endorsed thereon. The indictment may be in the general  
307 indictment form set forth in the illustrative table of forms appended to the Iowa  
308 rules of criminal procedure. The indictment shall include the following:

309 a. The name of the accused, if known, and if not known, designation of the  
310 accused by any name by which the accused may be identified.

311 b. The name and if provided by law the degree of the offense, identifying by  
312 number the statutory provision or provisions alleged to have been violated.

313 c. The time and place of the offense as definitely as can be done.

314 d. Where the means by which the offense is committed are necessary to  
315 charge an offense, a brief statement of the acts or omissions by which the  
316 offense is alleged to have been committed.

317 No indictment is invalid or insufficient, nor can the trial, judgment, or other  
318 proceeding thereon be affected by reason of any defect or imperfection in a  
319 matter of form which does not prejudice a substantial right of the defendant.

320 8. Amendment.

321 a. Generally. The court may, on motion of the state, and before or during the  
322 trial, order the indictment amended so as to correct errors or omissions in  
323 matters of form or substance. Amendment may be allowed before or during trial  
324 when no substantial rights of the defendant are prejudiced by the amendment,  
325 and if a wholly new and different offense is not charged.

326 b. Amendment before trial. If the application for an amendment be made  
327 before the commencement of the trial, the application and a copy of the  
328 proposed amendment shall be served upon the defendant, or upon the  
329 defendant's attorney of record, and an opportunity given the defendant to resist  
330 the same.

331 c. Amendment during trial. If the application be made during the trial, the  
332 application and the amendment may be dictated into the record in the presence  
333 of the defendant and the defendant's counsel, and such record shall constitute  
334 sufficient notice to the defendant.

335 d. Continuance. No continuance or delay in trial shall be granted because of  
336 such amendment unless it appears that defendant should have additional time to  
337 prepare because of such amendment.

338 e. Amendment of minutes. Minutes may be amended in the same manner and  
339 to the same extent that an indictment may be amended.

340 **Rule 5. Information.**

341 1. Prosecution on information. All indictable offenses may be prosecuted by a  
342 trial information. The prosecuting attorney may at any time, whether or not the  
343 grand jury is in session, file an information with a district court judge or district  
344 associate judge charging a person with an indictable offense.

345 2. Endorsement. An information shall be endorsed "a true information" and  
346 shall be signed by the prosecuting attorney or in his or her name by an assistant  
347 prosecuting attorney.

348 3. Witness names and minutes. The prosecuting attorney shall, at the time of  
349 filing such information, endorse or cause to be endorsed thereon the names,  
350 occupations, and last known addresses of the witnesses whose evidence the  
351 prosecuting attorney expects to introduce and use on the trial of the same, and

352 shall also file with such information, of each witness whose name is endorsed  
353 upon the information, a statement sufficient to enable the defendant to prepare  
354 his defense.

355 4. Approval by judge. Prior to the filing of the information, a district judge or  
356 district associate judge having jurisdiction of the offense must approve the  
357 information by a finding that the evidence contained in the information and the  
358 minutes of testimony, if unexplained, would warrant a conviction by the trial  
359 jury. If not approved, the charge may be presented to the grand jury for  
360 consideration. At any time after judicial approval of an information, and prior  
361 to the commencement of trial,\* the court, on its own motion, may order said  
362 information set aside and said case submitted to the grand jury.

363 5. Indictment rules applicable. The information shall be drawn and construed,  
364 in matters of substance, as indictments are required to be drawn and construed.  
365 The term "indictment" embraces the trial information, and all provisions of law  
366 applying to prosecutions on indictments apply also to informations, except  
367 where otherwise provided for in these rules, or when the context requires  
368 otherwise.

369 6. Investigation by prosecuting attorney. The clerk of the district court, on  
370 written application of the prosecuting attorney and the approval of the court,  
371 shall issue subpoenas including subpoenas duces tecum for such witnesses as the  
372 prosecuting attorney may require in investigating an offense, and in such  
373 subpoenas shall direct the appearance of said witnesses before the prosecuting  
374 attorney at a specified time and place. Such application and judicial order of  
375 approval shall be maintained by the clerk in a confidential file until a charge is  
376 filed, in which event disclosure shall be made, unless the court in an in camera  
377 hearing orders that it be kept confidential. The prosecuting attorney shall have  
378 the authority to administer oaths to said witnesses and shall have the services of  
379 the clerk of the grand jury in those counties in which such clerk is regularly  
380 employed. The rights and responsibilities of such witnesses and any penalties for  
381 violations thereof shall otherwise be the same as a witness subpoenaed to the  
382 grand jury.

383 **Rule 6. Pleading special matters in indictments and informations—multiple**  
384 **offenses or defendants; pleading prior convictions; pleading statutes.**

385 1. Multiple offenses. When the conduct of a defendant may establish the  
386 commission of more than one public offense arising out of the same transaction  
387 or occurrence, the defendant may be prosecuted for each of such offenses. Each  
388 of such offenses may be alleged and prosecuted as separate counts in a single  
389 complaint, information or indictment. Where the public offense which is alleged  
390 carries with it certain lesser included offenses, the latter should not be charged,  
391 and it is sufficient to charge that the accused committed the public offense.

392 2. Prosecution and judgment. Upon prosecution for a crime, the defendant  
393 may be convicted of either the crime charged or an included crime, but not  
394 both.

395 3. Duty of court to instruct. In cases where the crime charged may include  
396 some lesser crime it is the duty of the trial court to instruct the jury, not only as  
397 to the crime charged but as to all lesser crimes of which the accused might be  
398 found guilty under the indictment and upon the evidence adduced, even though  
399 such instructions have not been requested or have been objected to.

400 4. Charging multiple defendants.

401 a. Multiple defendants. Two or more defendants may be charged in the same  
402 indictment, information, or complaint if they are alleged to have participated in  
403 the same act or the same transaction or occurrence out of which the offense or  
404 offenses arose. Such defendants may be charged in one or more counts together  
405 or separately, and all the defendants need not be charged in each count.

406 b. Prosecution and judgment. When an indictment charges a defendant with a  
407 felony, and the same indictment charges two or more defendants, those  
408 defendants jointly charged may be tried jointly, if in the discretion of the court a

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409 joint trial will not result in prejudice to one or more of the parties; otherwise the  
410 defendants shall be tried separately. Where jointly tried, each defendant shall be  
411 judged separately on each count.

412 5. Allegations of prior convictions. If the offense charged is one for which the  
413 defendant, if convicted, will be subject by reason of the Code, to an increased  
414 penalty because of prior convictions, the allegation of such convictions, if any,  
415 shall be contained in the indictment. A supplemental indictment shall be  
416 prepared for the purpose of trial of the facts of the current offense only, and  
417 shall satisfy all pertinent requirements of the Code, except that it shall make no  
418 mention, directly or indirectly, of the allegation of the prior convictions, and  
419 shall be the only indictment read or otherwise presented to the jury prior to  
420 conviction of the current offense. The effect of this subdivision shall be to alter  
421 the procedure for trying, in one criminal proceeding, the offenses appropriate to  
422 its provisions, and not to alter in any manner the basic elements of an offense as  
423 provided by law.

424 6. Pleading statutes. A pleading asserting any statute of another state, territory  
425 or jurisdiction of the United States, or a right derived therefrom, shall refer to  
426 such statute by plain designation and if such reference is made, the court shall  
427 judicially notice such statute.

428 **Rule 7. Proceedings after indictment or information.**

429 1. Issuance. Upon the request of the prosecuting attorney the court shall issue  
430 a warrant for each defendant named in the indictment or information. The clerk  
431 shall issue a summons instead of a warrant upon the request of the prosecuting  
432 attorney or by direction of the court. The warrant or summons shall be delivered  
433 to a person authorized by law to execute or serve it. If a defendant fails to  
434 appear in response to the summons, a warrant shall issue.

435 2. Form.

436 a. Warrant. The warrant shall be signed by the judge or clerk; it shall describe  
437 the offense charged in the indictment; and it shall command that the defendant  
438 shall be arrested and brought before the court. The amount of bail may be fixed  
439 by the court and endorsed on the warrant. The warrant may be substantially in  
440 the form described in the table of forms to the Iowa rules of criminal procedure.  
441 The warrant may be served in any county in the state.

442 b. Summons. The summons shall be in the form described in section four  
443 hundred two (402) of this chapter, except that it shall be signed by the clerk.

444 3. Execution, service, and return.

445 a. Execution or service. The warrant shall be executed or the summons served  
446 as provided in division four (IV) of this chapter. A summons to a corporation  
447 shall be in the form prescribed in section seven hundred five (705) of this  
448 chapter. Upon the return of an indictment or upon the filing of trial information  
449 against a person confined in any penal institution, the court to which such  
450 indictment is returned may enter an order directing that such person be  
451 produced before it for trial. The sheriff shall execute such order by serving a  
452 copy thereof on the warden having such accused person in custody and  
453 thereupon such person shall be delivered to such sheriff and conveyed to the  
454 place of trial.

455 b. Return. The officer executing a warrant, or the person to whom a summons  
456 was delivered for service shall make return thereof to the court.

457 **Rule 8. Arraignment and plea.**

458 1. Conduct of arraignment. Arraignment shall be conducted in open court  
459 without unnecessary delay. If the defendant appears for arraignment without  
460 counsel, the defendant must, before proceeding therewith, be informed by the  
461 court of his or her right thereto, and be asked if he or she desires counsel; and if  
462 he or she does, and is unable to employ any, the court must assign the defendant  
463 counsel, who shall have free access to the defendant at all reasonable hours.  
464 Where the defendant makes an informed waiver of counsel, the court in its  
465 discretion may assign standby counsel to assist the accused. Arraignment shall



466 consist of reading the indictment to the defendant or stating to the defendant  
 467 the substance of the charge and calling on on\* the defendant to plead thereto.  
 468 The defendant shall be given a copy of the indictment or information before he  
 469 or she is called upon to plead.

470 The defendant must be informed that if the name by which  
 471 he or she is indicted or informed against is not his or her true  
 472 name, he or she must then declare what his or her true name  
 473 is, or be proceeded against by the name in the indictment, and asking  
 474 the defendant what he or she answers to the indictment. If the defendant  
 475 gives no other name or gives his or her true name, the defendant is  
 476 thereafter precluded from objecting to the indictment or information upon  
 477 the ground of being therein improperly named. If the defendant alleges  
 478 that another name is his or her true name, the court must direct  
 479 an entry thereof in the minutes of the arraignment, and the subsequent  
 480 proceedings on the indictment shall be had against the defendant by  
 481 that name, and the indictment amended accordingly.

482 2. Pleas to the indictment or information.

483 a. In general. A defendant may plead guilty, not guilty, not guilty by reason of  
 484 insanity, not triable by reason of present insanity, or a former judgment of  
 485 conviction or acquittal of the offense charged. If the defendant fails or refuses to  
 486 plead at arraignment, or if the court refuses to accept a guilty plea, the court  
 487 shall enter a plea of not guilty. At any time before judgment, the court may  
 488 permit a plea to be withdrawn and other plea or pleas substituted. A defendant  
 489 who does not plead guilty may enter one or more of the other pleas.

490 b. Pleas of guilty. The court may refuse to accept a plea of guilty, and shall  
 491 not accept such plea without first addressing the defendant personally and  
 492 determining that the plea is made voluntarily. The defendant shall be informed  
 493 of the following:

494 (1) The nature of the charge to which the plea is offered.

495 (2) The mandatory minimum punishment, if any, and the maximum possible  
 496 punishment provided by the statute defining the offense to which the plea is  
 497 offered.

498 (3) That the defendant has the right to plead not guilty, or to persist in that  
 499 plea if it has already been made, or to plead guilty.

500 (4) That if the defendant pleads guilty there will not be a further trial of any  
 501 kind, so that by pleading guilty he waives the right to a trial by jury or otherwise  
 502 and the right to be confronted with the witnesses against him or her.

503 The court shall accept the guilty plea only after determining that the  
 504 defendant understands these matters, that the plea is voluntary, and that there is  
 505 a factual basis for same.

506 3. Record of proceedings. A verbatim record of the proceedings at which the  
 507 defendant enters a plea shall be made and, if there is a plea of guilty, the record  
 508 shall include, without limitation, the court's advice to the defendant, the inquiry  
 509 into the voluntariness of the plea including any plea agreement.

510 **Rule 9. Plea bargaining.**

511 1. In general. The prosecuting attorney and the attorney for the defendant  
 512 may engage in discussions with a view toward reaching an agreement that, upon  
 513 the entering of a plea of guilty to a charged offense or to a lesser or related  
 514 offense, the prosecuting attorney will move for dismissal of other charges, or will  
 515 recommend or not oppose the imposition of a particular sentence, or will do  
 516 both.

517 2. Advising court of agreement. If a plea agreement has been reached by the  
 518 parties which contemplates entry of a plea of guilty in the expectation that a  
 519 specific sentence will be imposed or that other charges before the court will be  
 520 dismissed, the court shall require the disclosure of the agreement in open court  
 521 at the time the plea is offered. Thereupon the court may accept or reject the  
 522 agreement, or may defer its decision as to acceptance or rejection until receipt of

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523 a presentence report.

524 3. Acceptance of plea. If the court accepts the plea agreement, the court shall  
525 inform the defendant that it will embody in the judgment and sentence the  
526 disposition provided for in the plea agreement or another disposition more  
527 favorable to the defendant than that provided for in the plea agreement.

528 4. Rejection of plea. If the court rejects the plea agreement, the court shall  
529 inform the parties of this fact, advise the defendant personally in open court that  
530 the court is not bound by the plea agreement, afford the defendant the  
531 opportunity to then withdraw his or her plea, and advise the defendant that if he  
532 or she persists in his or her guilty plea the disposition of the case may be less  
533 favorable to the defendant than that contemplated by the plea agreement.

534 5. Inadmissibility of plea discussions. If a plea discussion does not result in a  
535 plea of guilty, or if a plea of guilty is not accepted or is withdrawn, or if  
536 judgment on a plea of guilty is reversed on direct or collateral review, neither the  
537 plea discussion nor any resulting agreement, plea, or judgment shall be  
538 admissible in any criminal or civil action or administrative proceeding.

539 **Rule 10. Motions and pleadings.**

540 1. Pleadings and motions. Pleadings in criminal proceedings shall be the  
541 indictment and the information, and the pleas entered pursuant to rule eight (8).  
542 Demurrers, motions to quash, and motions to set aside are abolished, and  
543 defenses and objections raised before trial which heretofore could have been  
544 raised under them shall be raised by motion to dismiss, or a motion to grant  
545 appropriate relief as the case may be.

546 2. Pretrial motions. Any defense, objection, or request which is capable of  
547 determination without the trial of the general issue may be raised before trial by  
548 motion. The following must be raised prior to trial:

549 a. Defenses and objections based on defects in the institution of the  
550 prosecution.

551 b. Defenses and objections based on defects in the indictment or information  
552 (other than that it fails to show jurisdiction in the court or to charge an offense  
553 which objections shall be noticed by the court at any time during the pendency  
554 of the proceeding).

555 c. Motions to suppress evidence on the ground that it was illegally obtained.

556 d. Requests for discovery.

557 e. Requests for a severance of charges or defendants.

558 3. Effect of failure to raise defenses or objections. Failure of the defendant to  
559 timely raise defenses or objections or to make requests which must be made  
560 prior to trial under this rule shall constitute waiver thereof, but the court for  
561 cause, upon motion supported by affidavit, may grant relief from such waiver.

562 4. Time of filing. Motions hereunder, except a motion for a bill of particulars  
563 or a change of venue, shall be filed either within thirty days after arraignment or  
564 prior to the impaneling of the trial jury, whichever event occurs earlier, unless  
565 the period for filing is extended by the court for good cause shown.

566 5. Bill of particulars. When an indictment or information charges an offense  
567 in accordance with this rule but fails to specify the particulars of the offense  
568 sufficiently to fairly enable the defendant to prepare his or her defense, the court  
569 may, on written motion of the defendant, require the county attorney to furnish  
570 the defendant with a bill of particulars containing such particulars as may be  
571 necessary for the preparation of the defense. A motion for a bill of particulars  
572 may be made any time prior to or within ten days after arraignment unless the  
573 time be extended by the court for good cause shown. A plea of not guilty at  
574 arraignment does not waive the right to move for a bill of particulars if such  
575 motion is timely filed within this rule. The county attorney may furnish a bill of  
576 particulars on the county attorney's own motion, or the court may order a bill of  
577 particulars without motion. Supplemental bills of particulars may be likewise  
578 ordered by the court or voluntarily furnished, or a new bill may be substituted  
579 for a bill already furnished. At the trial the state's evidence shall be confined to

580 the particulars of the bill or bills.

581 6. Dismissing indictment or information.

582 a. In general. If it appears from the bill of particulars furnished pursuant to  
583 this rule that the particulars stated do not constitute the offense charged in the  
584 indictment or information, or that the defendant did not commit that offense or  
585 that a prosecution for that offense is barred by the statute of limitations, the  
586 court may and on motion of defendant shall dismiss the indictment or  
587 information unless the county attorney shall furnish another bill of particulars  
588 which so states the particulars as to show that the particulars constitute the  
589 offense charged in the indictment or information and that the offense was  
590 committed by the defendant and that it is not barred by the statute of  
591 limitations.

592 b. Indictment. A motion to dismiss the indictment may be made on one or  
593 more of the following grounds:

594 (1) When the minutes of the evidence of witnesses examined before the grand  
595 jury are not returned therewith.

596 (2) When it has not been presented and marked "filed" as prescribed.

597 (3) When any person other than the grand jurors was present before the grand  
598 jury when the question was taken upon the finding of the indictment.

599 (4) When any person other than the grand jurors was present before the grand  
600 jury during the investigation of the charge, except as required or permitted by  
601 law.

602 (5) That the grand jury was not selected, drawn, summoned, impaneled, or  
603 sworn as prescribed by law.

604 c. Information. A motion to dismiss the information may be made on one or  
605 more of the following grounds:

606 (1) When the minutes of evidence have not been filed with the information.

607 (2) When the information has not been filed in the manner required by law.

608 (3) When the information has not been approved as required under rule five  
609 (5).

610 d. Time of motion. Entry of a plea of not guilty at arraignment does not waive  
611 the right to move to dismiss the indictment or information if such motion is  
612 timely filed within this rule.

613 7. Effect of determination. If the court grants a motion based on a defect in  
614 the institution of the prosecution or in the indictment or information, it may also  
615 order that the defendant be held in custody or that the defendant's bail be  
616 continued for a specified period pending the filing of a new indictment or  
617 information if the same was dismissed by the court, or the amendment of any  
618 such pleading if the defect is subject to correction by amendment. The new  
619 information or indictment must be filed within thirty days of the dismissal of the  
620 original indictment or information and the defendant must be brought to trial  
621 within the time limits specified in rule twenty-seven (27), rules of criminal  
622 procedure.

623 8. Ruling on motion. A pretrial motion shall be determined before trial.  
624 Where factual issues are involved in determining a motion, the court shall state  
625 its essential findings on the record.

626 9. Motion for change of venue.

627 a. Time of motion. A motion for change of venue shall be made as soon as the  
628 grounds therefor appear. Such motion may be made before, at, or after  
629 arraignment, until the time the jury is impaneled and sworn.

630 b. Grounds. The court upon motion shall transfer the proceeding to another  
631 county if the court is satisfied that there exists such prejudice in the original  
632 county that a fair and impartial trial cannot be had before by reason of the  
633 prejudice of the judge, or to excitement or prejudice against the defendant in  
634 such county. The petition shall be verified on information and belief by the  
635 affidavit of the petitioners. If sustained on the ground of excitement and  
636 prejudice in the county, it must be transferred to another county in which no

637 such objection exists.

638 c. Second change. When a change in place of trial has been granted to either  
639 the prosecution or the defense, the other party to whom no change has been  
640 granted, may, in the county to which the case has been sent, petition for a  
641 change in the same manner as though said county was the county in which the  
642 case was first pending. In such case, if the change be granted, the case shall not  
643 be sent to the county in which it was originally pending.

644 d. Proceedings on transfer. When a transfer of the case is ordered to another  
645 county the clerk shall transmit to the clerk of the court to which the proceeding  
646 is transferred all papers in the proceeding or duplicates thereof and any bail  
647 taken, and the prosecution shall continue in that county. If the defendant is in  
648 custody, the court may order the defendant to be delivered to the sheriff of the  
649 county to which transfer of the case is allowed, and upon such delivery with a  
650 certified copy of the order therefor, the sheriff last mentioned must receive and  
651 detain the defendant. All expenses attendant upon the change of venue and trial,  
652 including the costs of keeping the defendant, which shall be allowed by the court  
653 trying the case, may be recovered by the county to which the case is transferred  
654 from the county in which the prosecution was commenced. The county attorney  
655 in the original county shall be responsible for the prosecution in such other  
656 county.

657 10. Pleadings of defendant.

658 a. Alibi.

659 (1) Notice. A defendant who intends to offer evidence of an alibi defense  
660 shall, within the time provided for the making of pretrial motions or at such later  
661 time as the court shall direct, inform the attorney for the government of such  
662 intention and file such notice. The notice shall state the specific place or places  
663 at which the defendant claims to have been at the time of the alleged offense  
664 and the names and addresses of the witnesses upon whom the defendant intends  
665 to rely to establish such alibi. In the event that a defendant shall file such notice  
666 the attorney for the government shall file and serve upon the defendant the  
667 names and addresses of the witnesses the government proposes to offer in  
668 rebuttal to discredit the defendant's alibi. Such service shall be completed not  
669 less than five days after receipt of defendant's witness list, or within such other  
670 time as the court may direct. If either party shall fail to abide by the time  
671 periods heretofore described, the proponent must move the court for leave to  
672 introduce such evidence, showing diligence supported by affidavit.

673 (2) Failure to comply. Upon the failure of either party to comply with the  
674 requirements of this rule, the court shall exclude the testimony of any witness  
675 offered by such party to establish or rebut the defendant's alibi. This rule shall  
676 not limit the right of the defendant to testify in his own behalf.

677 b. Insanity.

678 (1) Defense of insanity. If a defendant intends to rely upon the defense of  
679 insanity at the time of the alleged crime, the defendant shall, within the time  
680 provided for the filing of pretrial motions or at such later time as the court may  
681 direct, inform the attorney for the government of such intention and file such  
682 notice. The court may for good cause shown allow late filing of the notice or  
683 grant additional time to the parties to prepare for trial or make such other order  
684 as may be appropriate.

685 (2) Mental disease or defect inconsistent with the mental element required for  
686 the offense charged. If a defendant intends to introduce expert testimony  
687 relating to a mental disease, defect, or diminished mental capacity, the  
688 defendant shall, within the time provided for the filing of pretrial motions or at  
689 such later time as the court may direct, inform the attorney for the government  
690 of such intention and file such notice. The court may for good cause shown  
691 allow late filing of the notice or grant additional time to the parties to prepare  
692 for trial or make such other order as may be appropriate.

693 (3) State's right to expert examination. Where a defendant has indicated the  
694 use of the defense of insanity, and has engaged an expert or experts for the  
695 purpose of examining him on the issue of insanity, the court shall order the  
696 examination of the defendant by a state-named expert or experts.

697 **Rule 11. Suppression of evidence.**

698 1. Motion to suppress evidence. A person aggrieved by an unlawful search  
699 and seizure may move to suppress for use as evidence anything so obtained on  
700 any of the following grounds:

701 a. The property was illegally seized without a warrant.

702 b. The warrant is insufficient on its face.

703 c. The property seized is not that described in the warrant.

704 d. There was not probable cause for believing the existence of the grounds on  
705 which the warrant was issued.

706 e. The warrant was illegally executed. The court shall receive evidence on any  
707 issue of fact necessary to the decision of the motion. If the motion is granted the  
708 property shall be restored to its owner or legal custodian unless otherwise  
709 subject to lawful detention, and it shall not be admissible in evidence at any  
710 hearing or trial.

711 The motion shall be made before trial or hearing unless opportunity therefor  
712 did not exist or the defendant was unaware of the factual grounds for the  
713 motion; but the court in its discretion may entertain the motion at the trial or  
714 hearing, upon good cause supported by affidavit.

715 2. Appeal of interlocutory order. Any party aggrieved by an interlocutory  
716 order affecting the validity of a search warrant or the suppression of evidence,  
717 except in simple misdemeanors, may apply for a writ of certiorari to the supreme  
718 court or any justice thereof to review the order in advance of trial.

719 **Rule 12. Depositions.**

720 1. By defendant. A defendant in a criminal case, either after preliminary  
721 information, indictment, or information, may examine all witnesses listed by the  
722 state on the indictment or information or notice of additional witnesses,  
723 conditionally or on notice or commission, in the same manner and with like  
724 effect as in civil actions.

725 When the state receives notice that a deposition will be taken of a witness  
726 listed on the indictment, information or notice of additional witnesses, the state  
727 may object that the witness is (a) a foundation witness or (b) has been  
728 adequately examined on preliminary hearing. The court shall immediately  
729 determine whether discovery of said witness or witnesses is necessary in the  
730 interest of justice and shall allow or disallow said deposition.

731 2. Special circumstances. Whenever due to special circumstances of the case it  
732 is in the interest of justice that the testimony of a prospective witness not  
733 included in subsections one (1) or three (3) of this rule be taken and preserved  
734 for use at trial, the court may upon motion of a party and notice to the parties  
735 order that testimony of such witness be taken by deposition and that any  
736 designated book, paper, document, record, recording, or other material not  
737 privileged, be produced at the same time and place.

738 For purposes of this subsection, special circumstances shall be deemed to  
739 exist, and the court shall order that depositions be taken, only upon the showing  
740 of necessity arising from either the following circumstances:

741 a. The information sought by way of deposition cannot adequately be  
742 disclosed by a bill of particulars, or by voluntary statements.

743 b. Other just cause necessitating discovery by deposition.

744 3. By state. At the taking of a deposition by a defendant under subsection one  
745 (1) or two (2) of this rule, the defendant shall list all witnesses expected to be  
746 called for the defense. There shall be a continuing duty throughout trial to  
747 disclose additional defense witnesses, and such witnesses shall be subject to  
748 being deposed by the state.

749 4. Perpetuating testimony. A person apprehensive of a criminal prosecution  
750 may perpetuate testimony in his or her favor in the same manner and with like  
751 effect, as may be done in apprehension of any civil action.

752 **Rule 13. Discovery.**

753 1. Witnesses examined by the prosecuting attorney. When a witness  
754 subpoenaed by the prosecuting attorney pursuant to rule five (5) is summoned  
755 by the prosecuting attorney after complaint, indictment or information, the  
756 defendant shall be present and have the opportunity to cross-examine any  
757 witnesses whose appearance before the county attorney is required by this rule.

758 2. Disclosure of evidence by the government upon defense motion or request.

759 a. Disclosure required upon request.

760 (1) Upon pretrial motion of a defendant the court shall order the attorney for  
761 the government to permit the defendant to inspect and copy or photograph: Any  
762 relevant written or recorded statements made by the defendant or copies thereof,  
763 within the possession, custody or control of the government, unless same shall  
764 have been included with the minutes of evidence accompanying the indictment  
765 or information; the substance of any oral statement made by the defendant  
766 which the government intends to offer in evidence at the trial, including any  
767 voice recording of same; and the transcript or record of testimony of the  
768 defendant before a grand jury, whether or not the government intends to offer  
769 same in evidence upon trial.

770 (2) When two or more defendants are jointly charged, upon motion of any  
771 defendant the court shall order the attorney for the government to permit the  
772 defendant to inspect and copy or photograph any written or recorded statement  
773 of a codefendant which the government intends to offer in evidence at the trial,  
774 and the substance of any oral statement which the government intends to offer  
775 in evidence at the trial made by a codefendant whether before or after arrest in  
776 response to interrogation by any person known to the codefendant to be a  
777 government agent.

778 (3) Upon motion of the defendant, the court shall order the government to  
779 furnish to defendant such copy of the defendant's prior criminal record, if any,  
780 as is then available to the government.

781 b. Discretionary discovery.

782 (1) Upon motion of the defendant the court may order the attorney for the  
783 government to permit the defendant to inspect, and where appropriate, to  
784 subject to scientific tests, items seized by the government in connection with the  
785 alleged crime. The court may further allow the defendant to inspect and copy  
786 books, papers, documents, statements, photographs or tangible objects which are  
787 within the possession, custody or control of the government, and which are  
788 material to the preparation of his or her defense, or are intended for use by the  
789 government as evidence at the trial, or were obtained from or belong to the  
790 defendant.

791 (2) Upon motion of a defendant the court may order the attorney for the  
792 government to permit the defendant to inspect and copy or photograph any  
793 results or reports of physical or mental examinations, and of scientific tests or  
794 experiments, made in connection with the particular case, or copies thereof,  
795 within the possession, custody or control of the government.

796 3. Disclosure of evidence by the defendant.

797 a. Documents and tangible objects. If the court grants the relief sought by the  
798 defendant under subdivision two (2), paragraph b, subparagraph one (1), of this  
799 rule, the court may, upon motion of the government, order the defendant to  
800 permit the government to inspect and copy books, papers, documents,  
801 statements other than those of the accused, photographs or tangible objects  
802 which are not privileged and are within the possession, custody or control of the  
803 defendant and which the defendant intends to introduce in evidence at trial.

804 b. Reports of examinations and tests. If the court grants relief sought by the  
805 defendant under subdivision two (2), paragraph b, subparagraph one (1), of this  
806 rule, the court may, upon motion of the government, order the defendant to  
807 permit the government to inspect and copy the results or reports of physical or  
808 mental examinations and of scientific tests or experiments made in connection  
809 with the particular case, or copies thereof, within the possession or control of the  
810 defendant and which the defendant intends to introduce in evidence at the trial  
811 or which were prepared by a witness whom the defendant intends to call at the  
812 trial when such results or reports relate to his or her testimony.

813 c. Time of motion. A motion for the relief provided under subdivision two (2)  
814 of this rule shall be made, if at all, within five days after any order granting  
815 similar relief to the defendant.

816 d. Failure to employ evidence. When evidence intended for use and furnished  
817 under this rule is not actually employed at the trial, that fact shall not be  
818 commented upon at trial.

819 4. Continuing duty to disclose. If, subsequent to compliance with an order  
820 issued pursuant to this rule, either party discovers additional evidence, or  
821 decides to use evidence which is additional to that originally intended for use,  
822 and such additional evidence is subject to discovery under this rule, the party  
823 shall promptly notify the other party of the existence of the additional evidence  
824 to allow the other party to make an appropriate motion for additional discovery.

825 5. Regulation of discovery.

826 a. Protective orders. Upon a sufficient showing the court may at any time  
827 order that the discovery or inspection be denied, restricted or deferred, or make  
828 such other order as is appropriate. In addition to any other grounds for issuing  
829 an order pursuant to this paragraph, the court may limit or deny discovery or  
830 inspection, or limit the number of depositions to be taken if the court determines  
831 that any of the following exist:

832 (1) That granting the motion will unfairly prejudice the nonmoving party and  
833 will deny that party a fair trial.

834 (2) That the motion is intended only as a fishing expedition and that granting  
835 the motion will unduly delay the trial and will result in unjustified expense.

836 (3) That the granting of the motion will result in the disclosure of privileged  
837 information.

838 (4) That the granting of the motion will create a probability of fabrication on  
839 the part of the moving party.

840 Upon motion by a party the court may permit a party to make such showing,  
841 in whole or in part, in the form of a written statement to be inspected by the  
842 judge alone. If the court enters an order granting relief following such a  
843 showing, the entire text of the party's statement shall be sealed and preserved in  
844 the records of the court to be made available to the appellate court in the event  
845 of an appeal.

846 b. Time, place and manner of discovery and inspection. An order of the court  
847 granting relief under this rule shall specify the time, place and manner of making  
848 the discovery and inspection permitted and may prescribe such terms and  
849 conditions as are just.

850 c. Failure to comply. If at any time during the course of the proceedings it is  
851 brought to the attention of the court that a party has failed to comply with this  
852 rule or with an order issued pursuant to this rule, the court may order such party  
853 to permit the discovery or inspection, grant a continuance, or prohibit the party  
854 from introducing any evidence not disclosed, or it may enter such other order as  
855 it deems just under the circumstances.

856 d. Secrecy of grand jury. Except where specific provisions require otherwise,  
857 grand jury proceedings remain confidential. However, any member of the grand  
858 jury and the clerk thereof, and any officer of the court, may be required by the  
859 court or any legislative committee duly authorized to inquire into the conduct or  
860 acts of any state officer which might be the basis for impeachment proceedings,

861 to disclose the testimony of a witness examined before the grand jury for the  
862 purpose of ascertaining whether it is consistent with that given by the witness  
863 before the court or legislative committee, or to disclose the same upon a charge  
864 of perjury against the witness, or when in the opinion of the court or legislative  
865 committee such disclosure is necessary in the administration of justice.

866 No grand juror shall be questioned for anything he or she may say or any  
867 vote the juror may give in the grand jury relative to a matter legally pending  
868 before it, except for perjury of which the juror may have been guilty in making  
869 an accusation, or in giving testimony to his or her fellow jurors.

870 **Rule 14. Subpoenas.**

871 1. For witnesses. A magistrate in a criminal action before him or her, and the  
872 clerk of court in any criminal action pending therein, shall issue blank  
873 subpoenas for witnesses, signed by him or her, with the seal of the court if by  
874 the clerk, and deliver as many of them as requested to the defendant or the  
875 defendant's attorney or the attorney for the state.

876 2. For production of documents—duces tecum. A subpoena may contain a  
877 clause directing the witness to bring with him or her any book, writing, or other  
878 thing under the witness' control which he or she is bound by law to produce as  
879 evidence. The court on motion may quash or modify the subpoena if compliance  
880 would be unreasonable or oppressive.

881 3. Service. A subpoena may be served in any part of the state. It may be  
882 served by any adult person. A peace officer making service in a criminal case  
883 must serve without delay in his or her county, city, or town any subpoena  
884 delivered to him for service and make a written return stating the time, place,  
885 and manner of service. When service is made by other than a peace officer,  
886 proof thereof shall be by affidavit. Service is made by showing the original to the  
887 witness and delivering a copy to him or her. If a witness conceals himself or  
888 herself to avoid service of a subpoena, the officer may break open doors or  
889 windows for the purpose of making service.

890 4. Depositions. An order to take a deposition authorizes the clerk of the court  
891 for the county in which the deposition is to be taken to issue subpoenas for the  
892 persons named or described therein.

893 5. Sanctions for refusing to appear or testify. Disobedience to a subpoena, or  
894 refusal to be sworn or to answer as a witness, may be punished by the court or  
895 magistrate as a contempt. The attendance of a witness who so fails to appear  
896 may be coerced by warrant.

897 **Rule 15. Pretrial conference.**

898 1. When held. Where a plea of other than guilty to an indictment or trial  
899 information is entered on behalf of the defendant, the court may order all  
900 parties to the action to appear before it for a conference to consider such  
901 matters as will promote a fair and expeditious trial.

902 2. Discussions and record. The conference may explore such matters as  
903 amendment of pleadings, agreement to the introduction into evidence of  
904 photographs or other exhibits to which there is no objection, submission of  
905 requested jury instructions, and any other matters appropriate for discussion  
906 which may aid and expedite trial of the case.

907 3. Stipulations and orders. The court shall make an order reciting any action  
908 taken at the conference which will control the subsequent course of the action  
909 relative to matters it includes, unless modified to prevent manifest injustice. A  
910 stipulation entered into at such conference shall bind the defendant at trial, on  
911 appeal, or in a post-conviction proceeding only if signed by both the defendant  
912 and the defendant's attorney and filed with the clerk.

913 **Rule 16. Trial by jury or court.**

914 1. Trial by court allowed. Cases required to be tried by jury shall be so tried  
915 unless the defendant waives a jury trial in writing.



916 2. Findings. In a case tried without a jury the court shall make a general  
917 finding. Where requested by any party before or during trial, the court shall find  
918 the facts specially and in writing, separately stating its conclusions of law and  
919 directing an appropriate judgment. A request for findings is not a condition  
920 precedent for review of the judgment.

921 **Rule 17. Juries.**

922 1. Rules for drawing. The rules for drawing the jury shall be the same as those  
923 provided in civil procedure.

924 2. Completion of panel. If for any reason the regular panel is exhausted  
925 without a jury being selected, it shall be completed in the manner provided in  
926 the chapters upon selecting, drawing, and summoning juries.

927 3. Challenges to the panel. All the provisions of law relating to challenges to  
928 the panel of trial jurors in civil procedure, the grounds therefor, the manner of  
929 exercising the same, and the effect thereof, shall apply to the panel of trial jurors  
930 in criminal cases.

931 4. Challenges to individual juror. A challenge to an individual juror is an  
932 objection which may be taken orally, and is either for cause or peremptory.

933 5. Challenges for cause. A challenge for cause may be made by the state or  
934 defendant, and must distinctly specify the facts constituting the causes thereof.  
935 It may be made for any of the following causes:

936 a. A previous conviction of the juror of a felony.

937 b. A want of any of the qualifications prescribed by statute to render a person  
938 a competent juror.

939 c. Unsoundness of mind, or such defects in the faculties of the mind or the  
940 organs of the body as render the juror incapable of performing the duties of a  
941 juror.

942 d. Affinity or consanguinity, within the fourth degree, to the person alleged to  
943 be injured by the offense charged, or on whose preliminary information, or at  
944 whose instance, the prosecution was instituted, or to the defendant, to be  
945 computed according to the rule of the civil law.

946 e. Standing in the relation of guardian and ward, attorney and client,  
947 employer and employee, or landlord and tenant, or being a member of the  
948 family of the defendant, or of the person alleged to be injured by the offense  
949 charged, or on whose preliminary information, or at whose instance, the  
950 prosecution was instituted, or in his or her employ on wages.

951 f. Being a party adverse to the defendant in a civil action, or having been the  
952 prosecutor against or accused by the defendant in a criminal prosecution.

953 g. Having served on the grand jury which found the indictment.

954 h. Having served on a trial jury which has tried another defendant for the  
955 offense charged in the indictment.

956 i. Having been on a jury formerly sworn to try the same indictment and  
957 whose verdict was set aside, or which was discharged without a verdict after the  
958 cause was submitted to it.

959 j. Having served as a juror, in a civil action brought against the defendant, for  
960 the act charged as an offense.

961 k. Having formed or expressed such an opinion as to the guilt or innocence of  
962 the prisoner as would prevent the juror from rendering a true verdict upon the  
963 evidence submitted on the trial.

964 l. Because of the juror being bail for any defendant in the indictment.

965 m. Because the juror is defendant in a similar indictment, or complainant or  
966 private prosecutor against the defendant or any other person indicted for a  
967 similar offense.

968 n. Because the juror is, or within a year preceding has been, engaged or  
969 interested in carrying on any business, calling, or employment, the carrying on  
970 of which is a violation of law, where the defendant is indicted for a like offense.

971 o. Because the juror has been a witness, either for or against the defendant, on  
972 the preliminary hearing or before the grand jury.

973 p. Having requested, directly or indirectly, that his or her name be returned as  
974 a juror for the regular biennial period.

975 6. Examination of jurors. Upon examination the jurors shall be sworn. If an  
976 individual juror is challenged, the juror may be examined as a witness to prove  
977 or disprove the challenge, and must answer every question pertinent to the  
978 inquiry thereon, but the juror's answer shall not afterwards be testimony against  
979 him or her. Other witnesses may also be examined on either side. The rules of  
980 evidence applicable to the trial of other issues shall govern the admission or  
981 exclusion of testimony on the trial of the challenge, and the court shall  
982 determine the law and the fact, and must allow or disallow the challenge.

983 7. Order of challenges for cause. The state shall first complete its challenge for  
984 cause, and the defendant afterwards, until sixteen jurors have been obtained  
985 against whom no cause of challenge has been found to exist.

986 8. Order of challenges in general. The challenges of either party need not be  
987 all taken at once, but separately, in the following order, including in each  
988 challenge all the causes of challenge belonging to the same class: To the panel;  
989 to an individual juror for cause; to an individual juror peremptorily.

990 9. Peremptory challenges. Peremptory challenges shall be exercised in the  
991 same manner as is provided in the trial of civil actions.

992 10. Peremptory challenges—number. If the offense charged in the indictment  
993 or information is or may be punishable with imprisonment for life, the state and  
994 defendant shall each have the right to peremptorily challenge eight jurors and  
995 shall strike two jurors.

996 If the offense charged be a felony, the state and the defendant shall each have  
997 the right to peremptorily challenge four jurors and shall strike two jurors.

998 If the offense charged be a misdemeanor, the state and the defendant shall  
999 each have the right to peremptorily challenge two jurors and shall strike two  
1000 jurors.

1001 11. Multiple charges. If the indictment charges different offenses in different  
1002 counts, the state and the defendant shall each have that number of peremptory  
1003 challenges which they would have if the highest grade of offense charged in the  
1004 indictment were the only charge.

1005 12. Multiple defendants. In a case where more than one defendant is tried,  
1006 each defendant shall have one-half the number of challenges allowed in  
1007 subdivision eleven (11) of this rule. The state shall be limited to the challenges  
1008 and strikes specified in subdivision eleven (11). The defendants collectively shall  
1009 be limited to two strikes.

1010 13. Clerk to prepare list—procedure. The clerk shall prepare a list of jurors  
1011 called; and, after all challenges for cause are exhausted or waived, the parties,  
1012 commencing with the state, shall alternately challenge peremptorily or waive by  
1013 indicating any such challenge upon the list opposite the name of the juror  
1014 challenged, or by indicating the number of waiver elsewhere on the list.

1015 14. Vacancy filled. After each challenge, sustained for cause, or made  
1016 peremptorily as indicated on the list, another juror shall be called and examined  
1017 for challenge for cause before a further challenge is made; and any new juror  
1018 thus called may be challenged for cause and shall be subject to peremptory  
1019 challenge or to being struck from the list as other jurors.

1020 15. Reading of names. After all challenges have thus been exercised or waived  
1021 and four jurors have been struck from the list the clerk shall read the names of  
1022 the twelve jurors remaining who shall constitute the jury selected.

1023 16. Jurors sworn. When twelve jurors are accepted they shall be sworn to try  
1024 the issues.

1025 17. Alternate jurors. The court may impanel one or more alternate jurors  
1026 whose qualifications, powers, functions, facilities, and privileges shall be the  
1027 same as regular jurors. After the regular jury is selected, the clerk shall draw the

1028 names of three more persons if one alternate juror is desired, or four more  
1029 persons if two alternate jurors are desired, and so on in like proportion, who are  
1030 to serve under this rule, who shall be sworn and subject to examination and  
1031 challenge for cause as provided in this rule. Each party must then strike off one  
1032 such name, and the one or two or appropriate number remaining shall be sworn  
1033 to try the case with the regular jury, and sit at the trial. Alternate jurors shall, in  
1034 the order they were drawn, replace any juror who becomes unable to act, or is  
1035 disqualified, before the jury retires, and if not so needed shall then be  
1036 discharged.

1037 **Rule 18. Trial.**

1038 1. Order of trial and arguments.

1039 a. Order of trial. The jury having been impaneled and sworn, the trial must  
1040 proceed in the following order:

1041 (1) Reading indictment and plea. The clerk or prosecuting attorney must read  
1042 the indictment or the supplemental indictment as required under the provision  
1043 of the Code, and state the defendant's plea to the jury.

1044 (2) Statement of state's evidence. The prosecuting attorney may briefly state  
1045 the evidence by which he or she expects to sustain the indictment.

1046 (3) Statement of defendant's evidence. The attorney for the defendant may  
1047 then briefly state his or her defense, or the attorney for the defendant may waive  
1048 the making of such statement; the attorney for the defendant may reserve the  
1049 right to make such statement to a time immediately prior to presentation of  
1050 defendant's evidence.

1051 (4) Offer of state's evidence. The state may then offer the evidence in support  
1052 of the indictment.

1053 (5) Offer of defendant's evidence. The defendant or the defendant's counsel  
1054 may then offer evidence in support of his or her defense.

1055 (6) Rebutting or additional evidence. The parties may then, respectively, offer  
1056 rebutting evidence only, unless the court, for good reasons, in furtherance of  
1057 justice, permit them to offer evidence upon their original case.

1058 b. Order of argument—arguments. When the evidence is concluded, unless the  
1059 case is submitted to the jury on both sides without argument, the prosecuting  
1060 attorney must commence, the defendant follow by one or two counsel, at the  
1061 defendant's option, unless the court permits the defendant to be heard by a  
1062 larger number, and the prosecuting attorney conclude, confining himself to a  
1063 response to the arguments of the defendant's counsel. Where two or more  
1064 defendants are on trial for the same offense, they may be heard by one counsel  
1065 each.

1066 2. Advance notice of evidence supporting indictments or informations. The  
1067 prosecuting attorney, in offering trial evidence in support of an indictment, shall  
1068 not be permitted to introduce any witness the minutes of whose testimony was  
1069 not presented with the indictment to the court; in the case of informations, a  
1070 witness may testify in support thereof if the witness' identity and a minute of the  
1071 witness' evidence has been given pursuant to these rules. However, these  
1072 provisions are subject to the following exception: Additional witnesses may be  
1073 presented by the prosecuting attorney if he or she has given the defendant's  
1074 attorney of record, or the defendant if he or she has no attorney, a minute of  
1075 such witness' testimony, at least seven days before the commencement of the  
1076 trial.

1077 3. Failure to give notice. Whenever the prosecuting attorney desires to  
1078 introduce evidence to support the indictment, of which he or she shall not have  
1079 given seven days' notice because of insufficient time therefor since the  
1080 prosecutor learned said evidence could be obtained, the prosecutor may move  
1081 the court for leave to introduce such evidence, giving the same particulars as in  
1082 the former case, and showing diligence, supported by affidavit. Except where the  
1083 evidence goes to merely formal matters, if the court sustains said motion, the  
1084 defendant shall elect whether said cause shall be continued on his motion, or the

1085 witness shall then testify. If said defendant shall not elect to have said cause  
1086 continued, the prosecuting attorney may examine said witness in the same  
1087 manner and with the same effect as though seven days' notice had been given  
1088 defendant or the defendant's attorney as hereinbefore provided, except the  
1089 prosecuting attorney, in the examination of witnesses, shall be strictly confined  
1090 to the matters set out in his or her motion.

1091 4. Reporting of trial. All the provisions relating to mode and manner of the  
1092 trial of civil actions, report thereof, translation of the shorthand reporter's notes,  
1093 the making of such reports and translation of the record, and in all other  
1094 respects, apply to the trial of criminal actions.

1095 5. The jury upon trial.

1096 a. View.

1097 (1) When taken. When the court is of the opinion that it is proper, the jury  
1098 should view the place in which the offense is charged to have been committed,  
1099 or in which any other material fact occurred. It may order the jury to be  
1100 conducted in a body, in the custody of proper officers, to the place, which shall  
1101 be shown them by a person appointed by the court for that purpose.

1102 (2) Attending officers. The officers must be sworn to suffer no person to speak  
1103 to or communicate with the jury on any subject connected with the trial, or to  
1104 do so themselves, except the person appointed by the court for that purpose, and  
1105 that only to show the place to be viewed, and to return them into court without  
1106 unnecessary delay at a specified time.

1107 b. Juror may not be witness. A member of the jury may not testify as a  
1108 witness in the trial of the case in which he or she is sitting as a juror. If the juror  
1109 is called to testify, the opposing party shall be afforded an opportunity to object  
1110 out of the presence of the jury.

1111 c. Alternate jurors; separation and deliberation of jurors. The court may  
1112 impanel alternate jurors, which may replace jurors originally selected, in the  
1113 manner provided in civil cases. The jurors shall be kept together unless the court  
1114 permits the jurors to separate as in civil cases; and the officers having charge of  
1115 the jury shall suffer no person to communicate with them except as provided for  
1116 in civil cases.

1117 d. Admonition to jurors. The jury, whether permitted to separate or kept  
1118 together in charge of sworn officers, must be admonished by the court that it is  
1119 their duty not to permit any person to speak to or communicate with them on  
1120 any subject connected with the trial, and that any and all attempts to do so  
1121 should be immediately reported by them to the court, and that they should not  
1122 converse among themselves on any subject connected with the trial, or form or  
1123 express an opinion thereon, until the cause is finally submitted to them. Said  
1124 admonition must be given or referred to by the court at each adjournment  
1125 during the progress of the trial previous to the final submission of the cause to  
1126 the jury.

1127 e. Notes taken by jurors during trial; exhibits used during deliberations. Notes  
1128 may be taken by jurors during the testimony of witnesses. All jurors shall have  
1129 an equal opportunity to take notes. The court shall instruct the jury to mutilate  
1130 and destroy any notes taken during the trial at the completion of the jury's  
1131 deliberation. Upon retiring for deliberations the jury may take with it all papers  
1132 and exhibits which have been received in evidence, and the court's instructions.  
1133 Provided, however, the jury shall not take with it depositions, nor shall it take  
1134 original public records and private documents as ought not, in the opinion of the  
1135 court, to be taken from the person having them in possession.

1136 f. Instructions. Upon the conclusion of the arguments, the court shall charge  
1137 the jury in writing, without oral explanation or qualification, stating the law of  
1138 the case. The rules relating to the instruction of juries in civil cases shall be  
1139 applicable to the trial of criminal prosecutions. After hearing the charge, the jury  
1140 may either decide in court or retire for deliberation.

1141 g. Report for information. After the jury has retired for deliberation, if there  
1142 be any disagreement as to any part of the testimony, or if it desires to be  
1143 informed on any point of law arising in the cause, it must require the officer to  
1144 conduct it into court, and, upon its being brought in, the information required  
1145 may be given, in the discretion of the trial court. Where further information as  
1146 to the testimony which was given at trial is taken by the jury, this shall be  
1147 accomplished by the court reporter or other appropriate official reading from  
1148 the reporter's notes. Where the court gives the jury additional instructions, this  
1149 shall appear of record. Provided, that the procedures described in this section  
1150 shall take place in the presence of counsel for the defense and prosecution, or  
1151 after oral notice to the county attorney and defendant's counsel and provision of  
1152 an opportunity to same to be present.

1153 h. Separation of jurors. On final submission, the jury shall retire for  
1154 deliberation, and be kept together in charge of an officer until they agree on a  
1155 verdict or are discharged by the court, unless the court permits the jurors to  
1156 separate temporarily overnight, on weekends or holidays, or in emergencies.  
1157 During their deliberations, the officer in charge must not suffer any  
1158 communication to be made to them, nor make any himself or herself, except to  
1159 ask them if they have agreed on a verdict, unless by order of court; nor  
1160 communicate to any person the state of their deliberations, or the verdict agreed  
1161 upon before it is rendered.

1162 6. Retrial of defendants when original jury is discharged, and in other cases.

1163 a. Illness of jurors and other cases. The court may discharge a jury because of  
1164 any accident or calamity requiring it, or by consent of all parties, or when on an  
1165 amendment a continuance is ordered, or if they have deliberated until it  
1166 satisfactorily appears that they cannot agree. The case shall be retried  
1167 immediately or at a future time, as the court directs.

1168 b. Lack of jurisdiction; no offense charged. The court may also discharge the  
1169 jury where it appears that it has no jurisdiction of the offense, or that the facts  
1170 as charged in the indictment do not constitute an offense punishable by law.

1171 c. Crime committed in another state. If the jury be discharged because the  
1172 court has not jurisdiction of the offense charged in the indictment, the offense  
1173 being committed out of the jurisdiction of this state, the defendant must be  
1174 discharged, or ordered to be retained in custody a reasonable time until the  
1175 prosecuting attorney shall have a reasonable opportunity to inform the chief  
1176 executive of the state in which the offense was committed of the facts, and for  
1177 said officer to require the delivery of the offender.

1178 d. No offense charged—resubmission. If the jury be discharged because the  
1179 facts set forth do not constitute an offense punishable by law, the court must  
1180 order the defendant discharged and his or her bail, if any, exonerated, or, if the  
1181 defendant has deposited money instead of bail, that the money deposited be  
1182 refunded, or that any conditions upon the defendant's release from custody be  
1183 discharged. If in the court's opinion a new indictment can be framed upon  
1184 which the defendant can be legally convicted, the court may direct that the case  
1185 be submitted to the same or another grand jury.

1186 7. The trial judge.

1187 a. Competency of judge as witness. The judge presiding at the trial shall not  
1188 testify in that trial as a witness. If the judge is called to testify, no objection need  
1189 be made in order to preserve the point.

1190 b. Disability of trial judge.

1191 (1) During trial. If by reason of death, sickness or other disability the judge  
1192 before whom a jury trial has commenced is unable to proceed with the trial, any  
1193 other judge regularly sitting in or assigned to the court, upon certifying that he  
1194 or she has familiarized himself or herself with the record of the trial, may  
1195 proceed with and finish the trial.

1196 (2) After verdict or finding of guilt. If by reason of absence, death, sickness or  
1197 other disability the judge before whom the defendant has been tried is unable to  
1198 perform the duties to be performed by the court after a verdict or finding of  
1199 guilty, any other judge regularly sitting in or assigned to the court may perform  
1200 those duties; but if such other judge is satisfied that he or she cannot perform  
1201 those duties because he or she did not preside at the trial or for any other  
1202 reason, he or she may in his or her discretion grant a new trial.

1203 c. Adjournments declared by trial court. While the jury is absent, the court  
1204 may adjourn from time to time as to other business, but it shall be nevertheless  
1205 deemed open for every purpose connected with the cause submitted to the jury  
1206 until a verdict is rendered or the jury is discharged.

1207 8. Motion for judgment of acquittal.

1208 a. Motion before submission to jury. The court on motion of a defendant or  
1209 of its own motion shall order the entry of judgment of acquittal of one or more  
1210 offenses charged in the indictment after the evidence on either side is closed if  
1211 the evidence is insufficient to sustain a conviction of such offense or offenses. If  
1212 a defendant's motion for judgment of acquittal at the close of the evidence  
1213 offered by the prosecuting attorney is not granted, the defendant may offer  
1214 evidence without having waived his or her right to rely on such motion.

1215 b. Reservation of decision on motion. If a motion for judgment of acquittal is  
1216 made at the close of all the evidence, the court may reserve decision on the  
1217 motion, submit the case to the jury and decide the motion either before the jury  
1218 returns a verdict or after it returns a verdict or is discharged without having  
1219 returned a verdict.

1220 9. Trial of questions involving prior convictions. After conviction of the  
1221 primary or current offense, but prior to pronouncement of sentence, if the  
1222 indictment or information alleges one or more prior convictions which by the  
1223 Code subjects the offender to an increased sentence, the offender shall have the  
1224 opportunity in open court to affirm or deny that he or she is identical with the  
1225 person previously convicted, or that he or she was not represented by counsel. If  
1226 the offender denies he or she is the person previously convicted, sentence shall  
1227 be postponed for such time as to permit a trial before a jury on the issue of the  
1228 offender's identity with the person previously convicted. Other objections shall  
1229 be heard and determined by the court, and these other objections shall be  
1230 asserted prior to trial of the substantive offense in the manner presented in rule  
1231 ten (10). On the issue of identity, the court may in its discretion reconvene the  
1232 jury which heard the current offense or dismiss that jury and submit the issue to  
1233 another jury to be later impaneled. If the offender is found by the jury to be the  
1234 person previously convicted, or if the offender acknowledged that he or she is  
1235 such person, the offender shall be sentenced as prescribed in the Code.

1236 **Rule 19. Witnesses.**

1237 1. Competency of witnesses; cross-examination of the accused. The rules for  
1238 determining the competency of witnesses in civil actions are, so far as they are in  
1239 their nature applicable, extended also to criminal actions and proceedings,  
1240 except as otherwise provided. A defendant in a criminal action or proceeding  
1241 shall be a competent witness in his or her own behalf, but cannot be called by  
1242 the state. If the defendant offers himself or herself as a witness, the defendant  
1243 may be cross-examined as an ordinary witness, but the state shall be strictly  
1244 confined therein to the matters testified to in the examination in chief.

1245 2. Compelling attendance of witnesses from without the state to proceedings  
1246 in Iowa. The presence and testimony of a witness located outside the state may  
1247 be secured through the uniform act to secure witnesses from without the state set  
1248 forth in division nineteen (XIX) of this chapter.

1249 3. Immunity.

1250 a. Before any witness shall be compelled to answer or to produce evidence in  
1251 any judicial proceeding after having asserted that such answer or evidence would  
1252 tend to render him or her criminally liable, incriminate him or her or violate his

1253 or her right to remain silent, the witness must knowingly waive his right or:

1254 (1) A county attorney or the attorney general must file with a district court  
1255 judge or district associate judge a verified application setting forth that:

1256 The testimony of the witness, or the production of documents or other  
1257 evidence in the possession of such witness, or both, is necessary and material;  
1258 and

1259 The witness has refused to testify, or to produce documents or other evidence,  
1260 or both, upon the ground that such testimony or evidence would tend to  
1261 incriminate him or her; and

1262 It is the considered judgment of the county attorney or attorney general that  
1263 justice and the public interest require the testimony, documents or evidence in  
1264 question.

1265 (2) The application, transcripts and orders required by this subsection shall be  
1266 filed as a separate case in the criminal docket entitled "In the matter of the  
1267 testimony of (Name of witness)" and shall be indexed in the criminal index  
1268 under the name of the witness. Any testimony given in support of the  
1269 application for immunity shall be reported and a transcript of the testimony  
1270 shall be filed with the application.

1271 (3) Upon consideration of such application the judge shall enter an order  
1272 granting the witness immunity to prosecution for any crime or public offense  
1273 concerning which the witness was compelled to give competent and relevant  
1274 testimony or to produce competent and relevant evidence.

1275 (4) Testimony, documents or evidence which has been given by a witness  
1276 granted immunity shall not be used against the witness in any trial or  
1277 proceeding, or subject the witness to any penalty or forfeiture; provided, that  
1278 such immunity shall not apply to any prosecution or proceeding for a perjury or  
1279 a contempt of court committed in the course of or during the giving of such  
1280 testimony.

1281 b. A complete verbatim transcript of testimony given pursuant to an order of  
1282 immunity shall be made and filed with the application and the order of court.  
1283 The application, order granting immunity and all transcripts filed shall be sealed  
1284 upon motion of the defendant, county attorney, or attorney general and shall be  
1285 opened only by order of the court. This section shall not bar the use of the  
1286 transcript as evidence in any proceeding except the transcript shall not be used  
1287 in any proceeding against the witness himself.

1288 c. Whoever shall refuse to testify or to produce evidence after having been  
1289 granted immunity as aforesaid shall be subject to punishment for contempt of  
1290 court as in the case of any witness who refuses to testify, a claim to privilege  
1291 against self-incrimination notwithstanding.

1292 4. Witnesses for indigents. Counsel for a defendant who is financially unable  
1293 to obtain expert or other witnesses necessary to an adequate defense of the case  
1294 may request compensation in a written application. Upon finding, after  
1295 appropriate inquiry, that the services are necessary and that the defendant is  
1296 financially unable to provide compensation, the court shall authorize counsel to  
1297 obtain such witnesses on behalf of the defendant. The court shall determine  
1298 reasonable compensation for the services and direct payment to the person who  
1299 rendered them pursuant to division fifteen (XV) of this chapter.

1300 **Rule 20. Evidence.**

1301 1. Rules. The rules of evidence prescribed in civil procedure shall apply to  
1302 criminal proceedings as far as applicable and not inconsistent with the  
1303 provisions of this rule.

1304 2. Questions of law and fact. Upon jury trial of a criminal case, questions of  
1305 law are to be decided by the court, saving the right of the defendant and state to  
1306 object; questions of fact are to be tried by jury.

1307 3. Corroboration of accomplice or person solicited. A conviction cannot be  
1308 had upon the testimony of an accomplice or a solicited person, unless  
1309 corroborated by other evidence which shall tend to connect the defendant with

1310 the commission of the offense; and the corroboration is not sufficient if it  
1311 merely shows the commission of the offense or the circumstances thereof.

1312 4. Confession of defendant. The confession of the defendant, unless made in  
1313 open court, will not warrant a conviction, unless accompanied with other proof  
1314 that the defendant committed the offense.

1315 5. Prior inconsistent statement under oath. Evidence of a statement made  
1316 under oath or affirmation by a witness is admissible if this prior statement is  
1317 inconsistent with his testimony at a trial or hearing, and the witness is given an  
1318 opportunity to explain or to deny the statement.

1319 6. Evidence of past sexual conduct in trials of sexual abuse. In prosecutions  
1320 for the crime of sexual abuse, evidence of the prosecuting witness' previous  
1321 sexual conduct shall not be admitted, nor reference made thereto in the presence  
1322 of the jury, except as provided herein. Evidence of the prosecuting witness'  
1323 previous sexual conduct shall be admissible if the defendant shall make  
1324 application to the court before or during the trial.

1325 The court shall conduct a hearing in camera as to the relevancy of such  
1326 evidence of previous sexual conduct, and shall limit the questioning and control  
1327 the admission and exclusion of evidence upon trial.

1328 In no event shall such evidence of previous sexual conduct of the prosecuting  
1329 witness committed more than one year prior to the date of the alleged crime be  
1330 admissible upon the trial, except previous sexual conduct with the defendant.  
1331 Nothing in this section shall limit the right of either the state or the accused to  
1332 impeach credibility by the showing of prior felony convictions.

1333 **Rule 21. Verdict.**

1334 1. Form of verdicts. In open court the jury must render a verdict of "guilty",  
1335 which imports a conviction, or "not guilty" or "not guilty by reason of insanity"  
1336 which imports acquittal, on the material allegations in the charge; however,  
1337 upon a plea of former conviction or acquittal of the same offense, it shall be "for  
1338 the state" or "for the defendant". The jury shall return a verdict determining the  
1339 degree of guilt in cases submitted to determine the grade of the offense.

1340 2. Answers to interrogatories. It must also return with the general verdict  
1341 answers to special interrogatories submitted by the court upon its own motion,  
1342 or at the request of the defendant in prosecutions where the defense is an  
1343 affirmative one, or it is claimed any witness is an accomplice, or there has been  
1344 a failure to corroborate where corroboration is required.

1345 3. Finding offense of different degree; included offenses. Upon trial of an  
1346 offense consisting of different degrees, the jury may find the defendant not  
1347 guilty of the degree charged in the indictment or information, and guilty of any  
1348 degree inferior thereto, or of an attempt to commit the offense when such  
1349 attempt is prohibited by law. In all cases, the defendant may be found guilty of  
1350 any offense the commission of which is necessarily included in that with which  
1351 the defendant is charged

1352 4. Several defendants. On an indictment or information against several  
1353 defendants, if the jury cannot agree upon a verdict as to all, it may render a  
1354 verdict as to those in regard to whom it does agree, on which a judgment shall  
1355 be entered accordingly, and the case as to the rest may be tried by another jury.  
1356 Upon an indictment or information against several defendants, any one or more  
1357 may be convicted or acquitted.

1358 5. Return of jury; reading and entry of verdict; unanimous verdict. The jury,  
1359 agreeing on a verdict unanimously, shall bring the verdict into court, where it  
1360 shall be read to them, and inquiry made if it is their verdict. A party may then  
1361 require a poll asking each juror if it is his or her verdict. If any juror express  
1362 disagreement on such poll or inquiry, the jury shall be sent out for further  
1363 deliberation; otherwise, the verdict is complete and the jury shall be discharged.  
1364 When the verdict is given and is such as the court may receive, the clerk may  
1365 enter it in full upon the record.



1366 6. Verdict insufficient; reconsideration; informal verdict. If the jury renders a  
1367 verdict which is in none of the forms specified in this rule, or a verdict of guilty  
1368 in which it appears to the court that the jury was mistaken as to the law, the  
1369 court may direct the jury to reconsider it, and it shall not be recorded until it is  
1370 rendered in some form from which the intent of the jury can be clearly  
1371 understood. If the jury persists in finding an informal verdict, from which,  
1372 however, it can be understood that the intention is to find for the defendant  
1373 upon the issue, it shall be entered in the terms in which it is found, and the court  
1374 must give judgment of acquittal.

1375 7. Defendant discharged on acquittal. If judgment of acquittal is given on a  
1376 general verdict of not guilty, and the defendant is not detained for any other  
1377 legal cause, the defendant must be discharged as soon as the judgment is given.

1378 8. Acquittal on ground of mental illness; commitment. If the defense is mental  
1379 illness of the defendant, the jury must be instructed, if it acquits the defendant  
1380 on that ground, to state that fact in its verdict. Upon hearing, the court may  
1381 thereupon, if the defendant is found to be dangerous to the public peace and  
1382 safety, order the defendant committed to one of the mental health institutes or  
1383 the Iowa security medical facility, or retained in custody, until he or she  
1384 demonstrates good mental health and is considered no longer dangerous to the  
1385 public peace and safety or to himself.

1386 9. Proof necessary to sustain verdict of guilty.

1387 a. Reasonable doubt. Where there is a reasonable doubt of the defendant  
1388 being proven to be guilty, the defendant is entitled to an acquittal.

1389 b. Reasonable doubt as to degree. Where there is a reasonable doubt of the  
1390 degree of the offense of which the defendant is proved to be guilty, the  
1391 defendant shall only be convicted of the degree as to which there is no  
1392 reasonable doubt.

1393 **Rule 22. Judgment.**

1394 1. Entry of judgment of acquittal or conviction. Upon a verdict of not guilty  
1395 for the defendant, or special verdict upon which a judgment of acquittal must be  
1396 given, the court must render judgment of acquittal immediately. Upon a plea of  
1397 guilty, verdict of guilty, or a special verdict upon which a judgment of  
1398 conviction may be rendered, the court must fix a date for pronouncing  
1399 judgment, which must be within a reasonable time but not less than eight days  
1400 after the plea is entered or the verdict is rendered, unless defendant consents to  
1401 a shorter time.

1402 2. Forfeiture of bail; warrant of arrest. If the defendant has been released on  
1403 bail, or has deposited money instead thereof, and does not appear for judgment  
1404 when the defendant's personal appearance is necessary, the court, in addition to  
1405 the forfeiture of the undertaking of bail or money deposited, may make an order  
1406 directing the clerk, on the application of the county attorney at any time  
1407 thereafter, to issue a warrant into one or more counties for the defendant's  
1408 arrest, which may be substantially in the form illustrated in the appendix of  
1409 forms to these rules. The warrant may be served in any county in the state. The  
1410 officer must arrest the defendant and bring the defendant before the court, or  
1411 commit the defendant to the officer mentioned in the warrant.

1412 3. Imposition of sentence.

1413 a. Informing the defendant. When the defendant appears for judgment, he or  
1414 she must be informed by the court or the clerk under its direction, of the nature  
1415 of the indictment, his or her plea, and the verdict, if any thereon, and be asked  
1416 whether he or she has any legal cause to show why judgment should not be  
1417 pronounced against him.

1418 b. What may be shown for cause. The defendant may show for cause against  
1419 the judgment that he or she is insane, or any sufficient ground for a new trial, or  
1420 in arrest of judgment.

1421 c. Insanity. If the court is of the opinion that there is reasonable ground for  
1422 believing the defendant insane, the question of the defendant's insanity shall be  
1423 determined as provided in the Code, and if the defendant is found to be insane,  
1424 such proceedings shall be had as are herein directed.

1425 d. Judgment entered. If no sufficient cause is shown why judgment should not  
1426 be pronounced, and none appears to the court upon the record, judgment shall  
1427 be rendered. Prior to such rendition, counsel for the defendant, and the  
1428 defendant personally, shall be allowed to address the court where either wishes  
1429 to make a statement in mitigation of punishment. In every case the court shall  
1430 include in the judgment entry the number of the particular section of the Code  
1431 under which the defendant is sentenced.

1432 e. Notification of right to appeal. After imposing sentence in a case, the court  
1433 shall advise the defendant of his or her right to appeal as provided in rule fifteen  
1434 point one (15.1) of the rules of the supreme court.

1435 f. Clerical mistakes. Clerical mistakes in judgments, orders or other parts of  
1436 the record and errors in the record arising from oversight or omission may be  
1437 corrected by the court at any time and after such notice, if any, as the court  
1438 orders.

1439 g. Withdrawal of plea of guilty. At any time before judgment, the court may  
1440 permit the plea of guilty to be withdrawn and other plea or pleas substituted.

1441 **Rule 23. Motions after trial.**

1442 1. In general. Permissible motions after trial include motions for new trial,  
1443 motions in arrest of judgment, and motions to correct a sentence.

1444 2. New trial.

1445 a. Procedural steps in seeking or ordering new trial. The application for a new  
1446 trial can be made only by the defendant and shall be made before judgment, but  
1447 where based upon newly discovered evidence may be made after judgment as  
1448 well. After giving the parties notice and an opportunity to be heard on the  
1449 matter, the court may grant a motion for a new trial, timely served, for a reason  
1450 not stated in the motion. In any case the court shall specify in the order the  
1451 grounds therefor.

1452 b. Grounds.

1453 The court may grant a new trial for any or all of the following causes:

1454 (1) When the trial has been held in the absence of the defendant, in cases  
1455 where such presence is required by law, except as provided in rule twenty-five (25).

1456 (2) When the jury has received any evidence, paper or document out of court  
1457 not authorized by the court.

1458 (3) When the jury have separated without leave of court, after retiring to  
1459 deliberate upon their verdict, or have been guilty of any misconduct tending to  
1460 prevent a fair and just consideration of the case.

1461 (4) When the verdict has been decided by lot, or by means other than a fair  
1462 expression of opinion on the part of all jurors.

1463 (5) When the court has misdirected the jury in a material matter of law, or has  
1464 erred in the decision of any question of law during the course of the trial, or  
1465 when the prosecuting attorney has been guilty of prejudicial misconduct during  
1466 the trial thereof before a jury.

1467 (6) When the verdict is contrary to law or evidence.

1468 (7) When the court has refused properly to instruct the jury.

1469 (8) When the defendant has discovered important and material evidence in his  
1470 or her favor since the verdict, which the defendant could not with reasonable  
1471 diligence have discovered and produced at the trial. A motion based upon this  
1472 ground may be made within two years after final judgment, but such motion  
1473 may be considered thereafter upon a showing of good cause. When a motion for  
1474 a new trial is made upon the ground of newly discovered evidence, the  
1475 defendant must produce at the hearing, in support thereof, the affidavits of the  
1476 witnesses by whom such evidence is expected to be given, and if time is required  
1477 by the defendant to procure such affidavits, the court may postpone the hearing

1478 of the motion for such length of time as, under all circumstances of the case,  
1479 may be reasonable.

1480 (9) When from any other cause the defendant has not received a fair and  
1481 impartial trial.

1482 c. Trials without juries. On a motion for a new trial in an action tried without  
1483 a jury, the court may where appropriate, in lieu of granting a new trial, vacate  
1484 the judgment if entered, take additional testimony, amend findings of fact and  
1485 conclusions of law or make new findings and conclusions, and enter judgment  
1486 accordingly.

1487 d. Effect of a new trial. The granting of a new trial places the parties in the  
1488 same position as if no trial had been had; all the testimony must be produced  
1489 anew and the former verdict cannot be used or referred to either in evidence or  
1490 argument.

1491 e. Time of decision. A motion for new trial shall be heard and determined by  
1492 the court within thirty days from the date it is filed, except upon good cause  
1493 entered in the record.

1494 3. Arrest of judgment.

1495 a. Motion in arrest of judgment: definition and grounds. A motion in arrest of  
1496 judgment is an application by the defendant that no judgment be rendered on a  
1497 finding, plea, or verdict of guilty. Such motion shall be granted when upon the  
1498 whole record no legal judgment can be pronounced.

1499 b. Time of making motion by party. The motion must be made before the  
1500 judgment is pronounced, and shall be filed within six days after finding, plea, or  
1501 verdict of guilty.

1502 c. On motion of court. The court may also, upon its own observation of any  
1503 of these grounds, arrest the judgment on its own motion.

1504 d. Effect of order arresting judgment. The effect of an order arresting  
1505 judgment is to place the defendant in the same situation in which he or she was  
1506 immediately before the indictment was found or the information filed.

1507 e. Proceedings after order arresting judgment. If, from the evidence on the  
1508 trial, there is reasonable ground to believe the defendant guilty, and a new  
1509 indictment or information can be framed, the court may order the defendant to  
1510 be recommitted to the officer of the proper county, or admitted to bail or  
1511 otherwise released anew, to answer the new indictment. In such case the order  
1512 arresting judgment shall not be a bar to another prosecution. But if the evidence  
1513 upon trial appears to the trial court insufficient to charge the defendant with any  
1514 offense, the defendant must, if in custody, be released; or, if admitted to bail, his  
1515 or her bail be exonerated; or if money has been deposited instead of bail, it must  
1516 be refunded to the defendant or to the person or persons found by the court to  
1517 have deposited said money on behalf of said defendant.

1518 f. Time of decision. A motion in arrest of judgment shall be heard and  
1519 determined by the court within thirty days from the date it is filed, except upon  
1520 good cause entered in the record.

1521 4. General principles.

1522 a. Extensions. The time for filing motions for new trial or in arrest of  
1523 judgment may be extended to such further time as the court may fix during the  
1524 six-day period.

1525 b. Disposition. If the defendant moves for a new trial, or in arrest of  
1526 judgment, the court shall defer the judgment and proceed to hear and decide the  
1527 motions.

1528 c. Appeal. Appeal from an order granting or denying a motion for new trial or  
1529 in arrest of judgment may be taken by the state or the defendant. Where the  
1530 court has denied the motion for new trial or in arrest of judgment, or both,  
1531 appeal may be had only after judgment is pronounced.

1532 d. Custody pending appellate determination. Pending determination by the  
1533 supreme court of such appeal, the trial court shall determine whether the  
1534 defendant shall remain in custody, or whether, if in custody, the defendant

1535 should be released on bail or his or her own recognizance. Where the trial court  
1536 has arrested judgment and an appeal is taken by the state, and it further appears  
1537 to the trial court that there is no evidence sufficient to charge the defendant with  
1538 an offense, the defendant shall not be held in custody.

1539 e. Reinstatement of verdict. In the event the supreme court reverses the order  
1540 of the trial court arresting judgment or granting a new trial, it shall order that  
1541 the verdict be reinstated, unless the supreme court finds other errors, in which  
1542 event it may order that the verdict be set aside and a new trial be granted.

1543 5. Correction of sentence.

1544 a. Time when correction of sentence may be made. The court may correct an  
1545 illegal sentence at any time and may correct a sentence imposed in an illegal  
1546 manner within one hundred twenty days after receipt by the court of a mandate  
1547 issued upon affirmance of the judgment or dismissal of the appeal.

1548 b. Credit for time served. The defendant shall receive full credit for time spent  
1549 in custody under the sentence prior to correction or reduction.

1550 **Rule 24. Execution and stay thereof.**

1551 1. Mechanics of execution.

1552 a. Copy of judgment. When a judgment of confinement, either in the  
1553 penitentiary or county jail or other detention facility, is pronounced, an  
1554 execution, consisting of a certified copy of the entry of judgment must be  
1555 forthwith furnished to the officer whose duty it is to execute the same, who shall  
1556 proceed and execute it accordingly, and no other warrant or authority is  
1557 necessary to justify or require its execution.

1558 b. Execution and return within county; confinement. A judgment for  
1559 confinement to be executed in the county where the trial is had shall be executed  
1560 by the sheriff thereof, and return made upon the execution, which shall be  
1561 delivered to and filed by the clerk of said court.

1562 c. Executions outside county; confinement.

1563 (1) Under all other judgments for confinement, the sheriff shall deliver a  
1564 certified copy of the execution with the body of the defendant to the keeper of  
1565 the jail or penitentiary in which the defendant is to be confined in execution of  
1566 the judgment, and take his or her receipt therefor on a duplicate copy thereof,  
1567 which the sheriff must forthwith return to the clerk of the court in which the  
1568 judgment was rendered, with the sheriff's return thereon, and a minute of said  
1569 return shall be entered by the clerk as a part of the record of the proceedings in  
1570 the cause in which the execution issued.

1571 (2) When such defendant is discharged from custody, the jailer or warden of  
1572 the place of confinement shall make return of such fact to the proper court, and  
1573 an entry thereof shall be made by its clerk as is required in the first instance.

1574 d. Execution for fine.

1575 (1) Upon a judgment for a fine, an execution may be issued as upon a  
1576 judgment in a civil case, and return thereof shall be made in like manner.

1577 (2) Judgments for fines, in all criminal actions rendered, are liens upon the  
1578 real estate of the defendant, and shall be entered upon the lien index in the same  
1579 manner and with like effect as judgments in civil actions.

1580 e. Execution in other cases. When the judgment is for the abatement or  
1581 removal of a nuisance, or for anything other than confinement or payment of  
1582 money by the defendant, an execution consisting of a certified copy of the entry  
1583 of such judgment, delivered to the sheriff of the proper county, shall authorize  
1584 and require the sheriff to execute such judgement, and he or she shall return the  
1585 same, with the sheriff's doings under the same thereon endorsed, to the clerk of  
1586 the court in which the judgment was rendered, within a time specified by the  
1587 court but not exceeding seventy days after the date of the certificate of such  
1588 certified copy.

1589 f. Days in jail before trial credited. The defendant shall receive full credit for  
1590 time spent in custody on account of the offense for which he or she is convicted.

1591 2. Stay of execution.

1592 a. Confinement. A sentence of confinement shall be stayed if an appeal is  
1593 taken and the defendant is released pending disposition of appeal pursuant  
1594 division fourteen (XIV).

1595 b. Fine and other cases. The defendant may have a stay of execution for the  
1596 same length of time and in the same manner as provided by law in civil actions,  
1597 and with like effect, and the same proceedings may be had therein.

1598 c. Probation. An order placing the defendant on probation may be stayed if  
1599 an appeal is taken. If not stayed, the court shall specify when the term of  
1600 probation shall commence. If the order is stayed the court shall fix the terms of  
1601 the stay.

1602 **Rule 25. Presence of defendant; regulation of conduct by the court.**

1603 1. Felony or misdemeanor. In felony cases the defendant shall be present at  
1604 the arraignment, at the time of the plea, at every stage of the trial including the  
1605 impaneling of the jury and the return of the verdict, and at the imposition of  
1606 sentence, except as otherwise provided by this rule. In other cases the defendant  
1607 may appear by counsel.

1608 2. Continued presence not required. In all cases, the progress of the trial or  
1609 any other proceeding shall not be prevented whenever a defendant, initially  
1610 present, does one of the following:

1611 a. Voluntarily absents himself or herself after the trial or other proceeding has  
1612 commenced.

1613 b. Engages in conduct which is such as to justify the defendant being excluded  
1614 from the courtroom.

1615 3. Presence not required. A defendant need not be present in the following  
1616 situations:

1617 a. A corporation may appear by counsel for all purposes.

1618 b. The defendant's presence is not required at a reduction of sentence under  
1619 rule twenty-three (23).

1620 4. Regulation of conduct in the courtroom.

1621 a. The taking of photographs in the courtroom during the progress of judicial  
1622 proceedings or radio broadcasting or televising of judicial proceedings from the  
1623 courtroom shall not be permitted by the court, except for appropriate  
1624 noncommercial purposes upon agreement by the prosecutor and the written  
1625 consent of the defendant.

1626 b. When a defendant engages in conduct seriously disruptive of judicial  
1627 proceedings, one or more of the following steps may be employed to ensure  
1628 decorum in the courtroom:

1629 (1) Cite the defendant for contempt.

1630 (2) Take the defendant out of the courtroom until he or she promises to  
1631 conduct himself or herself properly.

1632 (3) Bind and gag the defendant, thereby keeping the defendant present.

1633 c. When a person who is present in the courtroom is supposed by a magistrate  
1634 to have upon his or her person a weapon, the magistrate or judge may direct  
1635 that such person be searched, and any weapon be retained subject to order of  
1636 the court.

1637 d. The magistrate may cause to have removed from the courtroom any person  
1638 whose exclusion is necessary to preserve the integrity or order of the  
1639 proceedings.

1640 **Rule 26. Right to assigned counsel.**

1641 1. Representation. Every defendant who is an indigent as defined in section  
1642 three hundred thirty-six A point four (336A.4) of the Code shall be entitled to  
1643 have counsel assigned to represent him or her at every stage of the proceedings  
1644 from the defendant's initial appearance before the magistrate or the court  
1645 through appeal, including probation and parole revocation hearings, unless the  
1646 defendant waives such appointment.

1647 2. Compensation. When counsel is assigned to represent an indigent  
1648 defendant, or to serve as standby counsel as provided in rule eight (8),  
1649 compensation shall be paid as directed in division fifteen (XV) of this chapter.

1650 **Rule 27. Dismissal of prosecutions; right to speedy trial.**

1651 1. Dismissal generally: Effect. The court, upon its own motion or the  
1652 application of the county attorney, in the furtherance of justice, may order the  
1653 dismissal of any pending criminal prosecution, the reasons therefor being stated  
1654 in the order and entered of record, and no such prosecution shall be  
1655 discontinued or abandoned in any other manner. Such a dismissal is a bar to  
1656 another prosecution for the same offense if it is a simple or serious  
1657 misdemeanor; but it is not a bar if the offense charged be a felony or an  
1658 aggravated misdemeanor.

1659 2. Speedy trial. It is the public policy of the state of Iowa that criminal  
1660 prosecutions be concluded at the earliest possible time consistent with a fair trial  
1661 to both parties. Applications for dismissals under this subsection may be made  
1662 by the county attorney or the defendant or by the court on its own motion.

1663 a. When a person is arrested for the commission of a public offense and an  
1664 indictment is not found against him within forty-five days, the court must order  
1665 the prosecution to be dismissed, unless good cause to the contrary is shown or  
1666 the defendant waives his right thereto.

1667 b. If a defendant indicted for a public offense has not waived his right to a  
1668 speedy trial he must be brought to trial within ninety days after indictment is  
1669 found or the court must order the indictment to be dismissed unless good cause  
1670 to the contrary be shown.

1671 c. All criminal cases must be brought to trial within one year after the  
1672 defendant's initial arraignment unless an extension is granted by the court, upon  
1673 a showing of good cause.

1674 d. If the court direct the prosecution to be dismissed, the defendant, if in  
1675 custody, must be discharged, or his bail, if any, exonerated, and if money has  
1676 been deposited instead of bail, it must be refunded to the defendant.

1677 **Rule 28. Motions and other papers.**

1678 1. Motions. An application to the court for an order shall be by motion. A  
1679 motion other than one made during a trial or hearing shall be in writing unless  
1680 the court permits it to be made orally. It shall state the grounds upon which it is  
1681 made and shall set forth the relief or order sought. It may be supported by  
1682 affidavit.

1683 2. Service of motions and papers. Service and filing of written motions, notices  
1684 and other similar papers shall be in the manner provided in civil actions.

1685 **Rule 29. Rules of court.**

1686 1. District court practice rules. Any rules made by courts governing local  
1687 practice therein shall be consistent with these rules and applicable statutes.

1688 2. Procedures not specified therein. If no procedure is specifically prescribed  
1689 by these rules or by statute, the court may proceed in any lawful manner not  
1690 inconsistent with same.

1691 **Rule 30. Forms.** The forms contained in the appendix of forms are  
1692 illustrative and not mandatory, and any particular instrument may be in more or  
1693 less the form illustrated.

1694 **Rule 31. Title.** These rules shall be known as the rules of criminal procedure.  
1695 (R.Cr.P.)

1696

APPENDIX OF FORMS

1697

(See Rule 30)

1698

FORM 1

1699

SEARCH WARRANT

1700 State of Iowa

1701 County of \_\_\_\_\_

1702 To any peace officer of the state:  
 1703 Proof having been this day made before me as provided by law that (here,  
 1704 with reasonable certainty and in accordance with the information and other  
 1705 proof obtained by the magistrate, designate the property, its location, the person  
 1706 in possession thereof, and the unlawful use or purpose to which it has been, or is  
 1707 being employed or held) and being satisfied that the foregoing recital relative to  
 1708 said property is probably true, now, therefore, you are commanded to make  
 1709 immediate search of (here state whether the search is of the person of a named  
 1710 person or of said premises, or of another designated thing) and if said property  
 1711 or any part thereof be found, you are commanded to bring said property  
 1712 forthwith before me at my office.

1713 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of  
 1714 \_\_\_\_\_,

1715 \_\_\_\_\_  
 1716 (official title)

1717 FORM 2  
 1718 ARREST WARRANT ON A COMPLAINT

1719 State of Iowa

1720 County of \_\_\_\_\_

1721 To any peace officer of the state:

1722 Complaint upon oath or affirmation having been this day filed with me,  
 1723 charging that the crime (naming it) has been committed and accusing A  
 1724 \_\_\_\_\_ B \_\_\_\_\_ thereof:

1725 You are commanded forthwith to arrest the said A \_\_\_\_\_  
 1726 B \_\_\_\_\_ and bring such person before me at (naming the  
 1727 place), or, in case of my absence or inability to act, before the nearest or most  
 1728 accessible magistrate in this county.

1729 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of  
 1730 \_\_\_\_\_,

1731 C \_\_\_\_\_ D \_\_\_\_\_  
 1732 (with official title)

1733 FORM 3  
 1734 ARREST WARRANT AFTER INDICTMENT OR INFORMATION

1735 State of Iowa

1736 County of \_\_\_\_\_

1737 To any peace officer in the state:

1738 An indictment (information) having been filed in the district court of said  
 1739 county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, (the day on which the  
 1740 indictment (information) is filed) charging A. B. with the crime of (here  
 1741 designate the offense by the number of the statutory provision and name of the  
 1742 offense if it have one, or by a brief general description of it, substantially as in  
 1743 the indictment).

1744 You are hereby commanded to arrest the said A. B. and bring such person  
 1745 before said court to answer said indictment.

1746 Signed this \_\_\_\_\_ day of \_\_\_\_\_,

1747 (Seal) \_\_\_\_\_  
 1748 Clerk or Judge

1749 By order of the judge of the court.

1750 There may be added to the above, "Let the defendant be admitted to bail in  
 1751 the amount of \_\_\_\_\_ dollars (or subject to other conditions endorsed on  
 1752 the warrant)."

1753 If the offense be a misdemeanor, the warrant may be in a similar form, adding  
 1754 to the body thereof a direction substantially to the following effect: "Or, if the  
 1755 said A. B. require it, that you take such person before a magistrate or the clerk  
 1756 of the district court in said county, or in the county in which you arrest such

1757 person, that such person may give bail to answer the said indictment", and the  
 1758 clerk may make an endorsement thereon to the following effect: "The defendant  
 1759 is to be admitted to bail in the sum of \_\_\_\_\_ dollars" (the amount fixed  
 1760 by the judge).

1761

## FORM 4

1762 ARREST WARRANT WHEN DEFENDANT FAILS TO APPEAR FOR SENTENCING

1763 State of Iowa

1764 County of \_\_\_\_\_

1765 To any peace officer in the state:

1766 A \_\_\_\_\_ B \_\_\_\_\_, having been  
 1767 duly convicted on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the district  
 1768 court of \_\_\_\_\_ County, of the crime of (here state the name of the  
 1769 offense and the statutory provision).

1770 You are hereby commanded to arrest the said A \_\_\_\_\_

1771 B \_\_\_\_\_ and bring such person before said court for judgment.

1772 Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

1773

1774

Clerk or Judge

1775

## FORM 5

1776

## BAIL BOND

1777 State of Iowa

1778 County of \_\_\_\_\_

1779 An indictment (or charge) having been found (or made) in the district court (or  
 1780 other appropriate court) of the county of \_\_\_\_\_ on the \_\_\_\_\_ day  
 1781 of \_\_\_\_\_, \_\_\_\_\_, charging A \_\_\_\_\_

1782 B \_\_\_\_\_ with the crime of  
 1783 \_\_\_\_\_ (designating it as in the warrant, indictment, or  
 1784 complaint), and such person having been duly admitted to bail in the sum of  
 1785 \_\_\_\_\_ dollars:

1786 We, A \_\_\_\_\_ B \_\_\_\_\_ and

1787 E \_\_\_\_\_ F \_\_\_\_\_, hereby undertake

1788 that the said A \_\_\_\_\_ B \_\_\_\_\_ shall

1789 appear at the \_\_\_\_\_ court of the county of \_\_\_\_\_, on the \_\_\_\_\_

1790 day of \_\_\_\_\_, \_\_\_\_\_, and answer the said indictment (or charge),

1791 and submit to the orders and judgment of said court, and not depart without

1792 leave of same, or, if such person fail to perform either of these conditions, that

1793 such person will pay to the State of Iowa the sum of \_\_\_\_\_ (inserting  
 1794 the sum in which the defendant is admitted to bail).

1795 A \_\_\_\_\_ B \_\_\_\_\_

1796 E \_\_\_\_\_ F \_\_\_\_\_

1797 Acknowledged before and accepted by me at \_\_\_\_\_, in the

1798 township of \_\_\_\_\_, in the county of \_\_\_\_\_ this \_\_\_\_\_

1799 day of \_\_\_\_\_, \_\_\_\_\_.

1800 G \_\_\_\_\_ H \_\_\_\_\_

1801 (with official title)

1802

## FORM 6

1803

## ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL

1804 State of Iowa

1805 County of \_\_\_\_\_

1806 To the sheriff of the County of \_\_\_\_\_:

1807 C \_\_\_\_\_ D \_\_\_\_\_, who is

1808 detained by you on commitment (or indictment or conviction, as the case may

1809 be) for the offense of (here designate it generally), having given sufficient bail to

1810 answer the same, you are commanded forthwith to discharge such person from

1811 custody.



1812 Dated at \_\_\_\_\_, in the township (town or city) of \_\_\_\_\_,  
 1813 in the county of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_,  
 1814 \_\_\_\_\_.

1815 K \_\_\_\_\_ L \_\_\_\_\_  
 1816 (with official title)

1817 FORM 7  
 1818 ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL: ANOTHER FORM  
 1819 (For endorsement on warrant or order of commitment)

1820 State of Iowa

1821 County of \_\_\_\_\_

1822 To the officer (naming the officer and the officer's title, thus  
 1823 A \_\_\_\_\_ B \_\_\_\_\_, Sheriff of  
 1824 \_\_\_\_\_ County) having in custody C \_\_\_\_\_  
 1825 D \_\_\_\_\_ (naming him):

1826 The defendant named in the within warrant of arrest (or order of  
 1827 commitment) now in your custody under the authority thereof for the offense  
 1828 therein designated, having given sufficient bail to answer the same by the  
 1829 undertaking herewith delivered to you, you are commanded forthwith to  
 1830 discharge such person from custody, and, without unnecessary delay, deliver this  
 1831 order, together with the said undertaking of bail, to  
 1832 \_\_\_\_\_ (name and address of the appropriate district  
 1833 court clerk, or the court or magistrate who issued the warrant).

1834 Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

1835 E \_\_\_\_\_ F \_\_\_\_\_  
 1836 (with official title)

1837 FORM 8  
 1838 TRIAL INFORMATION  
 1839 (also designated County Attorney's Information)  
 1840 IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY

1841 STATE OF IOWA

1842 vs. \_\_\_\_\_ INFORMATION

1843 A \_\_\_\_\_ B \_\_\_\_\_

1844 Comes now \_\_\_\_\_, as county attorney of \_\_\_\_\_  
 1845 County, State of Iowa, and in the name and by the authority of the State of  
 1846 Iowa accuses

1847 A \_\_\_\_\_ B \_\_\_\_\_ of the crime of (here insert the  
 1848 name of the offense, number of the statutory provision and whether felony  
 1849 or misdemeanor), committed as follows:

1850 The said A \_\_\_\_\_ B \_\_\_\_\_, on or  
 1851 about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (inserting the year) in the  
 1852 county of \_\_\_\_\_, and State of Iowa, did (here insert the acts or  
 1853 omissions constituting the offense).

1854 \_\_\_\_\_  
 1855 \_\_\_\_\_  
 1856 County Attorney

1857 State of Iowa

1858 County of \_\_\_\_\_ ss.

1859 I, \_\_\_\_\_, being first duly sworn, do depose and say,  
 1860 that I have made full and careful investigation of the facts upon which the above  
 1861 charge is based, and that the allegations contained in the above and foregoing  
 1862 information are true, as I verily believe.

1863 \_\_\_\_\_  
 1864 \_\_\_\_\_  
 1865 Subscribed and sworn to by \_\_\_\_\_ before me, the  
 1866 undersigned, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 1867 \_\_\_\_\_

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1923

\_\_\_\_\_  
(Here insert title of official  
before whom verification is  
made.)

Upon the information shall be endorsed the following:

(a) A true information

\_\_\_\_\_  
County Attorney

(b) Names of witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ being satisfied from the showing made herein that this cause should (or should not, as the case may be) be prosecuted by information, the same is approved (or disapproved and the charge is ordered submitted to the grand jury, as the case may be).

\_\_\_\_\_  
Judge of District Court  
court, this \_\_\_\_\_ day of

(d) This information duly filed in the district

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Clerk of the District Court  
of \_\_\_\_\_ County, State  
of Iowa)

By  
\_\_\_\_\_  
Deputy Clerk

(e) Bail is hereby fixed on the within information in the sum of \$ \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_  
(Here insert official title of  
judge or clerk, as case may  
be)

FORM 9

GENERAL INDICTMENT FORM

IN THE DISTRICT COURT OF IOWA IN AND FOR \_\_\_\_\_ COUNTY  
STATE OF IOWA

vs.

INDICTMENT

A \_\_\_\_\_ B \_\_\_\_\_

The grand jurors of the county of \_\_\_\_\_ accuse

A \_\_\_\_\_ B \_\_\_\_\_ of (here state the offense and whether felony or misdemeanor) in violation of (here state by number the statutory section violated) and charge that the said A \_\_\_\_\_

B \_\_\_\_\_ on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the county of \_\_\_\_\_ and State of Iowa, (here briefly insert any particulars of the offense, such as the name of the victim in a criminal homicide case).

A true bill.

/s/ \_\_\_\_\_

Foreman of grand jury

1924 Names of witnesses:

1925 \_\_\_\_\_  
 1926 \_\_\_\_\_  
 1927 \_\_\_\_\_

1928 FORM 10  
 1929 INDICTMENT  
 1930 (short forms)

1931 The following forms may be used in cases in which they may be applicable:

1932 Abandoning Child: A.B. wrongfully abandoned C.D., a child (or a disabled  
 1933 person) who was in the custody of said A.B.

1934 Arson: A.B. committed arson in the \_\_\_\_\_ degree upon (a dwelling) the  
 1935 property of C.D. (of a value exceeding \$500) (thus endangering E.F.).

1936 Assaults: A.B. assaulted C.D. while participating in (name felony) (thereby  
 1937 causing serious injury to C.D.); A.B. assaulted C.D. and thereby intentionally  
 1938 caused serious injury to C.D.; A.B. administered a harmful substance (name  
 1939 substance) to C.D.

1940 Attempts: A.B. attempted to (state substantive offense).

1941 Bigamy: A.B. committed bigamy by marrying C.D. while said A.B. had a  
 1942 living spouse, D.B.

1943 Bomb threat: A.B. communicated a bomb threat to C.D.

1944 Bribery: A.B. bribed C.D.; A.B. solicited (received) a bribe from C.D. (an  
 1945 elector) (an election official).

1946 Burglary: A.B. committed burglary in the \_\_\_\_\_ degree upon the property of  
 1947 C.D. (briefly set out circumstances if first degree is charged; e.g., while carrying  
 1948 a dangerous weapon).

1949 Carrying weapon: A.B. carried a concealed weapon; A.B. carried a (describe  
 1950 firearm) within the city limits of (name city); A.B. carried a handgun in a  
 1951 vehicle.

1952 Compounding felony: A.B., knowing that C.D. had committed a felony,  
 1953 compounded that felony.

1954 Conspiracy: A.B. conspired with C.D. to commit (state substantive offense) (a  
 1955 class \_\_\_\_\_ felony; a \_\_\_\_\_ misdemeanor).

1956 Criminal mischief: A.B. committed criminal mischief in the \_\_\_\_\_ degree  
 1957 upon the property of (name owner).

1958 Criminal trespass: A.B. committed criminal trespass upon the property of  
 1959 (name owner) (thus injuring C.D.) (causing more than \$100 in damage).

1960 Detention in brothel: A.B. detained C.D. in a brothel.

1961 Disturbance: A.B. willfully disturbed (name body or agency).

1962 Driving under suspension: A.B. operated a motor vehicle while his license was  
 1963 (under suspension) (revoked).

1964 Escape: A.B. escaped from custody; A.B. permitted C.D. to escape from  
 1965 custody.

1966 Extortion: A.B. committed extortion upon C.D.

1967 False imprisonment: A.B. falsely imprisoned C.D.

1968 False information: A.B., while attempting to purchase a handgun, falsely  
 1969 stated (set out false statement); A.B., on an application for a weapons permit,  
 1970 falsely stated (set out false statement).

1971 False report of destructive substance: A.B. falsely reported a bomb to C.D.

1972 False use of financial instrument: A.B. falsely used a financial instrument, to  
 1973 wit: (set out type of instrument).

1974 Falsifying public documents: A.B. falsified public documents; A.B.  
 1975 wrongfully possessed a seal of (name agency).

1976 Feticide: A.B. committed feticide by causing the death of the fetus of C.D.

1977 Fraudulent practices: A.B. committed a fraudulent practice by (state briefly  
 1978 the fraudulent practice).

- 1979 Furnishing controlled substance: A.B. furnished a controlled substance, to  
 1980 wit: (name controlled substance) to C.D., an inmate of (name institution); A.B.  
 1981 introduced a controlled substance, to wit: (name controlled substance) into  
 1982 (name institution).
- 1983 Furnishing pornography to minor: A.B. furnished pornography to C.D., a  
 1984 minor.
- 1985 Going armed with intent: A.B. went armed with intent.
- 1986 Harassment of public officer: A.B. harassed C.D. (state title or position).
- 1987 Homicide: A.B. committed homicide in the \_\_\_\_\_ degree, resulting in the  
 1988 death of C.D.
- 1989 Impersonating public official: A.B. falsely impersonated a public official.
- 1990 Improper voting: A.B. improperly voted (knowing himself not to be qualified)  
 1991 (having already voted once in that election).
- 1992 Incest: A.B. committed incest with C.D.
- 1993 Indecent exposure: A.B. indecently exposed himself to C.D.
- 1994 Insurrection: A.B., acting with C.D. and E.F., participated in an insurrection.
- 1995 Kidnapping: A.B. committed kidnapping in the \_\_\_\_\_ degree by kidnapping  
 1996 C.D.
- 1997 Lascivious acts with a child: A.B. committed lascivious acts with C.D., a  
 1998 child.
- 1999 Malicious prosecution: A.B. maliciously caused (attempted to cause) the  
 2000 prosecution of C.D.
- 2001 Nonsupport: A.B. wrongfully refused (or failed) to support C.D., whom A.B.  
 2002 was under a legal obligation to support.
- 2003 Obstructing prosecution: A.B. obstructed the prosecution of C.D.
- 2004 OMVUI: A.B. operated a motor vehicle while under the influence of drugs or  
 2005 intoxicants (having been convicted \_\_\_\_\_ times previously for the offense).
- 2006 Operating vehicle without consent: A.B. operated C.D.'s vehicle without  
 2007 C.D.'s consent.
- 2008 Perjury: A.B. committed perjury by testifying (set out substance of testimony).
- 2009 Pimping: A.B. solicited C.D. as a patron for a prostitute; A.B. knowingly  
 2010 shared in the earnings of C.D., a prostitute; A.B. knowingly furnished a place to  
 2011 be used for prostitution.
- 2012 Possession of burglary tools: A.B. possessed burglary tools.
- 2013 Possession of explosive: A.B. possessed (name substance) with the intent to  
 2014 use it to commit a public offense.
- 2015 Possession of offensive weapon: A.B. had unauthorized possession of an  
 2016 offensive weapon, to wit: (describe weapon).
- 2017 Prostitution: A.B. committed prostitution by offering his/her services for sale  
 2018 (or selling his or her services) as a partner in a sex act; A.B. purchased (or  
 2019 offered to purchase) C.D.'s services as a partner in a sex act.
- 2020 Public display of offensive matter: A.B. publicly displayed offensive matter, to  
 2021 wit: (describe offensive matter).
- 2022 Reckless endangerment: A.B. recklessly endangered human life or safety  
 2023 (thereby seriously injuring C.D.).
- 2024 Reckless use of explosive: A.B. recklessly endangered the property or safety of  
 2025 C.D. by A.B.'s use of (name substance).
- 2026 Riot: A.B., together with C.D. and E.F., participated in a riot.
- 2027 Risking a catastrophe: A.B. caused (or risked) a catastrophe by: (state nature  
 2028 of activity).
- 2029 Robbery: A.B. committed robbery in the \_\_\_\_\_ degree against C.D.
- 2030 Sexual abuse: A.B. sexually abused C.D. in the \_\_\_\_\_ degree.
- 2031 Solicitation: A.B. solicited C.D. to commit (state substantive offense solicited)  
 2032 (a felony) (an aggravated misdemeanor).
- 2033 Suborning perjury: A.B. suborned C.D. to commit perjury.

2034 Terrorism: A.B. committed terrorism.  
 2035 Theft: A.B. committed theft in the \_\_\_\_\_ degree by taking property  
 2036 belonging to C.D. (set out circumstances such as value of property setting degree  
 2037 of theft).  
 2038 Traps: A.B. set a trap (or spring gun).  
 2039 A similar short form indictment may be used for offenses not appearing in  
 2040 this table, provided it complies with the requirements of rule four (4), subsection  
 2041 seven (7), Iowa Rules of Criminal Procedure.

1 SEC. 1302. NEW SECTION. **Trial of simple misdemeanors.**

2 **Rule 32. Scope.** The rules set forth in this section shall apply to trials of  
 3 simple misdemeanors, and attendant proceedings and to appeals from conviction  
 4 in such cases.

5 **Rule 33. Applicability of district court rules.** Procedures not provided for  
 6 herein shall be governed by the provisions of these rules which are by their  
 7 nature applicable relating to trial of indictable offenses, and by the statutes of  
 8 the state of Iowa.

9 **Rule 34. To whom tried.** Judicial magistrates and district associate judges  
 10 must hear, try and determine all simple misdemeanors. District judges may  
 11 transfer any simple misdemeanors pending before them to the nearest judicial  
 12 magistrate or district associate judge.

13 **Rule 35. The charge.** Prosecutions for simple misdemeanors must be  
 14 commenced by filing a subscribed and sworn to complaint with a magistrate or  
 15 district court clerk or the clerk's deputy.

16 **Rule 36. Contents of the complaint.** The complaint shall contain:

- 17 1. The name of the county and of the court where the complaint is filed.
- 18 2. The names of the parties, if the defendants be known, and if not, then such  
 19 names as may be given them by the complainant.
- 20 3. A brief and concise statement of the act or acts constituting the offense,  
 21 including the time and place of its commission as near as may be, and  
 22 identifying by number the provision of law alleged to be violated.
- 23 4. The provisions of section seven hundred sixty-nine point six (769.6) of the  
 24 Code shall be applicable to the prosecution before a magistrate of cases within  
 25 the magistrate's jurisdiction.

26 **Rule 37. Filing of complaint.** The magistrate or district court clerk or the  
 27 clerk's deputy must file the complaint and mark thereon the time of filing the  
 28 same.

29 **Rule 38. Warrant of arrest.** Immediately upon filing the complaint, the  
 30 magistrate or district court clerk or the clerk's deputy may issue a warrant of  
 31 arrest or may issue a citation instead of a warrant for arrest and deliver it to a  
 32 peace officer.

33 **Rule 39. Arrest.** The officer who receives the warrant shall arrest the  
 34 defendant and bring the defendant before the magistrate without unnecessary  
 35 delay or serve that citation in the manner provided in chapter two (2), division  
 36 five (5) of this Act.

37 **Rule 40. Prosecution of corporations.** In prosecutions against corporations  
 38 the corporation may be proceeded against by summons as set forth in division  
 39 seven (VII) of this chapter.

40 **Rule 41. Appearance of defendant.** When the defendant first appears, the  
 41 charge against the defendant must be distinctly read to him or her, and a copy  
 42 given the defendant, and the defendant shall be asked whether he or she is  
 43 charged under his or her right name. If the defendant objects that he or she is  
 44 wrongly named in the complaint, the defendant must give his or her right name,  
 45 and if the defendant refuses to do so, or does not object that he or she is  
 46 wrongly named, the magistrate shall make an entry thereof in his or her docket,  
 47 and the defendant is thereafter precluded from making any such objection.

48 Rule 42. **Rights of defendant.** The court shall inform the defendant:

49 1. Of the defendant's right to counsel.

50 2. Of the circumstances under which the defendant might secure pretrial  
51 release, and of the defendant's right to review any conditions imposed on his or  
52 her release.

53 3. That the defendant is not required to make a statement and that if he or  
54 she does, it may be used against him or her.

55 In appropriate cases the court shall appoint counsel for an indigent defendant  
56 in accordance with procedures established under rule two (2), subdivision three  
57 (3). The magistrate shall allow the defendant reasonable time and opportunity to  
58 consult with counsel, in the event the defendant expresses a desire to do so.

59 Rule 43. **Bail.** Admission to bail shall be as provided for in division eleven  
60 (XI) of this chapter.

61 Rule 44. **Plea.** The defendant shall be required to enter a plea to the  
62 complaint, and permissible pleas include those allowed when the defendant is  
63 indicted, as set forth in rule eight (8).

64 Rule 45. **Trial date.** Upon a plea other than guilty the magistrate shall set a  
65 trial date which shall be at least fifteen days after the plea is entered. The  
66 magistrate shall notify the prosecuting attorney of the trial date and shall advise  
67 the defendant that the trial will be without a jury unless demand for jury trial is  
68 made at least ten days prior to the date set for trial. Failure to make a jury  
69 demand in the manner prescribed herein constitutes a waiver of jury. If demand  
70 is made, the action shall be tried by a jury of six members. Upon the request of  
71 the defendant, the magistrate may set the date of trial at a time less than fifteen  
72 days after a plea other than guilty is entered. The magistrate shall notify the  
73 defendant that a request for earlier trial date shall constitute a waiver of jury.

74 Rule 46. **Change of venue.** A change of place of trial may be applied for in  
75 the manner prescribed in rule ten (10), and the papers transmitted in similar  
76 manner as described therein to the judicial officer or clerk of the court to which  
77 change is allowed.

78 Rule 47. **Bailiff obtained.** If trial by jury is demanded, the magistrate shall  
79 notify the sheriff who shall furnish a bailiff at that time and place to act as  
80 officer of the court.

81 Rule 48. **Selection of jury; trial.**

82 1. Selection of panel. If a trial by jury is demanded, the magistrate shall notify  
83 the clerk of the district court of the time and place of trial. The clerk shall  
84 thereupon select by lot fourteen names from the district court jury panel. The  
85 clerk shall notify these jurors of the time and place for trial.

86 2. Challenges. Except where inconsistent with this rule, rule seventeen (17)  
87 shall apply, but no challenge to the panel is allowed.

88 3. Completion of panel. If for any reason the panel as chosen by the clerk  
89 becomes insufficient to obtain a jury, the magistrate may direct the officer of the  
90 court to summon any bystander or others who may be competent, and against  
91 whom no sufficient cause of challenge appears, to act as jurors.

92 4. Strikes. If, after all challenges and strikes as noted in rule seventeen (17)  
93 have been exercised, the remaining jurors number more than six, the parties  
94 shall continue to strike jurors in order, commencing with the defendant, until the  
95 panel is reduced to six jurors.

96 5. Alternate jurors. No alternate jurors shall be chosen.

97 6. Jury of six. When six jurors appear and are accepted, they shall constitute  
98 the jury.

99 7. Oath of jurors. The magistrate must thereupon administer to them the  
100 following oath or affirmation: "You do swear (or, you do solemnly affirm, as the  
101 case may be) that you will well and truly try the issue between the state of Iowa  
102 and the defendant, and a true verdict give according to the law and evidence."

103 8. Trial. The court shall conduct the trial in the manner of indictable cases in  
104 accordance with rule eighteen (18).

105 9. Record. Upon the trial, the judicial magistrate shall make minutes of the  
106 testimony of each witness and append the exhibits or copies thereof. The  
107 proceedings upon trial shall not be reported, unless a party provides a reporter  
108 at such party's expense. By agreement of the parties the magistrate may cause  
109 the proceedings upon trial to be reported electronically. If the proceedings are  
110 being electronically recorded both parties shall be notified in advance of that  
111 recording. If the defendant is indigent and requests that the proceedings upon  
112 trial be reported, the judicial magistrate shall cause them to be reported by a  
113 reporter, or electronically, at public expense. If the proceedings have been  
114 reported electronically the recording shall be retained under the jurisdiction of  
115 the magistrate and upon request shall be transcribed only by a person  
116 designated by the court under the supervision of the magistrate. The  
117 transcription shall be provided anyone requesting same upon payment of actual  
118 cost of transcription or to an indigent defendant as herein above provided.

119 **Rule 49. Judgment.** When the defendant is acquitted, he or she must be  
120 immediately discharged. When the defendant pleads guilty or is convicted, the  
121 magistrate may render judgment thereon as the case may require, being  
122 governed by the rules prescribed for the trial of indictable offenses, as far as the  
123 same are applicable.

124 **Rule 50. Costs taxed to prosecuting witness.** If the prosecuting witness fails  
125 without good cause to appear or give evidence on the trial, and defendant is  
126 discharged on account of such failure, the magistrate may, in his or her  
127 discretion, tax the costs of the proceeding against such prosecuting witness and  
128 render judgment therefor; and if defendant is acquitted, the magistrate shall, if  
129 satisfied that the prosecution is malicious or without probable cause, so tax the  
130 costs and render judgment therefor.

131 **Rule 51. Suppression of evidence and disposition of seized property.** Motions  
132 to suppress evidence shall proceed in the manner provided for the trial of  
133 indictable offenses, and any property seized dealt with in the manner provided  
134 in indictable offenses.

135 **Rule 52. Joint trials.** Unless it shall result in prejudice to a party, the court  
136 may order two or more complaints to be tried together if the defendant is the  
137 same; or if there is more than one defendant, but all defendants so joined are  
138 alleged to have participated in the same act or transaction or in the same series  
139 of acts or transactions constituting an offense or offenses.

140 **Rule 53. Forfeiture of collateral in lieu of appearance.** In a specified simple  
141 misdemeanor a court may accept a forfeiture of collateral security in lieu of  
142 appearance, as a proper disposition of a case, except for nonscheduled traffic  
143 violations. Each judicial district, by action of a majority of the district judges,  
144 may determine the misdemeanors subject to such disposition and promulgate by  
145 rule a list of same and disseminate to all magistrates in the district. A copy of  
146 such rule shall be transmitted to the clerk of the supreme court. Prior to  
147 termination of the case by forfeiture under this rule, the defendant must execute  
148 a written request for same. Unless vacated upon application within thirty days of  
149 the forfeiture, such forfeiture shall constitute a conviction in satisfaction.

150 **Rule 54. Appeals.**

151 1. Notice of appeal. An appeal may be taken by the plaintiff only upon a  
152 finding of invalidity of an ordinance or statute. In all other cases, an appeal may  
153 only be taken by the defendant and only upon a judgment of conviction.  
154 Execution of the judgment shall be stayed upon the filing with the clerk of the  
155 district court an appeal bond with surety approved by the clerk, in the sum  
156 specified in the judgment. The defendant may take an appeal, by giving notice  
157 orally to the magistrate that he or she appeals, or by delivering to the magistrate  
158 not later than ten days thereafter, a written notice of the defendant's appeal, and  
159 in either case the magistrate must make an entry on its docket of the giving of

160 such notice. Payment of fine or service of a sentence of imprisonment does not  
 161 waive the right to appeal, nor render the appeal moot. When an appeal is taken,  
 162 the magistrate shall forward to the appropriate district court clerk a copy of the  
 163 docket entries in the magistrate's court, together with copies of the complaint,  
 164 warrant, motions, pleadings, the magistrate's minutes of the witness' testimony  
 165 and the exhibits or copies thereof and all other papers in the case. A district  
 166 judge shall promptly hear the appeal upon the record thus filed without further  
 167 evidence. Within ten days after an appeal is taken, unless extended by order of a  
 168 district judge or by stipulation of the parties, any party may file with the clerk,  
 169 as a part of the record, a transcript of the official report, if any, and, in the event  
 170 the report was made electronically, the tape or other medium on which the  
 171 proceedings were preserved. If the original action was tried before a district  
 172 judge acting as a judicial magistrate, the appeal shall be to a different district  
 173 judge. The judge shall decide the appeal without regard to technicalities or  
 174 defects. Judgment shall be rendered as though the case were being originally  
 175 tried.

176 2. Bail.

177 a. Admission to bail. Admission to bail shall be as provided for in division  
 178 eleven (XI) of this chapter. Execution of the judgment shall not be stayed unless  
 179 the defendant is admitted to bail.

180 b. Officers authorized to take bail. Bail may be taken by the magistrate who  
 181 rendered the judgment, or by any magistrate in the county of the district court  
 182 of that county. The magistrate taking bail shall remit it to the clerk of the  
 183 district court who shall give receipt therefor.

184 3. Counsel. In appropriate cases, the magistrate shall appoint counsel on  
 185 appeal.

186 4. Appeal to supreme court. After appeal to a district judge in a nonindictable  
 187 case, either party may appeal from the judgment of the district judge to the  
 188 supreme court in the same manner as from a judgment in a prosecution by  
 189 indictment, and the defendant may be admitted to bail in like manner, and  
 190 similar proceedings shall be had on the appeal in all respects, as far as  
 191 applicable. The same proceedings shall be had to carry into effect the judgment  
 192 of the supreme court upon the appeal as if it had been taken from a judgment  
 193 prosecuted by indictment.

194 **Rule 55. New trial.** The magistrate, on motion of a defendant, may grant a  
 195 new trial pursuant to the grounds set forth in rule twenty-three (23), except that  
 196 a motion for a new trial based on newly discovered evidence must be made  
 197 within six months after the final judgment. A motion for a new trial based on  
 198 the ground of newly discovered evidence may be made only before or within  
 199 thirty days after final judgment. A motion for a new trial based on any other  
 200 grounds shall be made within seven days after a finding of guilty or within such  
 201 further time as the court may fix during the seven-day period.

202 **Rule 56. Correction or reduction of sentence.** The magistrate may correct an  
 203 illegal sentence at any time and may correct a sentence imposed in an illegal  
 204 manner within the time provided herein for the reduction of sentence. The  
 205 magistrate may reduce a sentence within ten days after the sentence is imposed  
 206 or within ten days after the receipt by the magistrate of a mandate issued upon  
 207 affirmance of the judgment or dismissal of the appeal, or within ten days after  
 208 entry of any order or judgment of the supreme court denying review of, or  
 209 having the effect of upholding, a judgment of conviction. The court may also  
 210 reduce a sentence upon revocation of probation as provided by law.

211 APPENDIX OF FORMS

212 (SEE RULE 30)

213 FORM A  
 214 COMPLAINT

215 State of Iowa Before (Judge, Magistrate) \_\_\_\_\_



216 County of \_\_\_\_\_ (insert name of lower court judge  
217 or magistrate)

218 State of Iowa

219 vs.

220 A \_\_\_\_\_ B \_\_\_\_\_, Defendant

221 The defendant is accused of the crime of (here name the offense and provide  
222 numerical designation), in that the defendant on the \_\_\_\_\_ day of  
223 \_\_\_\_\_, \_\_\_\_\_, at the \_\_\_\_\_ (here locate the city, or  
224 township where the offense occurred), in \_\_\_\_\_ county, did (state the  
225 acts or omissions constituting the offense).

226 /s/ \_\_\_\_\_

227 FORM B

228 CONSENT TO FORFEITURE OF COLLATERAL

229 AS DISPOSITION OF MISDEMEANOR

230 State of Iowa

231 County of \_\_\_\_\_

232 I, the undersigned, agree to have the amount of \$ \_\_\_\_\_ forfeited as a fine  
233 and my case terminated. I do this with the following understanding:

234 1. I have been charged with the offense of \_\_\_\_\_

235 \_\_\_\_\_ (here name the  
236 offense and provide numerical designation).

237 2. I understand my rights, including my right to trial before the court on  
238 such charge, and voluntarily waive same, understanding that forfeiture of  
239 the aforesaid amount terminates my right to a trial and constitutes a  
240 conviction of the offense charged.

241 \_\_\_\_\_  
242 (Signature of defendant)

243 FORM C

244 NOTICE OF APPEAL TO A DISTRICT COURT JUDGE

245 FROM A JUDGMENT OR ORDER

246 State of Iowa

247 County of \_\_\_\_\_

248 State of Iowa

249 vs.

Notice of Appeal

250 C \_\_\_\_\_ D \_\_\_\_\_, Defendant

251 Notice is hereby given that C \_\_\_\_\_ D  
252 \_\_\_\_\_, defendant above named, hereby appeals to a district  
253 court judge for \_\_\_\_\_ County (from the final judgment) (from the  
254 order) entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_.

255 /s/ \_\_\_\_\_

256 \_\_\_\_\_

257 (Address)

258 Attorney for C \_\_\_\_\_ D \_\_\_\_\_

259 FORM D

260 BAIL BOND ON APPEAL TO DISTRICT COURT

261 State of Iowa

262 County of \_\_\_\_\_

263 A \_\_\_\_\_ B \_\_\_\_\_ having been convicted  
264 before C \_\_\_\_\_ D \_\_\_\_\_, a magistrate of said  
265 county, of the crime of (here designate it generally as in the information), by a  
266 judgment rendered on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, and  
267 having appealed from said judgment to a district court judge of said county:

268 We, A \_\_\_\_\_ B \_\_\_\_\_, and

269 E \_\_\_\_\_ F \_\_\_\_\_, hereby undertake that the

270 said A \_\_\_\_\_ B \_\_\_\_\_ will appear in the district  
271 court of said county on the \_\_\_\_\_ day of \_\_\_\_\_ (month), 19\_\_ (year),

272 (which date shall be not more than twenty days after perfection of the  
273 undertaking), and submit to the judgment of said court, and not depart without  
274 leave of the same, or that we (or I, as the case may be) will pay to the state of  
275 Iowa the sum of \_\_\_\_\_ dollars (the amount of bail fixed).

276 A \_\_\_\_\_ B \_\_\_\_\_  
277 E \_\_\_\_\_ F \_\_\_\_\_  
278 Accepted by me, at \_\_\_\_\_, in the township of  
279 \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.  
280 C \_\_\_\_\_ D \_\_\_\_\_  
281 Judicial Magistrate.

1 SEC. 1303. NEW SECTION. **Additions to and amendment of rules.** The rules  
2 of criminal procedure may be amended, provisions deleted, and new rules  
3 added, in the manner prescribed for civil rules under chapter six hundred eighty-  
4 four (684) of the Code.

5 DIVISION XIV

6 APPEALS IN THE SUPREME COURT

1 SECTION 1401. NEW SECTION. **Definition of appeal and discretionary review.**  
2 For the purposes of this division, unless the context otherwise requires:

3 1. "Appeal" is the right of both the defendant and the state to have specified  
4 actions of the lower court considered by the supreme court.

5 2. "Discretionary review" is the process by which the supreme court may  
6 exercise its discretion, in like manner as under the rules pertaining to  
7 interlocutory appeals and certiorari in civil cases, to review specified matters not  
8 subject to appeal as a matter of right. The supreme court may adopt additional  
9 rules to control access to discretionary review.

1 SEC. 1402. NEW SECTION. **Parties—how designated on appeal.** The party  
2 seeking review shall be known as the appellant and the adverse party as the  
3 appellee, but the title of the action shall not be changed from that in the court  
4 below.

1 SEC. 1403. NEW SECTION. **Appeals in cases involving more than one**  
2 **defendant.** When defendants are tried jointly, they may seek discretionary  
3 review or may appeal separately or they may join. The supreme court may, in  
4 the interest of justice, consolidate appeals or applications for discretionary  
5 review.

1 SEC. 1404. NEW SECTION. **Perfection of an appeal and application for**  
2 **discretionary review.** An appeal is perfected by filing a written notice within  
3 sixty days after judgment or order with the clerk of the court wherein the  
4 judgment or order was issued. Application for discretionary review is made by  
5 filing a written notice within ten days after judgment or order with the clerk of  
6 the court wherein the judgment or order was issued.

1 SEC. 1405. NEW SECTION. **The state as appellant or applicant.**

2 1. Appeal is granted the state from:

3 a. An order dismissing an indictment, information, or any count thereof.

4 b. A judgment for the defendant on a motion to the indictment or the  
5 information.

6 c. An order arresting judgment or granting a new trial.

7 2. Discretionary review may be available in the following cases:

8 a. An order quashing an arrest or search warrant.

9 b. An order suppressing or admitting evidence.

10 c. An order granting or denying a change of venue.

11 d. A final judgment or order raising a question of law important to the  
12 judiciary and the profession.

1       SEC. 1406. NEW SECTION.   **The defendant as appellant or applicant.**

2       1. Appeal is granted the defendant from:

3       a. A final judgment of sentence, except in case of simple misdemeanor and  
4 ordinance violation convictions.

5       b. An order for the commitment of the defendant for insanity or drug  
6 addiction, or an order for the indeterminate commitment of the defendant as a  
7 mentally disordered sex offender.

8       2. Discretionary review may be available in the following cases:

9       a. An order suppressing or admitting evidence.

10      b. An order granting or denying a change of venue.

11      c. An order denying probation.

12      d. Simple misdemeanor and ordinance violation convictions.

13      e. An order raising a question of law important to the judiciary and the  
14 profession.

1       SEC. 1407. NEW SECTION.   **Duty of clerk when appeal is perfected or  
2 application made.** When an appeal or an application for discretionary review is  
3 filed, the clerk of the court in which the judgment or order was rendered shall:

4       1. Immediately prepare and transmit to the adverse party and his or her  
5 attorney of record, and if the defendant is the moving party, to the attorney  
6 general and the clerk of the supreme court, a true copy of the notice of appeal or  
7 application, together with the date of filing.

8       2. Immediately prepare and transmit to the clerk of the supreme court and the  
9 attorney general a transcript of all record entries relevant to the appeal or  
10 application, together with copies of all papers in the case on file in the clerk's  
11 office, except those returned by the examining magistrate on the preliminary  
12 examination, all duly certified under seal of his or her court.

1       SEC. 1408. NEW SECTION.   **Duties of prosecuting attorney.**

2       1. When an appeal is taken or an application made by the state or the  
3 defendant the prosecuting attorney shall promptly prepare and deliver to the  
4 attorney general so much of the proceedings as are material to the proper  
5 disposition of the matter.

6       2. When a notice of appeal or application has been filed by an adverse party,  
7 the prosecuting attorney shall immediately furnish the attorney general with a  
8 copy of said notice.

1       SEC. 1409. NEW SECTION.   **Indigent's right to transcript on appeal.** If a  
2 defendant in a criminal cause has perfected an appeal from a judgment against  
3 him or her and shall satisfy the judge of the lower court that he or she is  
4 indigent, such judge may order the transcript made at the expense of the county  
5 where the defendant was tried. When an attorney of record is representing such  
6 indigent, said attorney shall make application to the lower court for the  
7 transcript.

1       SEC. 1410. NEW SECTION.   **Indigent's application for transcript in other cases.**

2       If a defendant in a criminal cause has been granted discretionary review from an  
3 action of a lower court by the supreme court and the supreme court deems a  
4 transcript or portions thereof are necessary to proper review of the question or  
5 questions raised, the judge of the lower court shall order the transcript made at  
6 the expense of the county where the defendant was tried, if the defendant is  
7 indigent.

1       SEC. 1411. NEW SECTION.   **Indigent's right to counsel.** An indigent  
2 defendant is entitled to appointed counsel on the appeal of all indictable  
3 offenses. Such appointment is subject to the rules and regulations which are or  
4 may be promulgated by the supreme court of the state.

1       SEC. 1412. NEW SECTION. **Appeal by the state—effect.** An appeal taken  
2 by the state does not stay the operation of a judgment in favor of the defendant,  
3 nor does an application for discretionary review.

1       SEC. 1413. NEW SECTION. **Appeal or application by the defendant—effect.**  
2 An appeal or application for discretionary review taken by the defendant does  
3 not stay the execution of the judgment unless the defendant is released on bail  
4 or otherwise as provided by law.

1       SEC. 1414. NEW SECTION. **Certificate of release.** When an appeal is taken  
2 by the defendant and the defendant is released, the clerk of the district court  
3 must give to the defendant or the defendant's attorney a certificate, under the  
4 seal of the court, that an appeal has been taken and the defendant released. The  
5 sheriff or other officer having the defendant in custody must, upon receipt of  
6 this certificate, discharge the defendant from custody and return to the clerk of  
7 court who issued it the execution under which he acted with his return thereon.

1       SEC. 1415. NEW SECTION. **Appeals and applications, when docketed, when**  
2 **determined.** When a proper appeal is perfected in a criminal case and the  
3 clerk's transcript of the record as required by section one thousand four hundred  
4 seven (1407) of this division is filed in the supreme court, the cause shall be  
5 docketed. Such causes shall take precedence over other business and the  
6 supreme court shall hear and determine appeals in criminal actions at the  
7 earliest time it may be done considering the rights of parties and proper  
8 administration of justice. A similar rule shall apply to applications for  
9 discretionary review.

1       SEC. 1416. NEW SECTION. **Failure of clerk to transmit papers as required.**  
2 Failure of the clerk of the district court to transmit all the papers as required in  
3 section one thousand four hundred seven (1407) of this division shall not  
4 prejudice the rights of the parties.

1       SEC. 1417. NEW SECTION. **Personal appearance of the defendant.** The  
2 personal appearance of the defendant in the supreme court on the trial of an  
3 appeal, or upon the hearing of a matter of discretionary review, is in no case  
4 necessary.

1       SEC. 1418. NEW SECTION. **Closing argument.** The defendant is entitled to  
2 close the argument.

1       SEC. 1419. NEW SECTION. **Hearing in the supreme court, rules of procedure.**  
2 The record and case shall be presented to the supreme court as provided by its  
3 rules; and the provisions of law in civil procedure relating to the filing of  
4 decisions and opinions of the supreme court shall apply in such cases.

1       SEC. 1420. NEW SECTION. **Decisions on appeals or applications by**  
2 **defendant.** An appeal or application taken by the defendant shall not be  
3 dismissed for an informality or defect in taking it if corrected as directed by the  
4 supreme court. The supreme court, after an examination of the entire record,  
5 may dispose of the case by affirmation, reversal or modification of the lower  
6 court judgment. It may also dismiss the appeal or application if it determines  
7 that there has been no substantial miscarriage of justice, and no violation of the  
8 rights of the accused, and that the arguments do not present definite grounds for  
9 a hearing. The supreme court may also order a new trial, or reduce the  
10 punishment, but cannot increase it.

1       SEC. 1421. NEW SECTION. **Costs to the successful defendant.** If on appeal  
2 or application by the defendant, the judgment of the trial court is reversed or  
3 modified in the defendant's favor, the defendant shall recover the cost of  
4 printing abstract and briefs (to a maximum of one dollar per page) to be paid by  
5 the county wherein the trial occurred.

1 SEC. 1422. NEW SECTION. **Reversal—effect.** If a judgment against the  
2 defendant is reversed, such reversal shall be deemed an order for a new trial,  
3 unless the supreme court shall direct a different disposition. In reversing the  
4 case, the supreme court may direct that the defendant be discharged and the  
5 defendant's bail exonerated, or if money is deposited instead, that it be returned  
6 to the defendant.

1 SEC. 1423. NEW SECTION. **Affirmance—effect.** On a judgment of  
2 affirmance against the defendant, the original judgment shall be carried into  
3 execution as the supreme court shall direct.

1 SEC. 1424. NEW SECTION. **Decision recorded and transmitted.** The  
2 decision of the supreme court with any opinion filed or judgment rendered must  
3 be recorded by its clerk. After the expiration of the period allowed for a  
4 rehearing, or as ordered by the court or provided by its rules, a certified copy of  
5 the decision and opinion shall be transmitted to the clerk of the trial court, filed  
6 and entered of record by the clerk.

1 SEC. 1425. NEW SECTION. **Jurisdiction of appellate court ceases after**  
2 **judgment.** The jurisdiction of the supreme court shall cease after the certified  
3 copy of the decision and opinion is transmitted to the clerk of the trial court. All  
4 proceedings for executing the judgment shall be had in the trial court or by its  
5 clerk.

1 SEC. 1426. NEW SECTION. **Judgment enforced.** Unless some proceeding in  
2 the district court is directed, a copy of the judgment of the trial court and  
3 decision on appeal or review, or of the judgment and decision on appeal or  
4 review certified by the clerk of the trial court shall be delivered to the sheriff or  
5 proper officer as an execution. He shall be authorized to execute the judgment  
6 of the court, or take any legal measures required to bring the action to a  
7 conclusion.

1 SEC. 1427. NEW SECTION. **Time of confinement deducted.** A defendant,  
2 confined during the pendency of an unsuccessful review or appeal, or convicted  
3 at a new trial ordered by the supreme court, shall have the period of his or her  
4 former confinement deducted from the period of confinement fixed on the last  
5 verdict of conviction by the district court.

6 DIVISION XV

7 COSTS OF PROCEEDINGS AND COMPENSATION OF GRAND JURY CLERKS,  
8 ATTORNEYS, WITNESSES AND OTHERS

1 SECTION 1501. NEW SECTION. **Costs payable by state in special cases.** All  
2 costs and fees, including any award of attorney fees to a court-appointed  
3 attorney, incurred in any parole revocation proceedings or in any criminal case  
4 brought against an inmate of any state institution for a crime committed while  
5 confined in such institution, or for a crime committed by such inmate while  
6 placed outside the walls or confines of the institution under the control and  
7 direction of a warden, supervisor, officer, or employee thereof, or for a crime  
8 committed by such inmate during an escape or other unauthorized departure  
9 from such institution or from the control of a warden, supervisor, officer, or  
10 employee thereof, wherever the said inmate may have been placed by authorized  
11 personnel thereof, shall be paid out of the state treasury from the general fund in  
12 case the prosecution fails, or where such costs and fees, including an award of  
13 attorney fees to a court-appointed attorney, cannot be made from the person  
14 liable to pay the same, the facts being certified by the clerk of the district court  
15 under his or her seal of office to the state comptroller, including a statement of  
16 the amount of fees or costs incurred, such statement to be approved by the  
17 presiding judge in writing appended thereto or endorsed thereon.

1       SEC. 1502. NEW SECTION. **Grand jury clerks and other officers.** The clerk  
2 of the grand jury and any assistant clerks and bailiffs of the grand jury  
3 appointed by the court, shall receive such compensation as may be set by the  
4 court with the approval of the county board of supervisors for time actually and  
5 necessarily employed in the performance of the duties prescribed in rule three  
6 (3), rules of criminal procedure.

1       SEC. 1503. NEW SECTION. **Witnesses called to county attorney  
2 investigations.** Witnesses subpoenaed by the county attorney pursuant to rule  
3 five (5), rules of criminal procedure, shall receive the same fees and mileage as  
4 are allowed witnesses in the district court, and shall be paid in the same manner  
5 in which witnesses before the grand jury are paid except that such fees and  
6 mileage shall be certified only by the county attorney.

1       SEC. 1504. NEW SECTION. **Special witnesses for indigents.** Witnesses  
2 secured for indigent defendants under rule nineteen (19), rules of criminal  
3 procedure, must file a claim for compensation supported by an affidavit  
4 specifying the time expended, services rendered, and expenses incurred on behalf  
5 of the defendant.

1       SEC. 1505. NEW SECTION. **Expert witnesses for state and defense.**  
2 Notwithstanding the provisions of section six hundred twenty-two point seventy-  
3 two (622.72) of the Code, reasonable compensation as determined by the court  
4 shall be awarded expert witnesses, expert witnesses for indigents referred to in  
5 section one thousand five hundred four (1504) of this division, or called by the  
6 state in criminal cases.

1       SEC. 1506. NEW SECTION. **Fees to material witnesses.** Persons confined as  
2 material witnesses shall, for each day of confinement, receive such fees as are set  
3 by the district court.

1       SEC. 1507. NEW SECTION. **Fees to attorneys.** An attorney appointed by the  
2 court to represent any person charged with a crime in this state shall be entitled  
3 to a reasonable compensation which shall be the ordinary and customary charges  
4 for like services in the community to be decided in each case by the district court  
5 judge, including such sum or sums as the court may determine are necessary for  
6 investigation in the interests of justice and in the event of appeal the cost of  
7 obtaining the transcript of the trial and the printing of the trial record and  
8 necessary briefs in behalf of the defendant. Such attorney need not follow the  
9 case into another county or into the supreme court unless so directed by the court  
10 at the request of the defendant, where grounds for further litigation are not  
11 capricious or unreasonable, but if such attorney does so his or her fee shall be  
12 determined accordingly. Only one attorney fee shall be so awarded in any one  
13 case except that in class A felony cases, two may be authorized.

1       SEC. 1508. NEW SECTION. **Sheriff's fees.** For delivering prisoners under  
2 the change of venue provisions of rule ten (10), rules of criminal procedure, or  
3 transferring prisoners under section four hundred twenty-four (424) of this  
4 chapter, sheriffs are entitled to the same fees as are allowed for the conveyance  
5 of convicts to the penitentiary.

6  
DIVISION XVI  
DOUBLE JEOPARDY

1       SECTION 1601. NEW SECTION. **Conviction or acquittal—when a bar.** A  
2 conviction or acquittal by a judgment upon a verdict shall bar another  
3 prosecution for the same offense, notwithstanding a defect in form or substance  
4 in the indictment on which the conviction or acquittal took place.

1       SEC. 1602. NEW SECTION. **Prosecutions barred.** When a defendant has  
2 been convicted or acquitted upon an indictment for an offense consisting of  
3 different degrees, the conviction or acquittal shall be a bar to another indictment

4 for the same offense charged in the former or for any lower degree of that  
5 offense, or for an offense necessarily included therein.

1 SEC. 1603. NEW SECTION. **A prosecution is not barred.**

2 1. By a former prosecution before a court which lacked jurisdiction over the  
3 defendant or the offense.

4 2. By a former prosecution procured by the defendant without the knowledge  
5 of a prosecuting officer authorized to commence a prosecution for the maximum  
6 offense which might have been charged on the facts known to the defendant,  
7 and with the purpose of avoiding the sentence which otherwise might be  
8 imposed.

9 3. If subsequent proceedings resulted in the invalidation, setting aside, reversal  
10 or vacating of the conviction, unless the defendant was adjudged not guilty; but  
11 in no case where a conviction for a lesser included crime has been invalidated,  
12 set aside, reversed or vacated shall the defendant be subsequently prosecuted for  
13 a higher degree of the crime for which he or she was originally convicted.

1 SEC. 1604. NEW SECTION. **Trial of former jeopardy issue.** When the  
2 defendant's only plea to the indictment is a former conviction or acquittal, the  
3 order of trial prescribed in rule eighteen (18), rules of criminal procedure, shall  
4 be reversed, and the defendant shall first offer his evidence in support of his  
5 defense.

6 DIVISION XVII

7 SPECIAL POWERS OF POLICE, GOVERNOR, AND ATTORNEY GENERAL

1 SECTION 1701. NEW SECTION. **Photographs—measurements—bertillon**  
2 **system.** It shall be lawful for the sheriff of any county or the chief of police in  
3 any city in this state, to take or procure the taking of the photograph of any  
4 person held to answer on a charge of any felony, such person being in the  
5 custody of such officer, or to make and record any measurements of such  
6 prisoner, by the Bertillon or other system, and to exchange such photographs, or  
7 measurements, or copies of the same, with other sheriffs and police officers, or  
8 to distribute the same by mail for the purpose of securing evidence for the  
9 identification of such person held to answer, if the identity and past record of  
10 the said person are unknown to him or her; and the cost of such photographs  
11 and measurements, and of distributing the same, may be allowed by the court as  
12 a part of the costs in the case.

1 SEC. 1702. NEW SECTION. **Power of governor and attorney general.** The  
2 governor and attorney general shall each have the power to call to their aid in  
3 the enforcement of the law any peace officer; and when such officers are so  
4 called upon it shall be their duty faithfully to render such assistance as may be  
5 required, in any part of the state, and such peace officers while so acting shall  
6 have the same powers throughout the state as possessed by the sheriff of the  
7 county in which such peace officer is acting.

8 DIVISION XVIII

9 INTERSTATE EXTRADITION COMPACT

1 SECTION 1801. NEW SECTION. The interstate extradition compact is hereby  
2 enacted into law and entered into by this state with all other jurisdictions legally  
3 joining therein in the form substantially as follows:

4 INTERSTATE EXTRADITION COMPACT

5 The contracting states solemnly agree that:

1 SEC. 1802. NEW SECTION. The states which are parties to this agreement  
2 find that existing extradition procedures are cumbersome, costly and frequently  
3 result in unnecessary delay in the extradition of fugitives. They find further that  
4 the provisions of the United States Constitution and United States Code relating

5 to extradition are meant to facilitate the return of fugitives; do not prescribe the  
6 exclusive means for return of fugitives; and do not prevent the states from  
7 establishing other procedures for this purpose.

1 SEC. 1803. NEW SECTION. As used in this compact, unless the context  
2 clearly requires otherwise:

3 1. "State" means any state of the United States; the United States of  
4 America; a territory or possession of the United States; the District of  
5 Columbia; the Commonwealth of Puerto Rico.

6 2. "Demanding state" means the state in which a crime has been committed  
7 and where a charge has been filed against a fugitive whose return for trial is  
8 sought.

9 3. "Asylum state" means the state in which a person for whom the warrant  
10 was issued has been found or arrested and from which the person's return to the  
11 demanding state is sought.

12 4. "Fugitive" means any person who is charged with a crime in the demanding  
13 state, or any person who has been convicted of a crime in the demanding state  
14 and has escaped from confinement or has broken the terms of his or her bail,  
15 probation or parole, and is no longer within the demanding state, whether the  
16 person's leaving the demanding state was voluntary or involuntary. For purposes  
17 of this division the term "fugitive" further includes a person in the asylum state  
18 charged with committing a crime in the demanding state by the doing of an  
19 intentional act outside the demanding state which resulted in such crime, as set  
20 forth in section one thousand eight hundred fifteen (1815) of this division.

21 5. "Local prosecuting authority" means the chief prosecuting attorney or his  
22 or her designee, of the governmental unit of the demanding state which has  
23 jurisdiction over the crime committed by the fugitive. When the return to the  
24 demanding state is required of a person who has been convicted of a crime in  
25 the demanding state and the fugitive has escaped from confinement or broken  
26 the terms of his or her bail, probation or parole, the term "local prosecuting  
27 authority" includes the chief prosecuting attorney of the county in which the  
28 offense was committed, the parole board, and in the case of escapes the warden  
29 of the institution or the sheriff of the county from which the escape was made,  
30 and in such cases these officials may make demand for return of the fugitive in  
31 accordance with the provisions of this compact.

32 6. "Chief law enforcement officer" means county sheriff, chief of police or  
33 other chief law enforcement officer in the local governmental unit wherein the  
34 fugitive is located, and when the fugitive is confined in a penitentiary or  
35 reformatory, it includes the warden or chief administrative officer of that  
36 institution.

1 SEC. 1804. NEW SECTION. The local prosecuting authority of the demanding  
2 state shall have the authority to issue a demand for the return of a fugitive. The  
3 demand shall be made to a chief law enforcement officer of the local  
4 governmental unit in the asylum state where the accused has been found.

1 SEC. 1805. NEW SECTION. Demand for the extradition of a fugitive under  
2 this division shall be in writing or by other official communication setting forth  
3 the crime with which the fugitive is charged, or that the fugitive has escaped  
4 confinement or broken the terms of his bail, probation, or parole. Said demand  
5 shall allege that a crime was committed in the demanding state and that the  
6 person sought is a fugitive within the meaning of this compact.

1 SEC. 1806. NEW SECTION. A chief law enforcement officer of the local  
2 governmental unit in the asylum state who receives the demand is authorized to  
3 cause the arrest of the fugitive in accordance with the laws of the asylum state.

1 SEC. 1807. NEW SECTION. When an arrest has been made the fugitive shall  
2 be taken for an appearance before a judge of court of record who shall inform



3 the fugitive of the demand made for his or her surrender and of the crime with  
4 which he or she is charged, or other reason for the demand as set forth in section  
5 one thousand eight hundred fifteen (1815) of this division. Said judge shall  
6 apprise the fugitive of the fugitive's legal rights and shall advise said fugitive of  
7 the fugitive's right to apply for a writ of habeas corpus.

1 SEC. 1808. NEW SECTION. If, at the fugitive's appearance, it appears that  
2 the person held is the person charged with having committed the crime alleged  
3 or has escaped confinement or broken the terms of his or her bail, probation, or  
4 parole and, except in cases arising under section one thousand eight hundred  
5 fifteen (1815) of this division, that the fugitive has fled from justice, the judge or  
6 magistrate before whom the fugitive is taken must, by warrant reciting the  
7 accusation, commit the fugitive to jail. Such commitment shall occur unless the  
8 accused give bail as provided in section one thousand eight hundred fourteen  
9 (1814) of this division or is otherwise legally discharged. When the accused is  
10 confined pursuant to this section, said confinement shall be for the time  
11 specified in the warrant, but not exceeding fifteen days, as will enable the arrest  
12 of the fugitive to be made under a warrant issued by the authorities of the state  
13 having jurisdiction of the crime. If a writ of habeas corpus is applied for, the  
14 time established in this section shall be extended until such writ is disposed of.

1 SEC. 1809. NEW SECTION. The local prosecuting authority of the demanding  
2 state shall cause a warrant to be issued to an agent, commanding the agent to  
3 receive the fugitive when delivered to the agent and convey the fugitive to the  
4 proper officer of the local jurisdiction in the demanding state.

1 SEC. 1810. NEW SECTION. Said designated agent of the demanding state  
2 may at all times enter the asylum state for the purpose of making demand for  
3 the surrender of the fugitive. Upon demand and proof of authority, the fugitive  
4 shall be released and surrendered to the agent's custody subject to the provisions  
5 of sections one thousand eight hundred eleven (1811) and one thousand eight  
6 hundred twelve (1812) of this division unless a petition for habeas corpus has  
7 been applied for and is pending before the court. All requirements to obtain  
8 extradition other than provided in this compact are hereby waived on the part of  
9 the state party hereto as to such fugitive.

1 SEC. 1811. NEW SECTION. If a criminal prosecution has been instituted  
2 against the fugitive under the laws of the asylum state and is still pending, the  
3 prosecuting authority of the asylum state in its discretion may either surrender  
4 the fugitive on demand or hold the fugitive until he or she has been tried and  
5 discharged or convicted and punished in the asylum state.

1 SEC. 1812. NEW SECTION. When it is desired to have returned to the  
2 demanding state a person sentenced in the asylum state with a crime, and such  
3 person is imprisoned, the governor of the asylum state may agree with the  
4 governor of the demanding state for the extradition of such person before the  
5 conclusion of his or her term or sentence upon condition that such person be  
6 returned to the asylum state as soon as the prosecution in the demanding state is  
7 terminated.

1 SEC. 1813. NEW SECTION. The guilt or innocence of the fugitive as to the  
2 crime of which he or she is charged is not reviewable by any official of the  
3 asylum state or in any proceeding in the asylum state after the demand for  
4 extradition. When a habeas corpus hearing is held pursuant to section one  
5 thousand eight hundred five (1805) of this division, the judge shall cause to be  
6 presented to the fugitive a certified copy of the indictment found or information  
7 from the state having jurisdiction of the crime, or a copy of any warrant which  
8 was issued thereupon; or a copy of a judgment of conviction or of a sentence  
9 imposed in execution thereof, together with a statement by the local prosecuting  
10 authority of the demanding state that the fugitive has escaped from confinement

11 or has broken the terms of his or her bail, probation or parole. Notice of such  
12 habeas corpus hearing including the time and place thereof shall be given to the  
13 local prosecuting authority of the demanding state.

1 SEC. 1814. NEW SECTION. Unless the crime with which the prisoner is  
2 charged is shown to be an offense punishable by death or life imprisonment  
3 under the laws of the demanding state, a judge or magistrate in the asylum state  
4 may admit the person arrested to bail by bond with sufficient sureties, and in  
5 such sum as the judge or magistrate deems proper, conditioned for the prisoner's  
6 appearance before the judge or magistrate at a time specified in such bond, and  
7 for the prisoner's surrender. In the event of a violation of the conditions of said  
8 bond, forfeiture thereof and recovery thereon may be had as in the case of  
9 appearance bonds given by accused persons in criminal proceedings in the  
10 asylum state.

1 SEC. 1815. NEW SECTION. A chief law enforcement officer of the local  
2 governmental unit in the asylum state may surrender, on demand of the local  
3 prosecuting authority of the demanding state, any person in the asylum state  
4 charged in the demanding state in the manner provided in section one thousand  
5 eight hundred five (1805) of this division with committing an act in the asylum  
6 state, or in a third state, intentionally resulting in a crime in the demanding  
7 state. The provisions of this compact not otherwise inconsistent shall apply to  
8 such cases, even though the accused was not in the demanding state at the time  
9 of the commission of the crime, and has not fled therefrom.

1 SEC. 1816. NEW SECTION. The expenses incurred in extradition shall be  
2 assessed to the governmental unit of the demanding state seeking the return of  
3 the fugitive, but this provision shall not be construed to alter or affect any  
4 internal arrangements between a party state and its subdivisions as to the  
5 payment of costs or responsibilities therefor. These expenses shall include fees  
6 paid to the officers of the asylum state and all necessary and actual traveling  
7 expenses incurred in returning the prisoner.

1 SEC. 1817. NEW SECTION. Each state party to this compact shall designate  
2 an officer who, acting jointly with like officers of other party states, shall  
3 promulgate rules and regulations to carry out more effectively the terms and  
4 provisions of this compact, and who shall provide, within and without the state,  
5 information necessary to the effective operation of this compact.

1 SEC. 1818. NEW SECTION. The governor of this state shall appoint an  
2 administrator of interstate extradition to serve in such capacity for a period and  
3 under terms determined by the governor. Said administrator shall fulfill the  
4 duties set forth in section one thousand eight hundred seventeen (1817) of this  
5 division and such other necessary duties as may be required for the  
6 administration of this compact.

1 SEC. 1819. NEW SECTION. This compact shall enter into full force and effect  
2 as to a party state when such state has enacted the same into law. A state party  
3 to this compact may withdraw herefrom by enacting a statute repealing the  
4 same. However, the withdrawal of any state shall not affect the status of any  
5 proceedings already initiated at the time such withdrawal takes effect.

1 SEC. 1820. NEW SECTION. This compact provides an alternate procedure to  
2 the uniform criminal extradition act, which remains in full force and effect; a  
3 state seeking return of a fugitive may proceed under this compact, or under the  
4 uniform criminal extradition act. Where another state seeks return of a fugitive  
5 under this compact, the governor of this state may intervene at any time prior to  
6 surrender of the fugitive and require the proceedings to be stayed subject to  
7 investigation and appropriate orders relating to custody of the fugitive by the  
8 governor.

1 SEC. 1821. NEW SECTION. This compact shall be liberally construed so as to  
 2 effectuate its purposes. The provisions of this compact shall be severable and if  
 3 any phrase, clause, sentence or provision of this compact is declared to be  
 4 contrary to the constitution of any party state or of the United States or the  
 5 applicability thereof to any government, agency, person or circumstance is held  
 6 invalid, the validity of the remainder of this compact and the applicability  
 7 thereof to any government, agency, person or circumstance is held invalid, the  
 8 validity of the remainder of this compact and the applicability thereof to any  
 9 government, agency, person or circumstance shall not be affected thereby. If this  
 10 compact shall be held contrary to the constitution of any state party hereto, the  
 11 compact shall remain in full force and effect as to the remaining states and in  
 12 full force and effect as to the state affected as to all severable matters.

1 SEC. 1822. NEW SECTION. All courts, departments, agencies, officers and  
 2 employees of this state and its political subdivisions are hereby directed to  
 3 enforce the interstate extradition compact and to cooperate with one another  
 4 and with other party states in enforcing the compact and effectuating its  
 5 purpose.

1 SEC. 1823. NEW SECTION. Copies of this division shall, upon its approval,  
 2 be transmitted to the governor of each state, the attorney general and the  
 3 administrator of general services of the United States, and the Council of State  
 4 Governments.

1 SEC. 1824. NEW SECTION. This compact may be cited as the interstate  
 2 extradition compact.

#### 3 DIVISION XIX

#### 4 UNIFORM ACT TO SECURE WITNESSES FROM WITHOUT THE STATE

1 SECTION 1901. NEW SECTION. **Witnesses required to testify in another state.**  
 2 A person residing or physically present within this state may be required to  
 3 attend as a witness in a criminal action pending or grand jury investigation  
 4 commenced in another state if compliance with the following criteria is  
 5 accomplished:

6 1. The laws of such other state require or command persons residing or  
 7 physically present within that state to attend and testify in this state.

8 2. A judge of a court of record in the other state certifies under the seal of  
 9 such court that there is a criminal action pending in such court or that a grand  
 10 jury investigation has commenced; that a person residing or physically present  
 11 within this state is a material witness in such action or grand jury investigation;  
 12 and that his presence will be required for a number of days which shall be  
 13 specified in such certification.

14 3. The certification described in subsection two (2) of this section shall have  
 15 been presented to any judge of the district court of the county in which the  
 16 prospective witness is found.

17 4. The judge described in subsection three (3) of this section shall make an  
 18 order directing the witness to appear at a specific time and place for the hearing.  
 19 If at the hearing the judge determines that the witness is material and necessary,  
 20 either for the prosecution or defense in a criminal action, or for a grand jury  
 21 investigation, and that it will not cause undue hardship to the witness to be  
 22 compelled to attend and testify in such proceedings and that the provisions of  
 23 subsections two (2) and three (3) of this section are complied with, the judge  
 24 shall make an order, with a copy of the certificate attached, directing the witness  
 25 to attend and testify in the court where the action is pending or the place where  
 26 such grand jury has commenced at the time and place specified in the certificate.

1 SEC. 1902. NEW SECTION. **Witnesses from another state required to testify**  
 2 **in this state.** If a person, in any state whose law makes provision for

3 commanding persons within that state to attend and testify in criminal actions  
 4 pending or grand jury investigations commenced in this state, is a material  
 5 witness in a district court action pending or a grand jury investigation  
 6 commenced in this state, a judge of such court shall, in order to obtain the  
 7 presence of such witness, issue a certificate under the seal of the court stating  
 8 these facts and specifying the number of days the witness will be required.

1 SEC. 1903. NEW SECTION. **Fees and enforcement of order.** A witness  
 2 named in an order described in section one thousand nine hundred two (1902)  
 3 of this division shall be entitled to ten cents per mile for each mile traveled by  
 4 the most direct route to and from the proceedings the witness is required to  
 5 attend, and shall also be entitled to ten dollars per day for each day spent in  
 6 such travel or in attending the proceedings as a witness. Such amounts shall,  
 7 upon proper claim being made, be paid from the court expense fund of the  
 8 county.

9 If such witness fails without good cause to attend and testify as directed by  
 10 such order the witness shall forfeit his or her right to receive mileage and per  
 11 diem, and shall be guilty of contempt of court for which he or she may be  
 12 punished accordingly.

1 SEC. 1904. NEW SECTION. **Exemptions; arrest, service of process.** If a  
 2 person comes into this state in obedience to an order directing the person to  
 3 attend and testify in this state, the person shall not while in this state pursuant to  
 4 such order be subject to arrest or the service of process, civil or criminal, in  
 5 connection with matters which arose before the person's entrance into this state  
 6 under the order.

7 If a person passes through this state while going to another state in obedience  
 8 to an order to attend and testify in that state or while returning therefrom, the  
 9 person shall not while so passing through this state be subject to arrest or the  
 10 service of process, civil or criminal, in connection with matters which arose  
 11 before the person's entrance into this state pursuant to the order to testify.

1 SEC. 1905. NEW SECTION. **State.** The word "state" shall include any state  
 2 or territory of the United States and the District of Columbia.

### 3 CHAPTER 3

#### 4 DIVISION I

#### 5 JUDGMENT AND SENTENCING PROCEDURES

1 SECTION 101. NEW SECTION. **Short title.** This chapter shall be known and  
 2 may be cited as the "Iowa Corrections Code".

1 SEC. 102. NEW SECTION. **Presentence investigation.** Upon a plea of guilty,  
 2 a verdict of guilty, or a special verdict upon which a judgment of conviction of  
 3 any public offense may be rendered, the court shall receive from the state and  
 4 from the defendant any information which may be offered which is relevant to  
 5 the question of sentencing. The court may consider information from other  
 6 sources, and, if the offense is a felony, shall order that a presentence  
 7 investigation be made. If the offense is not a felony, the court may, in its  
 8 discretion, order that a presentence investigation be made whenever the  
 9 maximum period of confinement which may be imposed is in excess of thirty  
 10 days.

11 The court may withhold execution of any judgment or sentence for such time  
 12 as shall be reasonably necessary for an investigation with respect to deferment of  
 13 judgment or suspension of sentence and probation. The investigation shall be  
 14 made by the probation and parole service, or by another appropriate agency as  
 15 determined by the court.

1 SEC. 103. NEW SECTION. **Report of investigation.** Whenever a presentence  
 2 investigation is ordered by the court, the investigator shall promptly inquire

3 into: the defendant's characteristics, family and financial circumstances, needs,  
4 and potentialities; the defendant's criminal record and social history; the  
5 circumstances of the offense; the time the defendant has been in detention; and  
6 the harm to the victim, the victim's immediate family, and the community. All  
7 local and state mental and correctional institutions, courts, and police agencies  
8 shall furnish to the investigator on request the defendant's criminal record and  
9 other relevant information. With the approval of the court, a physical  
10 examination of the defendant may be ordered, or the defendant may be  
11 committed to a psychiatric facility for an evaluation of his or her personality  
12 and mental health. The results of any such examination shall be included in the  
13 report of the investigator.

1     **SEC. 104. NEW SECTION. Report confidential.** The court may, in its  
2 discretion, make the presentence investigation report or parts of it available to  
3 the defendant, or the court may make the report or parts of it available while  
4 concealing the identity of the person who provided confidential information.  
5 The report of any medical examination or psychiatric evaluation shall be made  
6 available to the attorney for the state and to the defendant upon request. Such  
7 reports shall be part of the record but shall be sealed and opened only on order  
8 of the court. In any case where the defendant is committed to the custody of the  
9 division of adult corrections, a copy of the presentence investigation report shall  
10 be sent to the director at the time of commitment.

1     **SEC. 105. NEW SECTION. Pronouncing judgment and sentence.** After  
2 receiving and examining all pertinent information, including the presentence  
3 investigation report, if any, the court shall consider the following sentencing  
4 options. The court shall determine which of them is authorized by law for the  
5 offense, and of the authorized sentences, which of them or which combination of  
6 them, in the discretion of the court, will provide maximum opportunity for the  
7 rehabilitation of the defendant, and for the protection of the community from  
8 further offenses by the defendant and others.

9     At the time fixed by the court for pronouncement of judgment and sentence,  
10 the court shall act accordingly:

11     1. If authorized by section seven hundred two (702) of this chapter, the court  
12 may defer judgment and sentence for an indefinite period in accordance with  
13 division seven (VII) of this chapter.

14     2. If the defendant is neither a dangerous offender nor an incorrigible  
15 offender as defined by sections two hundred eight (208) and two hundred ten  
16 (210) of this chapter, the court may pronounce judgment and impose a fine.

17     3. The court may pronounce judgment and impose a fine or sentence the  
18 defendant to confinement, or both, and suspend the execution of the sentence or  
19 any part of it as provided in division seven (VII) of this chapter.

20     4. The court may pronounce judgment and impose a fine or sentence the  
21 defendant to confinement, or both.

1     **SEC. 106. NEW SECTION. Judgment entered.** If judgment is not deferred,  
2 and no sufficient cause is shown why judgment should not be pronounced and  
3 none appears to the court upon the record, judgment shall be pronounced and  
4 entered. In every case in which judgment is entered, the court shall include in  
5 the judgment entry the number of the particular section of the Code under  
6 which the defendant is sentenced and a statement of the days credited pursuant  
7 to section two hundred forty-six point thirty-eight (246.38) of the Code shall be  
8 incorporated into the sentence.

1     **SEC. 107. NEW SECTION. Commitment.** In imposing a sentence of  
2 confinement for more than one year, the court shall commit the defendant to the  
3 custody of the director of the division of adult corrections. Upon entry of  
4 judgment and sentence, the clerk of the district court immediately shall notify  
5 the director of such commitment. The court shall make such order as is

6 appropriate for the temporary custody of the defendant pending the defendant's  
7 transfer to the custody of the director.

8 DIVISION II  
9 FELONIES

1 SECTION 201. NEW SECTION. **Class A felony.** Upon a plea of guilty, a  
2 verdict of guilty, or a special verdict upon which a judgment of conviction of a  
3 class A felony may be rendered, the court shall enter a judgment of conviction  
4 and shall commit the defendant into the custody of the director of the division  
5 of adult corrections for the rest of his life. Nothing in this chapter pertaining to  
6 deferred judgment, suspended sentence or probation shall apply to a class A  
7 felony, and no person convicted of a class A felony shall be released on parole  
8 unless the governor commutes the sentence to a term of years.

1 SEC. 202. NEW SECTION. **Record reviewed.** The board shall interview a  
2 class A felon within five years of his or her confinement and regularly thereafter.  
3 If, in the opinion of the board, the person should be considered for release on  
4 parole, the board shall recommend to the governor that the person's sentence be  
5 commuted to a term of years. If the person's sentence is so commuted, the  
6 person shall be eligible for parole as provided in division six (VI) of this chapter.

1 SEC. 203. NEW SECTION. **Indeterminate sentence.** When a judgment of  
2 conviction of a felony other than a class A felony is entered against any person,  
3 the court, in imposing a sentence of confinement, shall commit the person into  
4 the custody of the director of the division of adult corrections for an  
5 indeterminate term, the maximum length of which shall not exceed the limits as  
6 fixed by section two hundred nine (209) of this division nor shall the term be less  
7 than the minimum term imposed by law, if a minimum sentence is provided.

1 SEC. 204. NEW SECTION. **Reconsideration of sentence.** For a period of  
2 ninety days from the date when a person convicted of a felony, other than a  
3 class A felony or a felony for which a minimum sentence of confinement is  
4 imposed, begins to serve a sentence of confinement, the court, on its own motion  
5 or on the recommendation of the commissioner of social services, may order the  
6 person to be returned to the court, at which time the court may review its  
7 previous action and reaffirm it or substitute for it any sentence permitted by law.  
8 The court's final order in any such proceeding shall be delivered to the  
9 defendant personally or by certified mail. Such action is discretionary with the  
10 court, and its decision to take such action or not to take such action is not  
11 subject to appeal. The provisions of this section notwithstanding, for the  
12 purposes of appeal, a judgment of conviction of felony is a final judgment when  
13 pronounced.

1 SEC. 205. NEW SECTION. **Place of confinement.** The director of the  
2 division of adult corrections shall determine the appropriate place of  
3 confinement of any person committed to the director's custody, in any  
4 institution administered by the director, and may transfer the person from one  
5 institution to another during the person's period of confinement.

1 SEC. 206. NEW SECTION. **Release on parole.** A person who has been  
2 committed to the custody of the director of the division of adult corrections shall  
3 remain in such custody until his or her release by the order of the board of  
4 parole, in accordance with the law governing paroles, or until the maximum  
5 term of the person's confinement, as fixed by law, has been completed.



3 serve a sentence of confinement, the court may order the person to be returned  
 4 to the court, at which time the court may review its previous action and reaffirm  
 5 it or substitute for it any sentence permitted by law. The court's final order in  
 6 any such proceeding shall be delivered to the defendant personally or by  
 7 certified mail. Such action is discretionary with the court and its decision to take  
 8 such action or not to take such action is not subject to appeal. The provisions of  
 9 this section notwithstanding, for the purposes of appeal a judgment of  
 10 conviction is a final judgment when pronounced.

1 SEC. 303. NEW SECTION. **Work-release.** The court may direct that a  
 2 prisoner, sentenced to confinement for ninety days or less, be released from  
 3 custody during specified hours, as provided by sections three hundred fifty-six  
 4 point twenty-six (356.26) through three hundred fifty-six point thirty-six (356.36)  
 5 of the Code.

1 SEC. 304. NEW SECTION. **Place of confinement.** All persons sentenced to  
 2 confinement for a period of one year or less shall be confined in a place to be  
 3 furnished by the county where the conviction was had. All persons sentenced to  
 4 confinement for a period of more than one year shall be committed to the  
 5 custody of the director of the division of adult corrections to be confined in a  
 6 place to be designated by the director and the cost of such confinement shall be  
 7 borne by the state. The director may contract with local governmental units for  
 8 the use of detention or correctional facilities maintained by such units for the  
 9 confinement of such persons.

1 SEC. 305. NEW SECTION. **Local facilities preferred.** In designating places  
 2 of confinement of misdemeanants, the department shall make optimum use of  
 3 local facilities offering correctional programs, where such are available. Where a  
 4 choice of facilities is offered, a choice of the facility nearest the prisoner's home  
 5 shall be preferred, if such choice is compatible with the rehabilitation of the  
 6 prisoner.

1 SEC. 306. NEW SECTION. **Segregation of prisoners.** In any detention  
 2 facility, persons who are serving a sentence of confinement shall be segregated  
 3 from persons who are being detained for any other purpose, whenever such is  
 4 possible.

#### DIVISION IV

#### BOARD OF PAROLE

1 SECTION 401. NEW SECTION. **Board of parole.** The board of parole shall  
 2 consist of five electors of the state. Not more than three members shall belong to  
 3 the same political party. At least two members shall be practicing attorneys-at-  
 4 law at the time of appointment. Each member shall serve for five years from  
 5 July first of the year of appointment, except appointees to fill vacancies who  
 6 shall serve for the balance of the unexpired term. The chairperson of the board  
 7 shall be elected by the members of the board to a term of one year and may  
 8 serve more than one term. A majority of the members of the board shall  
 9 constitute a quorum to transact business.

1 SEC. 402. NEW SECTION. **Appointment.** The governor shall, during each  
 2 regular session of the general assembly and within sixty days after the convening  
 3 thereof, appoint, with the approval of two-thirds of the members of the senate, a  
 4 successor to that member of the board whose term will expire on July 1  
 5 following. Appointments may be made when the general assembly is not in  
 6 session, to fill vacancies, but such appointments shall be subject to the approval  
 7 of two-thirds of the members of the senate when next in session. Vacancies  
 8 occurring during a session of the general assembly shall be filled as regular  
 9 appointments are made and before the end of said session, and for the  
 10 unexpired portion of the regular term.



1 SEC. 403. NEW SECTION. **Transition.** Persons serving on the board of  
 2 parole on June 30, 1978 shall continue as members of the board of parole until  
 3 they have served the term for which they were appointed with the conditions  
 4 and salary of the initial appointment, and shall be deemed to fill a membership  
 5 position as provided by section four hundred one (401) of this division. Initial  
 6 appointment to fill the additional membership positions created by section four  
 7 hundred one (401) of this division shall serve as follows:

8 1. One member shall serve until June 30, 1980.

9 2. The other member shall serve until June 30, 1983.

1 SEC. 404. NEW SECTION. **Expenses of members.** Each member of the  
 2 board, the executive secretary, and all other employees shall, in addition to  
 3 salary, be entitled to receive their necessary maintenance and traveling expenses  
 4 while engaged in official business.

1 SEC. 405. NEW SECTION. **Administration.** The board of parole shall be  
 2 responsible directly to the governor. The board of parole shall appoint an  
 3 executive secretary and employ a clerical staff sufficient to carry on the  
 4 necessary duties of the board. The board shall employ not less than four persons  
 5 who shall serve as liaison personnel between the board, inmates and staff at the  
 6 state's penal and correctional facilities and who shall perform other duties  
 7 designated by the board of parole. The board shall submit to the state  
 8 comptroller an estimate of the funds needed for salaries, maintenance, and office  
 9 supplies at the time and in the manner provided by section eight point twenty-  
 10 three (8.23) of the Code.

11 DIVISION V

12 PROBATION AND PAROLE SERVICE

1 SECTION 501. NEW SECTION. **Probation and parole service.** Pursuant to  
 2 designation by the court, parole and probation services shall be provided by the  
 3 department of social services or by a local agency established under chapter two  
 4 hundred seventeen (217) of the Code. Parole and probation officers shall  
 5 perform the duties assigned to them by law and by the director of the agency by  
 6 which they are employed.

1 SEC. 502. NEW SECTION. **Parole and probation officers.** Parole and  
 2 probation officers, while performing their duties as such, are peace officers and  
 3 have all of the powers and authority of peace officers. Parole and probation  
 4 officers shall investigate all persons referred to them for investigation by the  
 5 chief parole officer or by any court to which they may be assigned. They shall  
 6 furnish to each person released under their supervision a written statement of  
 7 conditions. They shall keep informed of each person's conduct and condition  
 8 and shall use all suitable methods to aid and encourage him or her to bring  
 9 about improvement in his or her conduct or condition. Parole and probation  
 10 officers shall keep records of their work, shall make reports as required by the  
 11 court, and shall perform other such duties as may be assigned to them by the  
 12 chief parole officer or the court. They shall coordinate their work with that of  
 13 other social welfare agencies which offer services of a corrective nature  
 14 operating in the area to which they are assigned.

1 SEC. 503. NEW SECTION. **Parole relief fund.** There is hereby established,  
 2 from any unappropriated funds in the state treasury, a fund of twelve hundred  
 3 fifty dollars which shall be known as the parole relief fund. The treasurer of the  
 4 state shall continue to maintain said fund in said amount. Said fund may be  
 5 used for the relief of paroled prisoners who are in distress because of illness, loss  
 6 of employment, or conditions creating personal need. In no instance shall the  
 7 total amount advances to a prisoner exceed one hundred dollars. The prisoner,  
 8 at the time of receiving an advancement, shall execute and deliver to his or her



1       SEC. 605. **NEW SECTION. Information from correction personnel.** It shall  
2 be the duty of all persons employed in any correctional institution to grant to  
3 the members of the board of parole, or its properly accredited representatives,  
4 access at all reasonable times to any person over whom the board has  
5 jurisdiction under this Act, to provide for the board or such representatives  
6 facilities for communicating with and observing such person, and to furnish to  
7 the board such reports as the board shall require concerning the conduct and  
8 character of any person in their custody and any other facts deemed by the  
9 board pertinent in determining whether the person shall be released on parole.

1       SEC. 606. **NEW SECTION. Information from other sources.** The board shall  
2 not be required to hear oral statements or arguments either by attorneys or other  
3 persons. All persons presenting information or arguments to the board shall put  
4 their statements in writing, and shall submit therewith an affidavit stating  
5 whether any fee has been paid or is to be paid for their services in the case, and  
6 by whom such fee is paid or to be paid.

1       SEC. 607. **NEW SECTION. Subpoena powers.** The board shall have power  
2 to issue subpoenas requiring the attendance of such witnesses and the  
3 production of such records, books, papers and documents as it may deem  
4 necessary for investigation of the case of any person before it. Subpoenas so  
5 issued may be served by any peace officer, in the same manner as similar  
6 processes in the district court. Any person who testifies falsely or fails to appear  
7 when subpoenaed, or fails or refuses to produce such material pursuant to the  
8 subpoena, shall be subject to the same orders and penalties to which a person  
9 before a court is subject. Any district court in this state, upon application of the  
10 board, may compel the attendance of witnesses, the production of such material,  
11 and the giving of testimony before the board, by an attachment for contempt or  
12 otherwise in the same manner as production of evidence may be compelled  
13 before such district court.

1       SEC. 608. **NEW SECTION.** When an inmate is discharged, paroled, or placed  
2 on work release, the warden or superintendent shall furnish the inmate, at state  
3 expense, appropriate clothing and transportation to the place in this state  
4 indicated in the inmate's discharge, parole, or work release plan. When an  
5 inmate is discharged, paroled, or placed on work release, the warden or  
6 superintendent shall provide the inmate, at state expense, money in accordance  
7 with the following schedule:

- 8       1. Upon discharge or parole, one hundred dollars.
- 9       2. Upon being placed on work release, fifty dollars.
- 10      3. Upon going from an educational work release to parole or discharge, fifty  
11 dollars.

12      Those inmates receiving payment under subsections two (2) or three (3) of this  
13 section shall not be eligible for payment under subsection one (1) of this section  
14 unless they are returned to the institution. The warden or superintendent shall  
15 maintain an account of all funds expended pursuant to this section.

1       SEC. 609. **NEW SECTION. Assignment to parole officer.** A person released  
2 on parole shall be assigned to a parole officer by the chief parole officer. Both  
3 the person and his or her parole officer shall be furnished with the conditions of  
4 his or her parole and the regulations which the person will be required to  
5 observe, in writing. The parole officer shall explain these conditions and  
6 regulations to the person, and supervise, assist, and counsel the person during  
7 the term of his or her parole.

1       SEC. 610. **NEW SECTION. Parole outside state.** The parole may be to a  
2 place outside the state when the board of parole shall determine it to be to the  
3 best interest of the state and the prisoner, under such rules and regulations as  
4 the board of parole may impose.

1     **SEC. 611. NEW SECTION. Reciprocal agreements with other states.**  
2     The governor of the state of Iowa is hereby authorized and empowered to enter  
3     into compacts and agreements with other states, through their duly constituted  
4     authorities, in reference to reciprocal supervision of persons on parole or  
5     probation and for the reciprocal return of such persons to the contracting states  
6     for violation of the terms of their parole or probation.

1     **SEC. 612. NEW SECTION. Detainers.** Prisoners against whom detainers  
2     have been filed, may, after serving a portion of their sentence, be released by  
3     parole to the institution or authorities filing the detainer.

4     Any detainer filed against a prisoner must within six months be supported by a  
5     grand jury indictment or county attorney's information. In the event such  
6     indictment is returned or information is filed, the prisoner shall have the right to  
7     demand immediate trial at the next term of court where the charge is filed. The  
8     prosecuting agency shall pay all costs of transportation, necessary expenses  
9     incurred by the prisoner and such guards and other safety measures as the  
10    warden shall deem necessary for the prisoner to appear at his or her trial.

11    In the event a detainer is not supported within six months by a county  
12    attorney's information or grand jury indictment, or in the event the prosecuting  
13    agency refuses or fails to give the prisoner immediate trial, or refuses or fails to  
14    furnish transportation and pay all other necessary and related costs incident to  
15    the prisoner appearing at his or her trial, the detainer shall be held to be invalid  
16    and the parole board shall disregard such detainer in considering a prisoner for  
17    parole.

1     **SEC. 613. NEW SECTION. Discharge from parole.** Unless sooner  
2     discharged, a person released on parole shall be discharged when his or her term  
3     of parole equals the period of imprisonment specified in the person's sentence,  
4     less all time served in confinement. Discharge from parole may be granted prior  
5     to such time, when an early discharge is appropriate. The board shall  
6     periodically review all paroles, and when it shall determine that any person on  
7     parole is able and willing to fulfill the obligations of a law-abiding citizen  
8     without further supervision, it shall discharge the person from parole. In either  
9     event, discharge from parole shall terminate the person's sentence.

1     **SEC. 614. NEW SECTION. Parole time counted.** The time when a prisoner  
2     is on parole from the institution shall be held to apply upon the sentence against  
3     the parolee even if the parole is subsequently revoked, except that the time when  
4     the parolee is in violation of the terms of his parole agreement shall not apply  
5     upon the sentence.

6     The time when a prisoner is absent from the institution by reason of an escape  
7     shall not apply upon the sentence against the prisoner.

#### DIVISION VII

#### DEFERRED JUDGMENTS, SUSPENDED SENTENCES AND PROBATION

1     **SECTION 701. NEW SECTION. Probation.** Probation is the procedure under  
2     which a defendant, against whom a judgment of conviction of a public offense  
3     may be entered, is released by the court subject to supervision by probation and  
4     parole services.

1     **SEC. 702. NEW SECTION. Deferred judgment or suspended sentence.**  
2     Pursuant to section one hundred five (105) of this chapter, the trial court may,  
3     upon a plea of guilty, a verdict of guilty, or a special verdict upon which a  
4     judgment of conviction may be rendered, exercise either of the options  
5     contained in subsections one (1) and two (2) of this section. However, this  
6     section shall not apply to a forcible felony or a violation of section two hundred  
7     four point four hundred one (204.401), subsection one (1) or two (2) of the Code,

8 to which section two hundred four point four hundred nine (204.409), subsection  
9 two (2) of the Code is not applicable and which is not proved to be an  
10 accommodation offense under section two hundred four point four hundred ten  
11 (204.410) of the Code.

12 1. With the consent of the defendant, the court may defer judgment and place  
13 the defendant on probation upon such conditions as it may require, or defer  
14 sentence and place the defendant as provided in section seven hundred nine  
15 (709) of this division. Upon fulfillment of the conditions of probation the  
16 defendant shall be discharged without entry of judgment. Upon violation of the  
17 conditions of probation, the court may proceed as provided in division eight  
18 (VIII) of this chapter.

19 However, this subsection shall not apply if any of the following is true:

20 a. The offense is a violation of section nine hundred eight (908) of the Iowa  
21 Criminal Code and the child is twelve years of age or under.

22 b. The defendant is a dangerous offender as defined in section two hundred  
23 eight (208) of this chapter.

24 c. The defendant previously has been convicted of a felony. "Felony" means a  
25 conviction in a court of this or any other state or of the United States, of an  
26 offense classified as a felony by the law under which he or she was convicted at  
27 the time of the defendant's conviction.

28 d. Prior to the commission of the offense the defendant had been granted a  
29 deferred judgment or similar relief, two or more times anywhere in the United  
30 States.

31 e. Prior to the commission of the offense the defendant had been granted a  
32 deferred judgment or similar relief in a felony prosecution anywhere in the  
33 United States within the preceding five years, measured from the date of  
34 granting of deferment of judgment to the date of commission of the offense.

35 2. By record entry at the time of or after sentencing, the court may suspend  
36 the sentence and place the defendant on probation upon such terms and  
37 conditions as it may require.

1 **SEC. 703. NEW SECTION. Deferred judgment docket.** Any deferment of  
2 judgment under this subsection shall be reported promptly to the supreme court  
3 administrator who shall maintain a permanent record thereof including the  
4 name of the defendant, the district court docket number, the nature of the  
5 offense, and the date of the deferment. Before granting deferment in any case,  
6 the court shall request of the supreme court administrator a search of the  
7 deferred judgment docket and shall consider any prior record of a deferment of  
8 judgment against the defendant. The permanent record provided for in this  
9 subsection shall constitute a confidential record exempted from public access  
10 under section sixty-eight A point seven (68A.7) of the Code and shall be  
11 available only to justices of the supreme court, district judges, district associate  
12 judges, and judicial magistrates requesting information pursuant to this  
13 subsection.

1 **SEC. 704. NEW SECTION. Standards for release on probation.** Before  
2 deferring judgment or suspending sentence, the court first shall determine which  
3 option, if available, will provide maximum opportunity for the rehabilitation of  
4 the defendant and protection of the community from further offenses by the  
5 defendant and others. In making this determination the court shall consider the  
6 age of the defendant; the defendant's prior record of convictions and prior  
7 record of deferments of judgment if any; the defendant's employment  
8 circumstances; the defendant's family circumstances; the nature of the offense  
9 committed; and such other factors as are appropriate. The court shall file a  
10 specific written statement of its reasons for and the facts supporting its decision  
11 to defer judgment or to suspend sentence, and its decision on the length of  
12 probation.

1       SEC. 705. NEW SECTION.   **Conditions of probation.** The court, in ordering  
2 probation, may impose any reasonable rules and conditions which will promote  
3 rehabilitation of the defendant and protection of the community, including  
4 adherence to regulations generally applicable to persons released on parole.

1       SEC. 706. NEW SECTION.   **Length of probation.** The length of the probation  
2 shall be for such term as the court may fix but not to exceed five years if the  
3 offense is a felony or not to exceed two years if the offense is a misdemeanor.

4       If the person is ordered placed under the custody, care and supervision of the  
5 probation and parole service, the term of probation shall be determined by the  
6 board of parole and the probation of the defendant shall be supervised by the  
7 probation and parole service. The length of the probation shall not be less than  
8 one year and shall not be less than two years if the offense is a felony. However,  
9 the court may subsequently reduce the length of the probation if the court  
10 determines that the purposes of probation have been fulfilled, as provided in  
11 section seven hundred eight (708) of this division.

12       In determining the length of the probation, the court shall determine what  
13 period is most likely to provide maximum opportunity for the rehabilitation of  
14 the defendant, to allow enough time to determine whether or not rehabilitation  
15 has been successful, and to protect the community from further offenses by the  
16 defendant and others.

1       SEC. 707. NEW SECTION.   **Supervision during probationary period.** A person  
2 released on probation shall be assigned to a parole officer. Both the person and  
3 his or her parole officer shall be furnished with the conditions of the person's  
4 probation and the regulations which the person will be required to observe, in  
5 writing. The parole officer shall explain these conditions and regulations to the  
6 person, and shall supervise, assist, and counsel the person during the term of his  
7 or her probation.

8       When probation is granted, the court shall order said person committed to the  
9 custody, care, and supervision:

- 10       1. Of any suitable resident of this state; or
- 11       2. Of any local agency established under chapter two hundred seventeen (217)  
12 of the Code; or
- 13       3. Of the probation and parole service. The chief parole officer may also  
14 accept the custody, care and supervision of any person granted probation or  
15 parole from a sentence to a term in a county jail. Jurisdiction of these persons  
16 shall remain with the sentencing court. The chief parole officer shall not,  
17 however, accept the custody, care and supervision of any person who in the  
18 chief probation officer's judgment could not be properly supervised.

19       In each case wherein the court shall order said person committed to the  
20 custody, care, and supervision of the probation and parole service, the clerk of  
21 the district shall at once furnish the chief parole officer with certified copies of  
22 the indictment or information, the minutes of testimony attached thereto, the  
23 judgment entry if judgment is not deferred, and the original mittimus. The  
24 county attorney shall at once advise the chief parole officer, by letter, that the  
25 defendant has been placed under the supervision of the probation and parole  
26 service and give to the chief parole officer a detailed statement of the facts and  
27 circumstances surrounding the crime committed and the record and history of  
28 the defendant as may be known to the county attorney. If the defendant is  
29 confined in the county jail at the time of sentence, the court may order the  
30 defendant held until arrangements are made by the probation and parole service  
31 for the defendant's employment and he or she has signed the necessary  
32 probation papers. If the defendant is not confined in the county jail at the time  
33 of sentence, the court may order the defendant to remain in the county wherein  
34 the defendant has been convicted and sentenced and report to the sheriff as to  
35 his or her whereabouts.

1        SEC. 708. NEW SECTION.    **Discharge from probation.** At any time that the  
2 court determines that the purposes of probation have been fulfilled, the court  
3 may order the discharge of any person from probation. At the expiration of the  
4 period of probation, in cases where the court fixes the term of probation, the  
5 court shall order the discharge of such person from probation, and the court  
6 shall forward to the governor a recommendation for or against restoration of  
7 citizenship rights to such person. A person who has been discharged from  
8 probation shall no longer be held to answer for his or her offense. Upon  
9 discharge from probation, if judgment has been deferred under section seven  
10 hundred two (702) of this division, the court's criminal record with reference to  
11 the deferred judgment shall be expunged. The record maintained by the supreme  
12 court administrator as required by section seven hundred three (703) of this  
13 division shall not be expunged. The court's record shall never be expunged in  
14 any other circumstances except as provided in section six hundred two point  
15 fifteen (602.15) of the Code.

1        SEC. 709. NEW SECTION.    **Local correctional program.** The court shall  
2 retain jurisdiction over any person assigned to a local correctional agency until  
3 such time as that person shall be withdrawn from the program by the court.  
4 Upon a showing that such person is not cooperating with the program, or is not  
5 responding to it, the court may withdraw the person from the program and  
6 impose any sentence authorized by law. Before taking such action, the court  
7 shall give the person an opportunity to be heard on any matter relevant to the  
8 proposed action.

1        SEC. 710. NEW SECTION.    **Release after completion.** When the court has  
2 determined that any person ordered to participate in a locally administered  
3 correctional program has successfully completed such program, the court shall  
4 order such person to be released on probation. The provisions of sections six  
5 hundred three (603) through six hundred eight (608), inclusive, of this chapter,  
6 shall apply to such release.

1        SEC. 711. NEW SECTION.    **Maximum period of confinement.** In no case  
2 shall the total time served in confinement and in any locally administered  
3 correctional program exceed the maximum period of confinement authorized for  
4 the public offense of which the defendant stands convicted.

1        SEC. 712. NEW SECTION.    **Restitution.**  
2        1. As used in this section, unless the context otherwise requires:  
3        a. "Victim" means any person who has suffered pecuniary damages as a result  
4 of the defendant's criminal activities. However, with respect to any part of a  
5 victim's pecuniary damages paid by an insurer, the insurer shall be regarded as  
6 the victim only if the insurer has no right of subrogation and the insured has no  
7 duty to pay the proceeds of restitution to the insurer.  
8        b. "Pecuniary damages" means all damages which a victim could recover  
9 against the defendant in a civil action arising out of the same facts or event,  
10 except punitive damages and damages for pain, suffering, mental anguish, and  
11 loss of consortium. Without limitation, "pecuniary damages" includes damages  
12 for wrongful death.  
13        c. "Criminal activities" includes any crime for which there is a plea of guilty,  
14 verdict of guilty, or special verdict upon which a judgment of conviction may be  
15 rendered and any other crime committed after July 1, 1972 which is admitted or  
16 not contested by the defendant, whether or not prosecuted. However, "criminal  
17 activities" does not include misdemeanors under chapter three hundred twenty-  
18 one (321) of the Code.  
19        d. "Restitution" means full or partial payment of pecuniary damages to a  
20 victim.

21 2. It is the policy of this state that restitution be made by each violator of the  
22 criminal laws to the victims of his or her criminal activities to the extent that the  
23 violator is reasonably able to do so. This section shall be interpreted and  
24 administered to effectuate this policy.

25 3. If the trial court exercises either of the sentencing options under section  
26 seven hundred two (702) of this division, the court shall require as a condition of  
27 probation that the defendant, in cooperation with the probation officer assigned  
28 to the defendant, promptly prepare a plan of restitution, including a specific  
29 amount of restitution to each victim and a schedule of restitution payments. If  
30 the defendant is presently unable to make any restitution but there is a  
31 reasonable possibility that the defendant may be able to do so at some time  
32 during his probation period, the plan of restitution shall also state the conditions  
33 under which or the event after which the defendant will make restitution. If the  
34 defendant believes that he or she will not be able to make any restitution, the  
35 defendant shall so state and shall specify the reasons. If the defendant believes  
36 that no person suffered pecuniary damages as a result of the defendant's  
37 criminal activities, he or she shall so state.

38 4. The defendant's plan of restitution and the comments of the defendant's  
39 probation officer shall be submitted promptly to the court. The court shall  
40 promptly enter an order approving the plan or modifying it and providing for  
41 restitution payments to the extent that the defendant is or may become  
42 reasonably able to make restitution, taking into account the factors enumerated  
43 in subsection five (5) of this section. Compliance with the plan of restitution as  
44 approved or modified by the court shall be a condition of the defendant's  
45 probation. Restitution payments shall be made to the clerk unless otherwise  
46 directed by the court. The court thereafter may modify the plan at any time  
47 upon the defendant's request or upon the court's own motion. If the plan as  
48 approved or modified does not require full payment of pecuniary damages to all  
49 victims, or if the court determines that the defendant is not able and will not be  
50 able to make any restitution at any time during the defendant's probation period  
51 or that no person suffered pecuniary damages as a result of the defendant's  
52 criminal activities, the court shall file a specific written statement of its reasons  
53 for and the facts supporting its action or determination.

54 5. The probation officer when assisting the defendant in preparing the plan of  
55 restitution, and the court before approving or modifying the plan of restitution,  
56 shall consider the physical and mental health and condition of the defendant,  
57 the defendant's age, the defendant's education, the defendant's employment  
58 circumstances, the defendant's potential for employment and vocational  
59 training, the defendant's family circumstances, the defendant's financial  
60 condition, the number of victims, the pecuniary damages of each victim, what  
61 plan of restitution will most effectively aid the rehabilitation of the defendant,  
62 and such other factors as shall be appropriate. The probation officer shall  
63 attempt to determine the name and address of each victim and the amount of  
64 his or her pecuniary damages.

65 6. The clerk shall mail to each known victim a copy of the court's order  
66 approving or modifying the plan of restitution, including the court's statement, if  
67 any, under subsection four (4) of this section.

68 7. At any time during the probation period the defendant may request and the  
69 court shall grant a hearing on any matter related to the plan of restitution.

70 8. Failure of the defendant to comply with subsection three (3) of this section  
71 or to comply with the plan of restitution as approved or modified by the court  
72 shall constitute a violation of the conditions of probation. Without limitation,  
73 the court may modify the plan of restitution or extend the period of time for  
74 restitution, but not beyond the maximum probation period specified in section  
75 seven hundred six (706) of this division.



76 9. This section and proceedings under this section shall not limit or impair the  
 77 rights of victims to sue and recover damages from the defendant in a civil  
 78 action. However, any restitution payment by the defendant to a victim shall be  
 79 set off against any judgment in favor of the victim in a civil action arising out of  
 80 the same facts or event. The fact that restitution was required or made shall not  
 81 be admissible as evidence in a civil action unless offered by such defendant.

82 DIVISION VIII

83 VIOLATIONS OF PAROLE OR PROBATION

1 SECTION 801. NEW SECTION. **Arrest of parole violator.** A parole officer  
 2 having probable cause to believe that any person released on parole has violated  
 3 the conditions of his or her parole may arrest such person, or the parole officer  
 4 may make a complaint before a magistrate, charging such violation, and if it  
 5 appears from such complaint, or from affidavits filed with it, that there is  
 6 probable cause to believe that such person has violated the terms of his or her  
 7 parole, the magistrate shall issue a warrant for the arrest of such person.

1 SEC. 802. NEW SECTION. **Initial appearance.** An officer making an arrest  
 2 of an alleged parole violator shall take the arrested person before a magistrate  
 3 without unnecessary delay for an initial appearance. At that time the alleged  
 4 parole violator shall be furnished with a written notice of the claimed violation,  
 5 shall be advised of his or her right to appointed counsel under rule twenty-six  
 6 (26) of the rules of criminal procedure, and shall be given notice that a hearing  
 7 will take place and that its purpose is to determine whether there is probable  
 8 cause to believe that he or she has committed a parole violation.

9 The magistrate may order the alleged parole violator confined in the county  
 10 jail or may order the alleged parole violator released on bail under such terms  
 11 and conditions as the magistrate may require. Admittance to bail is discretionary  
 12 with the magistrate and is not a matter of right.

1 SEC. 803. NEW SECTION. **Place of probable cause hearing.** The probable  
 2 cause hearing shall be held in the same county as the alleged parole violator had  
 3 his or her initial appearance. The clerk of court shall provide a room suitable for  
 4 the probable cause hearing.

1 SEC. 804. NEW SECTION. **Probable cause hearing.** At the probable cause  
 2 hearing, a magistrate shall determine whether there is probable cause to believe  
 3 that the alleged parole violator has violated his or her parole. The alleged parole  
 4 violator shall be informed of the evidence against him or her. The alleged parole  
 5 violator shall be given an opportunity to be heard in person and to present  
 6 witnesses and other evidence on his or her behalf. The alleged parole violator  
 7 shall have the right to confront and cross-examine those furnishing evidence  
 8 against him or her, except where the magistrate finds that a witness would be  
 9 subjected to risk or harm if the witness' identity were disclosed.

1 SEC. 805. NEW SECTION. **Waiver of probable cause hearing.** The alleged  
 2 parole violator may waive the probable cause hearing, in which event the  
 3 magistrate shall proceed as upon a finding of probable cause. Before accepting a  
 4 waiver of hearing, the magistrate shall inform the alleged violator of the charge  
 5 against him or her, of the alleged violator's right to a hearing to determine  
 6 whether there is probable cause to believe that he or she has violated his or her  
 7 parole, and that if the alleged violator waives the hearing that he or she will be  
 8 committed to the custody of the department of social services without further  
 9 proceedings, to await the determination of his future status by the parole board.  
 10 The magistrate shall make a verbatim record of the proceedings in which the  
 11 hearing is waived.

1 SEC. 806. NEW SECTION. **Disposition by magistrate.** If it appears from the  
 2 evidence that there is no probable cause to believe that the arrested person has

3 violated the conditions of his or her parole, the magistrate shall order the  
4 arrested person to be released from custody and continued on parole. If it  
5 appears that there is probable cause to believe that the arrested person has  
6 violated the conditions of his or her parole, the magistrate shall commit the  
7 arrested person to the custody of the department of social services, and the  
8 procedure prescribed in section one hundred seven (107) of this chapter shall  
9 apply to such commitment; or the magistrate may admit the arrested person to  
10 bail as provided in section eight hundred two (802) of this chapter. The  
11 magistrate shall make a summary of the testimony and other evidence  
12 considered by the liaison officer and a statement of the facts relied on by the  
13 liaison officer as a basis for his or her finding of probable cause or no probable  
14 cause, and shall without delay forward them together with all documents  
15 relating to the matter to the executive secretary of the parole board. If the  
16 alleged parole violator has waived the probable cause hearing, the verbatim  
17 record of that proceeding shall be forwarded in lieu of the summary of evidence  
18 and statement of facts.

1       SEC. 807. NEW SECTION.   **Action by parole board.** Upon a finding of  
2 probable cause to believe that a parole violation has occurred, the board of  
3 parole shall proceed without unreasonable delay to hear the charge of parole  
4 violation. Upon receipt of the record prepared and forwarded by the magistrate,  
5 the board shall fix a time and place for such hearing and shall notify in writing  
6 the alleged violator, his attorney of record, if any, and the department of social  
7 services of such hearing and the claimed violation of parole. The alleged violator  
8 shall be given an opportunity to be heard by the board under such rules as the  
9 board shall adopt. The inquiry shall be limited to the following two matters: 1.  
10 Did the alleged parole violation actually occur? 2. If the violation did occur,  
11 should the violator's parole be revoked? If the board determines that the parole  
12 should be revoked, it shall make an order revoking the parole. The board shall  
13 furnish the violator with a written statement of the facts relied upon to establish  
14 a violation and the reasons for revoking parole.

1       SEC. 808. NEW SECTION.   **Proceeding without arrest.** The board of parole  
2 may receive from a parole officer a charge or complaint of parole violation  
3 against any parolee and may proceed to a hearing on such charge in any case  
4 where the alleged violator has not been arrested or has been arrested and  
5 discharged by the magistrate on a finding of no probable cause. The presence of  
6 the alleged violator at such hearing shall be secured by summons. A statement of  
7 the charge against the alleged violator shall accompany the summons, and his or  
8 her parole officer shall give the alleged violator such assistance as he or she may  
9 need to get to the place of the hearing. Travel expenses, if any, shall be paid by  
10 the board. If he or she fails without good cause to appear as commanded by the  
11 summons, such failure shall be considered a violation of the parole and the  
12 board may proceed to revoke his or her parole. If the parole is revoked, the  
13 board shall issue a warrant for his or her arrest and return to the custody of the  
14 department of social services. Upon his or her return to custody, the board shall  
15 give him or her an opportunity to present any matters in defense or mitigation of  
16 his conduct if he so requests.

1       SEC. 809. NEW SECTION.   **Disposition of violator.** If the parole of any  
2 parole violator is revoked, the violator shall remain in the custody of the  
3 department of social services under the terms of the parolee's original  
4 commitment. If the parole of any parole violator is not revoked, the board shall  
5 order his or her release subject to the terms of his or her parole with any  
6 modifications that the board shall determine proper.

1       SEC. 810. NEW SECTION.   **Violation of probation.** A parole officer or other  
2 agency charged with the supervision of a probationer as authorized by sections  
3 one hundred seven (107) and five hundred one (501) of this chapter having

4 probable cause to believe that any person released on probation has violated the  
 5 conditions of his or her probation shall proceed by arrest or summons as in the  
 6 case of a parole violation. The functions of the magistrate and the board of  
 7 parole shall be performed by the judge or magistrate who placed the alleged  
 8 violator on probation if that judge or magistrate is available, otherwise by  
 9 another judge or magistrate who would have had jurisdiction to try the original  
 10 offense. Where the parole officer proceeds by arrest, any magistrate may receive  
 11 the complaint, issue an arrest warrant, or conduct the initial appearance and  
 12 probable cause hearing where it is not convenient for the judge who placed the  
 13 alleged violator on probation to do so. The initial appearance, probable cause  
 14 hearing, and probation revocation hearing, or any of them, may at the discretion  
 15 of the court be merged into a single hearing, when it appears that the alleged  
 16 violator will not be prejudiced thereby. If the violation is established, the court  
 17 may continue the probation with or without an alteration of the conditions of  
 18 probation, or may revoke the probation and may require the defendant to serve  
 19 the sentence imposed, or any lesser sentence, and, if imposition of sentence was  
 20 deferred, may impose any sentence which might originally have been imposed.

1 SEC. 811. NEW SECTION. **Conviction of other offense.** When the alleged  
 2 violation consists of a conviction of a public offense in this or any other state,  
 3 such conviction shall be proved by a certified copy of the judgment of  
 4 conviction, together with evidence that the alleged violator is the person against  
 5 whom the judgment was rendered. Neither the magistrate, court, nor board of  
 6 parole shall re-try the facts underlying such conviction.

7 DIVISION IX

8 FINES

1 SECTION 901. NEW SECTION. **Fine without imprisonment.** Upon a verdict  
 2 or plea of guilty of any public offense for which a fine is authorized, the court  
 3 may impose a fine instead of any other sentence where it appears that the fine  
 4 will be adequate to deter the defendant and to discourage others from similar  
 5 criminal activity.

1 SEC. 902. NEW SECTION. **Fine in addition to imprisonment** The court may  
 2 impose a fine in addition to confinement, where such is authorized.

1 SEC. 903. NEW SECTION. **Payment in installments.** The court may, in its  
 2 discretion, order a fine to be paid in installments, or may fix a date in the future  
 3 for the payment of the fine, whenever it appears that the defendant cannot make  
 4 immediate payment, or should not be made to do so.

1 SEC. 904. NEW SECTION. **Corporations, partnerships and associations.**  
 2 Whenever a corporation, partnership or other association, not subject to  
 3 imprisonment is found guilty of any public offense, the court may impose a fine  
 4 within the limits authorized by law. In addition to such fine, if the offense be a  
 5 felony or aggravated misdemeanor, the corporation, partnership or association  
 6 shall be liable as follows:

7 1. Any person who has suffered loss because of the public offense may  
 8 recover from the corporation, partnership or association in an action at law  
 9 damages equal to three times the amount of such loss.

10 2. If the corporation, partnership or association has received pecuniary benefit  
 11 from the commission of the offense, the attorney general may recover from such  
 12 corporation, partnership or association in an action at law for the use of the  
 13 state damages equal to three times the amount of such benefit, provided, that  
 14 any amount which is recovered under subsection one (1) of this section shall be  
 15 subtracted from the damages recovered by the state.

1 SEC. 905. NEW SECTION. **Nonpayment of fines.** Any person who is able to  
 2 pay a fine, or an installment of a fine, and who refuses to do so, or who fails to

3 make a good faith effort to pay his or her fine, or any installment thereof, shall  
4 be held in contempt of court.

1 SEC. 906. NEW SECTION. **Fine as judgment.** Whenever a court has  
2 imposed a fine on any defendant, the judgment in such case shall state the  
3 amount of the fine, and shall have the force and effect of a judgment against the  
4 defendant for the amount of the fine. The law relating to judgment liens,  
5 executions, and other process available to creditors for the collection of debts  
6 shall be applicable to such judgments; provided, that no law exempting the  
7 personal property of the defendant from any lien or legal process shall be  
8 applicable to such judgments.

#### 9 CHAPTER 4

#### 10 COORDINATING AMENDMENTS

1 SECTION 1. Section seven point ten (7.10), Code 1975, is amended to read as  
2 follows:

3 **7.10 Emergency highway peace officers.** Whenever the governor is satisfied  
4 that a state of emergency exists, or is likely to exist, on the public streets or  
5 highways of this state, because of violations of chapter 321, ~~he~~ *the governor* shall  
6 designate any employee or employees of this state as peace officers pursuant to  
7 ~~section 748.3, subsection 6 chapter two (2), section one hundred four (104),~~  
8 *subsection seven (7), paragraph j, of this Act*, until such time as the governor is  
9 satisfied the state of emergency is ended.

1 SEC. 2. Section eight point forty (8.40), Code 1975, is amended to read as  
2 follows:

3 **8.40 Misdemeanors—removal—impeachment.** A refusal to perform any of  
4 the requirements of this chapter, and the refusal to perform any rule or  
5 requirement or request of the governor or the state comptroller made pursuant  
6 to or under authority of this chapter, by any board member, commissioner,  
7 director, manager, building committee, or other officer or person connected with  
8 any institution, or other state department or establishment as herein defined,  
9 shall subject the offender to a penalty of two hundred fifty dollars, to be  
10 recovered in an action instituted in the district court of Polk county by the  
11 attorney general for the use of the state; ~~and shall also constitute a~~  
12 ~~misdemeanor, punishable by fine or imprisonment, or both, in the discretion of~~  
13 ~~the court.~~ If such offender be not an officer elected by vote of the people, such  
14 offense shall be sufficient cause for removal from office or dismissal from  
15 employment by the governor upon thirty days' notice in writing to such  
16 offender; and, if such offender be an officer elected by vote of the people, such  
17 offense shall be sufficient cause to subject the offender to impeachment.

1 SEC. 3. Section eleven point fourteen (11.14), unnumbered paragraph one (1),  
2 Code 1975, is amended to read as follows:

3 A report of such examination shall be made in triplicate signed and verified  
4 by the officers making the examination; one copy to be filed with the auditor of  
5 state, one copy with the officer under investigation, and one copy to the county  
6 auditor who shall transmit same to the board of supervisors if a county office is  
7 under investigation, or with the president of the school board if a school is under  
8 investigation, or with the mayor and the council if a city office is under  
9 examination. All reports shall be open to public inspection, including copies on  
10 file in the office of the state auditor, and refusal on the part of any public  
11 official to permit such inspection when such reports have been filed with ~~him~~ *the*  
12 *state auditor* shall constitute a *simple* misdemeanor ~~and shall be punishable by a~~  
13 ~~fine not to exceed fifty dollars or by imprisonment in the county jail not to~~  
14 ~~exceed fifteen days.~~

1 SEC. 4. Section eleven point nineteen (11.19), unnumbered paragraph two  
2 (2), Code 1975, is amended to read as follows:

3 All reports shall be open to public inspection, including copies on file in the  
4 office of the state auditor, and refusal on the part of any public official to permit  
5 such inspection when such reports have been filed with ~~him the state auditor,~~  
6 shall constitute a *simple* misdemeanor ~~and shall be punishable by a fine not to~~  
7 ~~exceed fifty dollars or by imprisonment in the county jail not to exceed fifteen~~  
8 ~~days.~~

1 SEC. 5. Section eighteen point ten (18.10), Code 1975, is amended to read as  
2 follows:

3 **18.10 Capitol buildings and grounds—rules.** The director shall establish,  
4 publish, and enforce rules regulating and restricting the use by the public of the  
5 capitol buildings and grounds. The rules when established shall be posted in  
6 conspicuous places about the buildings and grounds. Any person violating any  
7 rule, except a parking regulation, shall be guilty of a *simple* misdemeanor ~~and~~  
8 ~~upon conviction be punished by a fine of not to exceed one hundred dollars or~~  
9 ~~by imprisonment in the county jail not to exceed thirty days.~~

1 SEC. 6. Section nineteen A point twenty (19A.20), Code 1975, is amended to  
2 read as follows:

3 **19A.20 Penalty.** Any person who willfully violates any provision of this  
4 chapter or any rules adopted in accordance with this chapter, *where no other*  
5 *penalty is prescribed,* shall be guilty of a *simple* misdemeanor ~~and upon~~  
6 ~~conviction shall be punished therefor by a fine of not more than one hundred~~  
7 ~~dollars or by imprisonment in the county jail for not more than thirty days.~~

1 SEC. 7. Section twenty-five A point fifteen (25A.15), Code 1975, is amended  
2 to read as follows:

3 **25A.15 Attorney's fees and expenses.** The court rendering a judgment for  
4 the claimant under this chapter, or the state appeal board, with the advice and  
5 approval of the attorney general, making an award under section 25A.3, or the  
6 attorney general making an award under section 25A.9, as the case may be,  
7 shall, as a part of the judgment or award, determine and allow reasonable  
8 attorney's fees and expenses, to be paid out of but not in addition to the amount  
9 of judgment or award recovered, to the attorneys representing the claimant. Any  
10 attorney who charges, demands, receives, or collects for services rendered in  
11 connection with such claim any amount in excess of that allowed under this  
12 section, if recovery be had, shall be guilty of a *serious* misdemeanor; ~~and shall,~~  
13 ~~upon conviction thereof, be subject to a fine of not more than one thousand~~  
14 ~~dollars or imprisonment for not more than one year, or both.~~

1 SEC. 8. Section twenty-eight A point eight (28A.8), Code 1975, is amended to  
2 read as follows:

3 **28A.8 Penalty.** Any person knowingly violating or attempting to violate  
4 any provision of this chapter shall be guilty of a *simple* misdemeanor ~~and upon~~  
5 ~~conviction shall be punished by a fine of not more than one hundred dollars.~~

1 SEC. 9. Section thirty point three (30.3), Code 1975, is amended to read as  
2 follows:

3 **30.3 Penalties.** ~~If~~ *Where no other penalty is provided,* any person who shall  
4 violate any of the provisions of this chapter, ~~he~~ shall be guilty of a *simple*  
5 misdemeanor ~~and, on the occasion of the first conviction, shall be fined not less~~  
6 ~~than ten dollars nor more than one hundred dollars and, on the occasion of the~~  
7 ~~second or any subsequent conviction, shall be imprisoned not less than one day~~  
8 ~~nor more than thirty days, according to the discretion of the court, within said~~  
9 ~~limits, in any case.~~

1 SEC. 10. Section thirty-five A point nine (35A.9), Code 1975, is amended to  
2 read as follows:

3 **35A.9 false statements—penalty.** Whoever knowingly makes a false  
4 statement, oral or written, relating to a material fact in supporting a claim under  
5 the provisions of this chapter, shall be ~~punished by a fine of not more than one~~  
6 ~~thousand dollars or be imprisoned for not more than one year, or both guilty of~~  
7 ~~a simple misdemeanor~~, and shall forfeit all benefits he or she might have been  
8 entitled to under this chapter.

1 SEC. 11. Section thirty-five B point nine (35B.9), Code 1975, is amended to  
2 read as follows:

3 **35B.9 False statements—penalty.** Whoever knowingly makes a false  
4 statement, oral or written, relating to a material fact in supporting a claim under  
5 the provisions of this chapter, shall be ~~punished by a fine of not more than one~~  
6 ~~thousand dollars or be imprisoned for not more than one year, or both guilty of~~  
7 ~~a simple misdemeanor~~, and shall forfeit all benefits he or she might have been  
8 entitled to under this chapter.

1 SEC. 12. Section forty-three point one hundred twenty (43.120), unnumbered  
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whoever is ~~guilty of commits~~ any of the following acts shall be ~~fin~~**ed not less**  
4 ~~than one hundred dollars nor more than five hundred dollars, or be imprisoned~~  
5 ~~in the county jail not less than thirty days nor more than six months guilty of a~~  
6 ~~serious misdemeanor~~, to wit:

1 SEC. 13. Section forty-eight point five (48.5), subsection three (3), Code 1975,  
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
3 eighty-one (81), section forty-nine (49) is amended to read as follows:

4 3. Neither the duplicate registration records open to public inspection nor any  
5 list obtained under subsection two (2) of this section shall be used for any  
6 purpose of any kind or nature, other than to request a registrant's vote at a  
7 primary or general election, or any other bona fide political purpose. The  
8 commissioner shall keep a list of the name, address, telephone number, and  
9 social security number of each person who copies or obtains copies of the  
10 registration lists. Any person that uses such lists in violation of this section shall,  
11 upon conviction, be ~~imprisoned in the county jail, not to exceed one year, or be~~  
12 ~~fin~~**ed not to exceed one thousand dollars, or by both such fine and**  
13 ~~imprisonment, for each violation guilty of a serious misdemeanor.~~

1 SEC. 14. Section forty-eight point sixteen (48.16), Code 1975, is amended to  
2 read as follows:

3 **48.16 Penalties.** Any officer or employee who shall willfully fail to perform  
4 or enforce any of the provisions of this chapter, or who shall unlawfully or  
5 fraudulently remove any registration card or record from its proper  
6 compartment in the registration records, or who shall willfully destroy any  
7 record provided by this chapter, or any person who shall willfully or  
8 fraudulently register more than once, or register under any but his *or her* true  
9 name, or votes or attempts to vote by impersonating another who is registered,  
10 or who willfully or fraudulently registers in any election precinct where ~~he the~~  
11 ~~person~~ is not a resident at the time of registering, or who adds a name or names  
12 to a page or pages, or who violates any of the provisions of this chapter, shall be  
13 guilty of felony and, ~~upon conviction, shall be imprisoned in the state~~  
14 ~~penitentiary for not less than one year an aggravated misdemeanor.~~

1 SEC. 15. Section forty-eight point twenty-seven (48.27), subsection four (4),  
2 paragraphs a and d, Code 1975, are amended to read as follows:

3 a. They shall secure registration of eligible voters anywhere in the jurisdiction  
4 of the county commissioner of registration. It shall be unlawful for any mobile  
5 deputy registrar to refuse to register any eligible voter and any unreasonable

6 refusal shall be a *simple* misdemeanor.

7 d. Mobile deputy registrars shall return all completed registration records at  
8 least weekly to the county commissioner of registration except that completed  
9 registration records shall be turned in at least every two working days during the  
10 last ten days of registration. All completed and unused material must be turned  
11 in no later than six o'clock on the day registration closes for the election. Failure  
12 to comply with this provision shall be a *simple* misdemeanor.

1 SEC. 16. Section forty-nine point one hundred eight (49.108), Code 1975, is  
2 amended to read as follows:

3 **49.108 Penalty.** Any violation of the provisions of section 49.107 shall be  
4 ~~punished by a fine of not less than five dollars nor more than one hundred~~  
5 ~~dollars, or by imprisonment for not less than ten days nor more than thirty days~~  
6 ~~in the county jail, or by both fine and imprisonment constitute a simple~~  
7 ~~misdemeanor.~~

1 SEC. 17. Section forty-nine point one hundred ten (49.110), Code 1975, is  
2 amended to read as follows:

3 **49.110 Intimidation of employees by employer.** Any employer who shall  
4 refuse to an employee the privilege conferred by section 49.109, or shall subject  
5 such employee to a penalty or reduction of wages because of the exercise of such  
6 privilege, or shall in any manner attempt to influence or control such employee  
7 as to how ~~he~~ *the employee* shall vote, by offering any reward, or threatening  
8 discharge from employment, or otherwise intimidating or attempting to  
9 intimidate such employee from exercising ~~his~~ *the employee's* right to vote, shall  
10 be ~~punished by a fine of not less than five dollars nor more than one hundred~~  
11 ~~dollars guilty of a simple misdemeanor.~~

1 SEC. 18. Section forty-nine point one hundred twelve (49.112), Code 1975, is  
2 amended to read as follows:

3 **49.112 Penalty.** Any person violating section 49.111 shall be ~~fined not less~~  
4 ~~than ten dollars nor more than one hundred dollars, or imprisoned not less than~~  
5 ~~ten nor more than thirty days, or be punished by both said fine and~~  
6 ~~imprisonment guilty of a simple misdemeanor.~~

1 SEC. 19. Section forty-nine point one hundred nineteen (49.119), Code 1975,  
2 is amended to read as follows:

3 **49.119 Penalty.** Any person violating or attempting to violate any  
4 provisions or requirements of this chapter, or failing or refusing to comply with  
5 any order or command of an election officer, made in pursuance of the  
6 provisions of this chapter, shall, unless otherwise provided, be ~~punished by a fine~~  
7 ~~of not less than fifty dollars nor more than two hundred dollars, or by~~  
8 ~~imprisonment of not less than twenty days, nor more than six months, in the~~  
9 ~~county jail guilty of a simple misdemeanor.~~

1 SEC. 20. Section forty-nine point one hundred twenty-two (49.122), Code  
2 1975, is amended to read as follows:

3 **49.122 Penalty.** Any person violating any of the provisions of sections  
4 49.120 and 49.121 shall be deemed guilty of a *simple* misdemeanor ~~and punished~~  
5 ~~by a fine of not less than fifty dollars nor more than three hundred dollars, or by~~  
6 ~~imprisonment in the county jail not less than thirty days nor more than six~~  
7 ~~months.~~

1 SEC. 21. Section fifty-one point sixteen (51.16), Code 1975, is amended to  
2 read as follows:

3 **51.16 Violations.** Any judge or clerk violating the provisions of this chapter  
4 shall be guilty of a *simple* misdemeanor; ~~and, upon conviction thereof, shall be~~  
5 ~~liable to a fine of not to exceed five hundred dollars, or imprisonment in the~~  
6 ~~county jail not to exceed six months. Any person so convicted shall be~~  
7 ~~disfranchised for five years thereafter.~~

1 SEC. 22. Section fifty-three point thirty-four (53.34), Code 1975, is amended  
2 to read as follows:

3 **53.34 False affidavit.** Any person who shall willfully swear falsely to any of  
4 such affidavits shall be guilty of ~~perjury, and punished accordingly a fraudulent~~  
5 ~~practice.~~

1 SEC. 23. Section fifty-three point thirty-five (53.35), Code 1975, is amended  
2 to read as follows:

3 **53.35 Refusal to return ballot.** Any person who, having procured an official  
4 ballot or ballots, shall willfully neglect or refuse to cast or return the same in the  
5 manner provided, or who shall willfully violate any provision of this chapter,  
6 shall, unless otherwise provided, be ~~fined not to exceed one hundred dollars, or~~  
7 ~~imprisoned in the county jail not to exceed thirty days guilty of a simple~~  
8 ~~misdemeanor.~~ Any person who applies for a ballot and willfully neglects or  
9 refuses to return the same shall be deemed to have committed an offense in the  
10 county to which such ballot was returnable.

1 SEC. 24. Section fifty-three point thirty-six (53.36), Code 1975, is amended to  
2 read as follows:

3 **53.36 Offenses by officers.** If any commissioner or any election officer shall  
4 refuse or neglect to perform any of the duties prescribed by this chapter, or shall  
5 violate any of the provisions thereof, he *or she* shall be ~~fined not less than one~~  
6 ~~hundred dollars nor more than one thousand, or imprisoned in the county jail~~  
7 ~~not to exceed ninety days, where no other penalty is provided, be guilty of a simple~~  
8 ~~misdemeanor.~~

1 SEC. 25. Section fifty-six point sixteen (56.16), Code 1975, is amended to  
2 read as follows:

3 **56.16 Penalty.** Any person who willfully violates any provisions of this  
4 chapter shall upon conviction, be ~~subject to a fine of not more than one~~  
5 ~~thousand dollars or imprisonment in the county jail for not more than thirty~~  
6 ~~days guilty of a serious misdemeanor.~~

1 SEC. 26. Section sixty-four point twenty-five (64.25), Code 1975, is amended  
2 to read as follows:

3 **64.25 Failure to give bond.** ~~Any Action by any officer who acts in an~~  
4 ~~official capacity without giving bond when such bond is required shall be fined~~  
5 ~~in an amount not exceeding the amount of the bond required of him constitute~~  
6 ~~grounds for removal from office.~~

1 SEC. 27. Section sixty-seven point six (67.6), Code 1975, is amended to read  
2 as follows:

3 **67.6 Effect of order—penalty.** It shall be unlawful for such officer, after the  
4 making of such order of suspension, to exercise or attempt to exercise any of the  
5 functions of his *or her* office until such suspension shall be revoked; and any  
6 attempt by the suspended officer to exercise such office shall be ~~punished by~~  
7 ~~imprisonment in the county jail not more than one year, or by a fine not~~  
8 ~~exceeding one thousand dollars, or by both fine and imprisonment constitute a~~  
9 ~~serious misdemeanor.~~

1 SEC. 28. Section sixty-eight A point six (68A.6), Code 1975, is amended to  
2 read as follows:

3 **68A.6 Penalty.** It shall be unlawful for any person to deny or refuse any  
4 citizen of Iowa any right under this chapter, or to cause any such right to be  
5 denied or refused. Any person knowingly violating or attempting to violate any  
6 provision of this chapter ~~where no other penalty is provided~~ shall be guilty of a  
7 ~~simple misdemeanor and upon conviction shall be punished by a fine of not~~  
8 ~~more than one hundred dollars.~~



1 SEC. 29. Section sixty-nine point two (69.2), subsection six (6), Code 1975, is  
2 amended to read as follows:

3 6. The conviction of incumbent of an ~~infamous crime~~ *aggravated misdemeanor*,  
4 or of any public offense involving the violation of ~~his~~ *the incumbent's* oath of  
5 office.

1 SEC. 30. Section seventy-three point five (73.5), Code 1975, is amended to  
2 read as follows:

3 **73.5 Violations.** Any officer or person who is connected with, or is a  
4 member or agent or representative of any commission, board, committee, officer  
5 or other governing body of this state, or of any county, township, school district,  
6 city, or contractor, who fails to give preference to Iowa labor as required in  
7 sections 73.3 and 73.4, shall be guilty of a *simple* misdemeanor, and ~~upon~~  
8 ~~conviction shall be punished by a fine of not to exceed one hundred dollars, or~~  
9 ~~by imprisonment in the county jail for not to exceed thirty days.~~ Each separate  
10 case of failure to give preference to Iowa labor shall constitute a separate  
11 offense.

1 SEC. 31. Section seventy-five point seven (75.7), Code 1975, is amended to  
2 read as follows:

3 **75.7 Penalty.** Any public officer who fails to perform any duty required by  
4 this chapter or who does any act prohibited by this chapter, *where no other*  
5 *penalty is provided*, shall be guilty of a *simple* misdemeanor.

1 SEC. 32. Section seventy-seven point eleven (77.11), Code 1975, is amended  
2 to read as follows:

3 **77.11 Improperly acting as notary.** If any notary public exercises the duties  
4 of his *or her* office after the expiration of his *or her* commission, or when  
5 otherwise disqualified, or appends his *or her* official signature to documents  
6 when the parties have not appeared before him *or her*, he *or she* shall be ~~fin~~  
7 ~~not less than fifty dollars~~ *guilty of a simple misdemeanor*, and shall be removed  
8 from office by the secretary of state.

1 SEC. 33. Section seventy-seven point fifteen (77.15), Code 1975, is amended  
2 to read as follows:

3 **77.15 Neglect to deposit records.** If any notary, on his *or her* resignation or  
4 removal, neglects for three months so to deposit them, he *or she* shall be guilty of  
5 a *simple* misdemeanor and be liable in an action to any person injured by such  
6 neglect.

1 SEC. 34. Section seventy-seven point sixteen (77.16), Code 1975, is amended  
2 to read as follows:

3 **77.16 Neglect of executor to deposit records.** If an executor or administrator  
4 of a deceased notary willfully neglects, for three months after his *or her*  
5 acceptance of that appointment, to deposit in the secretary of state's office the  
6 records and papers of a deceased notary which came into his *or her* hands, he  
7 shall be held guilty of a *simple* misdemeanor.

1 SEC. 35. Section eighty point six (80.6), Code 1975, is amended to read as  
2 follows:

3 **80.6 Impersonating officer—uniform.** Any person who impersonates a  
4 member of the Iowa safety patrol or other officer or employee of the  
5 department, or wears a uniform likely to be confused with the official uniform  
6 of any such officer, with intent to deceive anyone, shall be guilty of a *simple*  
7 misdemeanor and be punished as provided in section 321.482.

1 SEC. 36. Section eighty A point twelve (80A.12), Code 1975, is amended to  
2 read as follows:

3 **80A.12 Penalties.** Any person, firm or corporation who violates any of the  
4 provisions of this chapter ~~or~~ *where no other penalty is provided shall be guilty of a*  
5 *simple misdemeanor.* Anyone who makes any false statement or representation in

6 any application or statement filed with the commissioner of public safety, as  
 7 required by this chapter, or any person who falsely states or represents that he or  
 8 she has been or is a private detective or advertises himself or herself as such; or  
 9 ~~any shall be guilty of a fraudulent practice. Any person, firm, or corporation who~~  
 10 engages in the private detective business or profession as defined in this chapter,  
 11 without being possessed of a current, valid license therefor, as provided by this  
 12 chapter, shall be guilty of a *serious* misdemeanor ~~and upon conviction thereof~~  
 13 ~~shall be punished by a fine of not less than one hundred dollars, nor more than~~  
 14 ~~five hundred dollars, or by imprisonment in the county jail not to exceed six~~  
 15 ~~months, or by both such fine and imprisonment.~~

1 SEC. 37. Section eighty-one point thirteen (81.13), Code 1975, is amended to  
 2 read as follows:

3 **81.13 Penalties.** Any person violating any provision of this chapter shall be  
 4 guilty of a *simple* misdemeanor, except as herein otherwise provided; ~~and shall~~  
 5 ~~upon conviction thereof be punished by a fine of not more than one hundred~~  
 6 ~~dollars or by imprisonment in the county jail not exceeding thirty days.~~

1 SEC. 38. Section eighty-one A point nine (81A.9), Code 1975, is amended to  
 2 read as follows:

3 **81A.9 Penalty.** Any merchant, whether an individual person, a firm,  
 4 corporation, partnership or association violating any of the provisions of this  
 5 chapter shall, ~~upon conviction, be fined in a sum not to exceed one hundred~~  
 6 ~~dollars, or be imprisoned not to exceed thirty days in jail be guilty of a simple~~  
 7 ~~misdemeanor.~~ Each sale made in violation of the provisions hereof shall be and  
 8 constitute a separate offense.

1 SEC. 39. Section eighty-three A point twenty-nine (83A.29), Code 1975, is  
 2 amended to read as follows:

3 **83A.29 Penalty for failure to register.** Any operator who fails to make  
 4 timely application for registration of each site where mining is being conducted  
 5 is guilty of a *simple* misdemeanor ~~and on conviction shall be punished by a fine~~  
 6 ~~of not less than fifty dollars nor more than five hundred dollars or by~~  
 7 ~~imprisonment not to exceed thirty days, or both such fine and imprisonment.~~  
 8 Each day mining activities are conducted at a site for which no application for  
 9 registration has been made as required under section 83A.13 shall constitute a  
 10 separate violation.

1 SEC. 40. Section eighty-four point sixteen (84.16), subsections one (1) and  
 2 two (2), Code 1975, are amended to read as follows:

3 **84.16 Penalties.**

4 1. Any person who violates any provision of this chapter, or any rule or order  
 5 of the council *where no other penalty is provided* shall be ~~subject to a penalty of~~  
 6 ~~not more than one thousand dollars for each act of violation and for each day~~  
 7 ~~that such violation continues; unless the penalty for such violation is otherwise~~  
 8 ~~specifically provided for and made exclusive in this chapter guilty of a simple~~  
 9 ~~misdemeanor.~~

10 2. If any person, for the purpose of evading this chapter, or any rule or order  
 11 of the council, shall make or cause to be made any false entry or statement in a  
 12 report required by this chapter or by any such rule or order, or shall make or  
 13 cause to be made any false entry in any record, account, or memorandum  
 14 required by this chapter, or by any such rule or order, or shall omit, or cause to  
 15 be omitted, from any such record, account, or memorandum, full, true, and  
 16 correct entries as required by this chapter, or by any such rule or order, or shall  
 17 remove from this state or destroy, mutilate, alter or falsify any such record,  
 18 account, or memorandum, such person shall be guilty of a ~~misdemeanor and,~~  
 19 ~~upon conviction, shall be subject to a fine of not more than five thousand~~  
 20 ~~dollars or imprisonment in a county jail for a term not exceeding six months, or~~  
 21 ~~to both such fine and imprisonment~~ *fraudulent practice.*

1 SEC. 41. Section eighty-four point sixteen (84.16), Code 1975, is amended by  
2 striking subsection four (4).

1 SEC. 42. Section eighty-five point forty-one (85.41), Code 1975, is amended  
2 to read as follows:

3 **85.41 Refusal to furnish statement.** On failure of the employer to furnish  
4 such statement of earnings for thirty days after receiving written request therefor  
5 from an injured employee, ~~his~~ *the employee's* agent, attorney, dependent, or legal  
6 representative, such employer shall pay a penalty of ~~twenty-five dollars for each~~  
7 ~~offense to be collected by the commissioner in any court having jurisdiction and~~  
8 ~~paid into the state treasury~~ *be guilty of a simple misdemeanor.*

1 SEC. 43. Section eighty-five point fifty-four (85.54), Code 1975, is amended  
2 to read as follows:

3 **85.54 Contracts to avoid compensation.** Any contract of employment, relief  
4 benefit, or insurance, or other device whereby the employee is required to pay  
5 any premium or premiums for insurance against the compensation provided for  
6 in this chapter, shall be null and void; and any employer withholding from the  
7 wages of any employee any amount for the purpose of paying any such premium  
8 shall be guilty of a *simple misdemeanor and punishable by a fine not less than*  
9 ~~ten dollars nor more than fifty dollars for each offense.~~

1 SEC. 44. Section eighty-six point four (86.4), Code 1975, is amended to read  
2 as follows:

3 **86.4 Political activity and contributions.** It shall be unlawful for the  
4 commissioner, or any appointee of the commissioner while in office, to espouse  
5 the election or appointment of any candidate to any political office, ~~contribute~~  
6 ~~to the campaign fund of any political party; or to the campaign fund of any~~  
7 ~~person who is a candidate for election or appointment to any political office;~~  
8 and any person violating the provisions of this section shall be guilty of a *simple*  
9 ~~misdemeanor and shall be fined one hundred dollars, and it shall be sufficient~~  
10 ~~cause for removal from office.~~

1 SEC. 45. Section eighty-six point five (86.5), Code 1975, is amended to read  
2 as follows:

3 **86.5 Political promises.** Any person who is a candidate for appointment as  
4 commissioner who makes any promise to another, express or implied, in  
5 consideration of any assistance or influence given or recommendation made that  
6 the candidate will, if appointed as a commissioner, appoint such person or one  
7 whom he *or she* may recommend to any office within the power of the  
8 commissioner to appoint, shall be ~~fined one hundred dollars~~ *guilty of a simple*  
9 ~~misdemeanor.~~

1 SEC. 46. Section eighty-six point ten (86.10), unnumbered paragraph three  
2 (3), Code 1975, is amended to read as follows:

3 ~~A refusal~~ *Refusal* on the part of the employer to submit his *or her* books,  
4 records, or payrolls for the inspection of the commissioner or his *or her*  
5 authorized representatives presenting written authority from the commissioner,  
6 shall ~~subject the employer to a penalty of one hundred dollars for each such~~  
7 ~~offense, to be collected by civil action in the name of the state, and paid into the~~  
8 ~~state treasury~~ *constitute a simple misdemeanor.*

1 SEC. 47. Section eighty-six point twelve (86.12), Code 1975, is amended to  
2 read as follows:

3 **86.12 Failure to report.** Any employer who willfully fails to make the  
4 reports required by this chapter shall be ~~liable to a penalty of fifty dollars for~~  
5 ~~each offense to be recovered by the commissioner~~ *guilty of a simple misdemeanor.*  
6 The commissioner shall be represented by the county attorney of the county in  
7 which such proceedings is brought.

1 SEC. 48. Section eighty-seven point two (87.2), unnumbered paragraph three  
2 (3), Code 1975, is amended to read as follows:

3 Any employer coming under the provisions of this and chapters 85 and 86  
4 who fails to comply with this section or to post and keep the above notice in the  
5 manner and form herein required, shall be guilty of a *simple* misdemeanor.

1 SEC. 49. Section eighty-seven point fourteen (87.14), Code 1975, is amended  
2 to read as follows:

3 **87.14 Mines—insurance required.** It shall be unlawful for any person, firm,  
4 association, corporation or partnership to engage in the business of operating a  
5 mine under any system of removing coal for sale, or any work in connection  
6 therewith, or incident thereto, without first obtaining insurance covering  
7 compensation payments or obtaining relief therefrom as provided in chapters 85,  
8 86, and 87, as herein amended. Any violation of this section shall be deemed a  
9 *simple* misdemeanor ~~and upon conviction of such offense the offender shall be~~  
10 ~~punished by a fine of not less than ten dollars nor more than one hundred~~  
11 ~~dollars.~~ Each day such offense is committed shall be regarded as a separate,  
12 wrongful act and may be prosecuted in one proceeding, but in separate counts,  
13 at the election of the prosecuting attorney.

1 SEC. 50. Section eighty-eight point fourteen (88.14), subsection eight (8),  
2 Code 1975, is amended to read as follows:

3 8. Disclosure of confidential information. Whoever violates the provisions of  
4 section 88.12 shall be ~~fined not more than one thousand dollars, or imprisoned~~  
5 ~~not more than one year, or both such fine and imprisonment guilty of a serious~~  
6 ~~misdemeanor;~~ and shall be removed from office or employment.

1 SEC. 51. Section eighty-eight A point ten (88A.10), subsection two (2), Code  
2 1975, is amended to read as follows:

3 2. Any person who interferes with, impedes, or obstructs in any manner the  
4 commissioner or any authorized representative of the bureau in the performance  
5 of his *or her* duties under this chapter is guilty of a *simple* misdemeanor. Any  
6 person who bribes or attempts to bribe the commissioner or his *or her* designee  
7 shall be subject to ~~section 739.1 chapter one (1), section two thousand two hundred~~  
8 ~~one (2201) of this Act.~~

1 SEC. 52. Section eighty-nine point nine (89.9), Code 1975, is amended to read  
2 as follows:

3 **89.9 Penalty.** Any person or persons, corporations and directors, managers  
4 and superintendents, and officers thereof, violating any of the provisions of this  
5 chapter, shall be guilty of a *simple* misdemeanor; ~~and upon conviction thereof~~  
6 ~~shall be punished by a fine in a sum not more than one hundred dollars.~~

1 SEC. 53. Section ninety-one point sixteen (91.16), Code 1975, is amended to  
2 read as follows:

3 **91.16 Violations—penalties.** Persons violating any of the provisions of this  
4 chapter shall be punished as in this section provided, respectively:

5 1. Any owner, superintendent, manager, or person in charge of any factory,  
6 mill, workshop, store, mine, hotel, restaurant, cafe, railway, business house,  
7 public or private work, who shall refuse to allow the commissioner of labor or  
8 any inspector or employee of the bureau of labor to enter the same, or who shall  
9 hinder or deter him *or her* in collecting information which it is his *or her* duty to  
10 collect shall be ~~fined not exceeding one hundred dollars or imprisoned in the~~  
11 ~~county jail not exceeding thirty days guilty of a simple misdemeanor.~~

12 2. Any person duly subpoenaed to attend a hearing before the commissioner  
13 or deputy or a court in any proceeding provided by this chapter who shall  
14 willfully neglect or refuse to attend or testify at the time and place named in the  
15 subpoena shall be ~~fined not exceeding fifty dollars or imprisoned in the county~~  
16 ~~jail not exceeding thirty days.~~

17       3 2. Any officer or employee of the bureau of labor, or any person making  
18 unlawful use of names or information obtained by virtue of his *or her* office,  
19 shall be ~~fined not exceeding five hundred dollars or imprisoned in the county jail~~  
20 ~~not exceeding one year guilty of a serious misdemeanor.~~

21       4 3. Any owner, operator, or manager of a factory, mill, workshop, mine,  
22 store, railway, business house, public or private work, who shall neglect or refuse  
23 for thirty days after receipt of notice from the commissioner to furnish any  
24 reports or returns he *or she* may require to enable him *or her* to discharge his *or*  
25 *her* duties shall be ~~fined not to exceed one hundred dollars or imprisoned in the~~  
26 ~~county jail not to exceed thirty days guilty of a simple misdemeanor.~~

1       SEC. 54. Section ninety-two point twenty (92.20), Code 1975, is amended to  
2 read as follows:

3       **92.20 Penalty.** The parent, guardian, or person in charge of any migratory  
4 worker or of any child who shall engage in any street occupation in violation of  
5 any of the provisions of this chapter shall be ~~punished by a fine of not less than~~  
6 ~~twenty dollars nor more than fifty dollars guilty of a simple misdemeanor.~~

7       Any person who furnishes or sells to any minor child any article of any  
8 description when ~~he~~ *the person* knows or should have known that said minor  
9 intends to sell in violation of the provisions of this chapter, shall be ~~punished by~~  
10 ~~a fine of not less than twenty dollars nor more than one hundred dollars guilty of~~  
11 ~~a simple misdemeanor.~~

12       Any other violation of this chapter for which a penalty is not specifically  
13 provided, shall be ~~punishable by a fine of not less than twenty dollars nor more~~  
14 ~~than one hundred dollars guilty of a simple misdemeanor.~~ Every day during which  
15 any violation of this chapter continues shall constitute a separate and distinct  
16 offense, and the employment of any person in violation of this chapter shall,  
17 with respect to each person so employed, constitute a separate and distinct  
18 offense.

1       SEC. 55. Section ninety-four point seven (94.7), Code 1975, is amended to  
2 read as follows:

3       **94.7 Unlawful practices—civil liability.** ~~No~~ Any person, firm, or  
4 corporation shall ~~send who sends~~ an application for employment to an employer  
5 who has not applied to such person, firm, or corporation for help or labor ~~shall~~  
6 ~~be guilty of a simple misdemeanor. Nor shall any~~ Any person, firm, or corporation  
7 engaged in the business of operating an employment agency or bureau, ~~who~~  
8 fraudulently ~~promise or deceive promises or deceives~~ either through a false notice  
9 or advertisement or other means, any applicant for help or employment with  
10 regard to the service to be rendered by such person, firm, corporation, agency,  
11 or bureau ~~shall be guilty of a simple misdemeanor. Any person who violates any~~  
12 ~~of the provisions of this section shall be liable in a civil suit for damages to any~~  
13 ~~person who is damaged or injured thereby and shall also be guilty of a~~  
14 ~~misdemeanor, and upon conviction, shall be punished as provided in section~~  
15 ~~94.12.~~

1       SEC. 56. Section ninety-four point twelve (94.12), Code 1975, is amended to  
2 read as follows:

3       **94.12 Violations.** Any person, firm, or corporation violating any of the  
4 provisions of this chapter, or who shall refuse access to records, books, or other  
5 papers relative to the conduct of such agency or bureau, to any person having  
6 authority to examine same, shall be ~~punished by a fine not exceeding one~~  
7 ~~hundred dollars or imprisonment in the county jail not to exceed thirty days~~  
8 ~~guilty of a simple misdemeanor unless otherwise provided.~~

1       SEC. 57. Section ninety-five point six (95.6), Code 1975, is amended to read  
2 as follows:

3     **95.6 Violations.** Any person in any manner undertaking to do any of the  
4 things described in section 95.1, without first securing a license as herein  
5 provided, shall be guilty of a *serious* misdemeanor.

1     SEC. 58. Section ninety-six point eleven (96.11), subsection nine (9), Code  
2 1975, is amended to read as follows:

3     9. Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued  
4 to any person, any court of this state within the jurisdiction of which the inquiry  
5 is carried on or within the jurisdiction of which said person guilty of contumacy  
6 or refusal to obey is found or resides or transacts business, upon application by  
7 the commission, or appeal tribunal, or any member or duly authorized  
8 representative thereof, shall have jurisdiction to issue to such person an order  
9 requiring such person to appear before the commission, or an appeal tribunal,  
10 there to produce evidence if so ordered or there to give testimony touching the  
11 matter under investigation or in question; any failure to obey such order of the  
12 court may be punished by said court as a contempt thereof. ~~Any person who  
13 shall without just cause fail or refuse to attend and testify or to answer any  
14 lawful inquiry or to produce books, papers, correspondence, memoranda, and  
15 other records, if it is in his power to do so, in obedience to a subpoena, shall be  
16 punished by a fine of not more than two hundred dollars or by imprisonment,  
17 for not longer than sixty days, or by both such fine and imprisonment, and each  
18 day such violation continues shall be deemed to be a separate offense.~~

1     SEC. 59. Section ninety-six point fifteen (96.15), subsections one (1) and two  
2 (2), Code 1975, are amended to read as follows:

3     1. Waiver of rights void. Any agreement by an individual to waive, release, or  
4 commute his *or her* rights to benefits or any other rights under this chapter shall  
5 be void. Any agreement by any individual in the employ of any person or  
6 concern to pay all or any portion of an employer's contributions, required under  
7 this chapter from such employer, shall be void. No employer shall directly or  
8 indirectly make or require or accept any deduction from wages to finance the  
9 employer's contributions required from ~~him~~ *the employer*, or require or accept  
10 any waiver of any right hereunder by any individual in his *or her* employ. Any  
11 employer or officer or agent of an employer who violates any provision of this  
12 subsection shall, for each offense, be ~~fin~~ *ined not less than one hundred dollars nor*  
13 ~~more than one thousand dollars or be imprisoned for not more than six months,~~  
14 ~~or both guilty of a serious misdemeanor.~~

15     2. Limitation of fees. No individual claiming benefits shall be charged fees of  
16 any kind in any proceeding under this chapter by the commission or its  
17 representatives or by any court or any officer thereof. Any individual claiming  
18 benefits in any proceeding before the commission, or an appeal tribunal or a  
19 court may be represented by counsel or other duly authorized agent; but no  
20 such counsel or agent shall either charge or receive for such services more than  
21 an amount approved by the commission. Any person who violates any  
22 provisions of this subsection shall, for each such offense, be ~~fin~~ *ined not less than*  
23 ~~fifty dollars nor more than five hundred dollars, or imprisoned for not more~~  
24 ~~than six months, or both guilty of a serious misdemeanor.~~

1     SEC. 60. Section ninety-six point sixteen (96.16), subsections one (1), two (2),  
2 and three (3), Code 1975, are amended to read as follows:

3     1. Penalties. Whoever makes a false statement or representation knowing it to  
4 be false or knowingly fails to disclose a material fact, to obtain or increase any  
5 benefit or other payment under this chapter, either for himself or for any other  
6 person, shall be ~~punished by a fine of not less than twenty dollars nor more than~~  
7 ~~fifty dollars or by imprisonment for not longer than thirty days guilty of a~~  
8 ~~fraudulent practice.~~ Each such false statement or representation or failure to  
9 disclose a material fact shall constitute a separate offense.

10 2. False statement. Any employing unit or any officer or agent of an  
 11 employing unit or any other person who makes a false statement or  
 12 representation knowing it to be false, or who knowingly fails to disclose a  
 13 material fact, to prevent or reduce the payment of benefits to any individual  
 14 entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or  
 15 reduce any contribution or other payment required from an employing unit  
 16 under this chapter, or who willfully fails or refuses to make any such  
 17 contributions or other payment or to furnish any reports required hereunder or  
 18 to produce or permit the inspection or copying of records as required hereunder,  
 19 shall be ~~punished by a fine of not less than twenty dollars nor more than two~~  
 20 ~~hundred dollars, or by imprisonment for not longer than sixty days, or by both~~  
 21 ~~such fine and imprisonment~~ *guilty of a fraudulent practice*; and each such false  
 22 statement or representation or failure to disclose a material fact, and each day of  
 23 such failure or refusal, shall constitute a separate offense.

24 3. Unlawful acts. Any person who shall willfully violate any provisions of this  
 25 chapter or any rule thereunder, the violation of which is made unlawful or the  
 26 observance of which is required under the terms of this chapter, and for which a  
 27 penalty is neither prescribed herein nor provided by any other applicable statute,  
 28 shall be ~~punished by a fine of not less than twenty dollars nor more than two~~  
 29 ~~hundred dollars or by imprisonment for not longer than sixty days, or by both~~  
 30 ~~such fine and imprisonment~~ *guilty of a simple misdemeanor*, and each day such  
 31 violation continues shall be deemed to be a separate offense.

1 SEC. 61. Section ninety-seven A point thirteen (97A.13), Code 1975, is  
 2 amended to read as follows:

3 **97A.13 Protection against fraud.** Any person who shall knowingly make  
 4 any false statement, or shall falsify or permit to be falsified any record or  
 5 records of the system in any attempt to defraud the system as a result of such  
 6 act, shall be guilty of a ~~misdemeanor and shall be punishable therefor under the~~  
 7 ~~laws of this state~~ *fraudulent practice*. Should any change or error in records result  
 8 in any member or beneficiary receiving from the system more or less than ~~he~~ *the*  
 9 *person* would have been entitled to receive had the records been correct, the  
 10 board of trustees shall correct such error, and, as far as practicable, shall adjust  
 11 the payments in such a manner that the actuarial equivalent of the benefit to  
 12 which such member or beneficiary was correctly entitled, shall be paid.

1 SEC. 62. Section ninety-seven B point thirty-eight (97B.38), Code 1975, is  
 2 amended to read as follows:

3 **97B.38 Fees for services.** The commission may, by rule, prescribe the  
 4 maximum fees which may be charged for services performed in connection with  
 5 any claim before the commission under this chapter, and any agreement in  
 6 violation of such rules shall be void. Any person who shall, with intent to  
 7 defraud, in any manner willfully and knowingly deceive, mislead, or threaten any  
 8 claimant or prospective claimant or beneficiary under this chapter by word,  
 9 circular, letter or advertisement, or who shall knowingly charge or collect directly  
 10 or indirectly any fee in excess of the maximum fee, or make any agreement  
 11 directly or indirectly to charge or collect any fee in excess of the maximum fee,  
 12 prescribed by the commission, shall be deemed guilty of a ~~misdemeanor and,~~  
 13 ~~upon conviction thereof, shall for each offense be punished by a fine not~~  
 14 ~~exceeding five hundred dollars or by imprisonment not exceeding one year, or~~  
 15 ~~both~~ *fraudulent practice*.

1 SEC. 63. Section ninety-seven B point forty (97B.40), Code 1975, is amended  
 2 to read as follows:

3 **97B.40 Fraud.** Whoever, for the purpose of causing an increase in any  
 4 payment authorized to be made under this chapter, or for the purpose of causing  
 5 any payment to be made where no payment is authorized under this chapter,  
 6 shall willfully make or cause to be made any false statement or representation as  
 7 to the amount of any wages paid or received for the period during which earned

8 or unpaid, knowing it to be false or whoever makes or causes to be made any  
 9 false statement of a material fact knowing it to be false in any application for  
 10 any payment under this chapter, or whoever willfully makes or causes to be  
 11 made any false statement, representation, affidavit, or document in connection  
 12 with such an application knowing them to be false, shall be guilty of a  
 13 ~~misdemeanor and upon conviction thereof shall be fined not more than one~~  
 14 ~~thousand dollars or imprisoned for not more than one year, or both fraudulent~~  
 15 ~~practice.~~

1 SEC. 64. Section ninety-eight point three (98.3), Code 1975, is amended to  
 2 read as follows:

3 **98.3 Violation.** Any person who shall violate any of the provisions of  
 4 section 98.2 shall for the first offense be ~~punished by a fine of not less than~~  
 5 ~~twenty-five dollars nor more than one hundred dollars, or by imprisonment in~~  
 6 ~~the county jail for not more than thirty days guilty of a simple misdemeanor.~~ For  
 7 a second or any subsequent violation such person shall be ~~punished by a fine of~~  
 8 ~~not less than one hundred dollars nor more than five hundred dollars, or~~  
 9 ~~imprisonment in the county jail for not less than one month nor more than six~~  
 10 ~~months or by both such fine and imprisonment guilty of a serious misdemeanor.~~

1 SEC. 65. Section ninety-eight point thirty-seven (98.37), Code 1975, is  
 2 amended to read as follows:

3 **98.37 Certain offenses and penalties provided.** Whoever shall violate any  
 4 provision of this chapter for which a fine or imprisonment is not elsewhere  
 5 specifically provided, shall be ~~punished by a fine of not less than ten dollars nor~~  
 6 ~~more than one hundred dollars or by imprisonment for not to exceed thirty days~~  
 7 ~~guilty of a simple misdemeanor unless otherwise provided.~~

1 SEC. 66. Section ninety-eight point thirty-eight (98.38), Code 1975, is  
 2 amended to read as follows:

3 **98.38 Counterfeiting and previously used stamps.** Any person who shall  
 4 print, engrave, make, issue, sell, or circulate, or shall possess or have in his or her  
 5 possession with intent to use, sell, circulate, or pass, any counterfeit stamp or  
 6 previously used stamp, or who shall use, or consent to the use of, any counterfeit  
 7 stamp or previously used stamp in connection with the sale, or offering for sale,  
 8 of any cigarettes, or who shall place, or cause to be placed, on any individual  
 9 package of cigarettes, any counterfeit stamp or previously used stamp, shall be  
 10 guilty of a felony and upon conviction shall be ~~fined not less than one hundred~~  
 11 ~~dollars nor more than one thousand dollars or by imprisonment not more than~~  
 12 ~~one year or both such fine and imprisonment an aggravated misdemeanor.~~

1 SEC. 67. Section ninety-eight point forty-five (98.45), unnumbered paragraph  
 2 four (4), Code 1975, is amended to read as follows:

3 Any person who fails or refuses to transmit to the director the required  
 4 reports or whoever refuses to permit the examination of the records by the  
 5 director shall be guilty of a *simple* misdemeanor.

1 SEC. 68. Section ninety-eight point fifty (98.50), Code 1975, is amended to  
 2 read as follows:

3 **98.50 Violations, penalties.**

4 1. Any person who in any manner knowingly attempts to evade the tax  
 5 imposed by this division or who knowingly aids or abets in the evasion or  
 6 attempted evasion of the tax or who knowingly violates the provisions of section  
 7 98.44, subsection 1, of this division, shall be ~~imprisoned in the county jail for a~~  
 8 ~~term of not more than one year or fined not to exceed one thousand dollars, or~~  
 9 ~~both guilty of a serious misdemeanor.~~

10 2. Any person who otherwise violates any provisions of this division shall be  
 11 guilty of a *simple* misdemeanor.



1 SEC. 69. Section ninety-nine point one (99.1), unnumbered paragraph one  
2 (1), Code 1975, is amended to read as follows:

3 Whoever shall erect, establish, continue, maintain, use, own, or lease any  
4 building, erection, or place used for the purpose of ~~lewdness, assignation,~~  
5 prostitution or gambling; ~~or pool selling as defined by section 726.6, except as~~  
6 ~~authorized under the laws of this state,~~ is guilty of a nuisance, and the building,  
7 erection, or place, or the ground itself, in or upon which such ~~lewdness,~~  
8 ~~assignation,~~ prostitution; or gambling; ~~or pool selling as defined by section 726.6~~  
9 is conducted, permitted, or carried on, continued, or exists, and the furniture,  
10 fixtures, musical instruments, and movable property used in conducting or  
11 maintaining such nuisance, are also declared a nuisance and shall be enjoined  
12 and abated as hereinafter provided.

1 SEC. 70. Section one hundred point four (100.4), Code 1975, is amended to  
2 read as follows:

3 **100.4 Refusal of officer to investigate.** Any chief of a fire department,  
4 mayor, or township clerk who fails or refuses to make the investigation and  
5 report required of him or her, shall be ~~fin~~ed in a sum not less than five dollars  
6 nor more than one hundred dollars guilty of a simple misdemeanor.

1 SEC. 71. Section one hundred point eight (100.8), Code 1975, is amended to  
2 read as follows:

3 **100.8 Refusal to testify or produce books.** Any witness who refuses to be  
4 sworn, ~~or refuses to testify,~~ except as otherwise provided by law, or who  
5 disobeys any lawful order of said fire marshal, or his or her designated  
6 subordinates, or who fails to produce any books, papers, or documents touching  
7 any matter under examination, shall be guilty of a simple misdemeanor; ~~and~~  
8 ~~shall be fined not exceeding one hundred dollars or imprisoned in the county jail~~  
9 ~~not exceeding thirty days.~~

1 SEC. 72. Section one hundred point thirty-five (100.35), Code 1975, is  
2 amended to read as follows:

3 **100.35 Rules of marshal.** The fire marshal shall adopt, amend, promulgate  
4 and enforce rules and standards relating to fire protection, fire safety and the  
5 elimination of fire hazards in churches, schools, hotels, theaters, amphitheaters,  
6 hospitals, health care facilities as defined in section 135C.1, boarding homes or  
7 housing, rest homes, dormitories, college buildings, lodge halls, club rooms,  
8 public meeting places, places of amusement, and all other buildings or structures  
9 in which persons congregate from time to time, whether publicly or privately  
10 owned. Any person, firm or corporation violating any of such rules and  
11 regulations of the fire marshal shall be deemed guilty of a simple misdemeanor  
12 ~~and upon conviction shall be punished by a fine of not less than twenty-five~~  
13 ~~dollars nor more than one hundred dollars.~~ Each day of the continuing violation  
14 of such rules after conviction shall be considered a separate offense. Appeals  
15 may be taken from such convictions as in other criminal cases.

1 SEC. 73. Section one hundred one point seven (101.7), Code 1975, is  
2 amended to read as follows:

3 **101.7 Penalty.** Any person, firm or corporation violating any of the rules  
4 promulgated under this chapter shall be deemed guilty of a simple misdemeanor  
5 ~~and upon conviction shall be punished by a fine of not less than twenty-five~~  
6 ~~dollars nor more than one hundred dollars.~~ Each day of the continuing violation  
7 of such rules after conviction shall be considered a separate offense. Appeals  
8 may be taken from such convictions as in other criminal cases.

1 SEC. 74. Section one hundred one A point one (101A.1), subsection one (1),  
2 Code 1975, is amended to read as follows:

3 1. "Explosive" or "explosives" means any chemical compound, mixture or  
4 device, the primary or common purpose of which is to function by explosion,

5 i.e., with substantially instantaneous release of gas and heat, unless such  
 6 compound, mixture, or device is otherwise specifically classified by the United  
 7 States department of transportation. The term "explosives" includes all material  
 8 which is classified as class A, class B, and class C explosives by the United  
 9 States department of transportation, and includes, but is not limited to,  
 10 dynamite, black powder, pellet powders, initiating explosives, blasting caps,  
 11 electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau  
 12 detonative fuse, instantaneous fuse, igniter cord, igniters, smokeless propellant,  
 13 cartridges for propellant-actuated power devices and cartridges for industrial  
 14 guns, but shall not include "fireworks" as defined and regulated pursuant to  
 15 sections ~~732.17 through 732.19~~ in chapter one (1), section two thousand seven  
 16 hundred two (2702) of this Act nor ammunition or small arms primers  
 17 manufactured for use in shotguns, rifles, and pistols. Commercial explosives are  
 18 those explosives which are intended to be used in commercial or industrial  
 19 operations.

1 SEC. 75. Section one hundred one A point fourteen (101A.14), Code 1975, is  
 2 amended to read as follows:

3 **101A.14 Criminal penalties.**

4 1. Any person who violates the provisions of section 101A.2, subsection 3, or  
 5 section 101A.3, subsection 4, commits a public offense and, upon conviction,  
 6 shall be ~~punished by imprisonment in the penitentiary for a term not to exceed~~  
 7 ~~fifteen years, or fined not to exceed five thousand dollars, or by both such~~  
 8 ~~imprisonment and fine guilty of a class C felony.~~

9 2. Any person who violates the provisions of sections 101A.6, 101A.8 or  
 10 101A.9 or any of the rules adopted by the commissioner of public safety  
 11 pursuant to the provisions of this chapter, commits a ~~public offense and, upon~~  
 12 ~~conviction, shall be punished by imprisonment in the county jail not to exceed~~  
 13 ~~thirty days, or fined not to exceed one hundred dollars simple misdemeanor.~~

1 SEC. 76. Section one hundred two point four (102.4), Code 1975, is amended  
 2 to read as follows:

3 **102.4 False claim to exemption.** Any person who shall by  
 4 misrepresentation, or by the use of a false certificate or the certificate of any  
 5 other person, endeavor to avail himself *or herself* of the benefits of this chapter,  
 6 ~~upon conviction thereof, shall be imprisoned in the county jail for a period of~~  
 7 ~~not more than six nor less than one month, and pay a fine of not less than ten~~  
 8 ~~nor more than one hundred dollars guilty of a serious misdemeanor.~~

1 SEC. 77. Section one hundred three point seventeen (103.17), Code 1975, is  
 2 amended to read as follows:

3 **103.17 Violations.** Any person who shall violate any of the provisions of  
 4 law relating to fire escapes, or means of escape from fire, or any owner, agent, or  
 5 trustee having the full care and control of any building and who has been served  
 6 with notice as provided herein and who shall, within sixty days of the service of  
 7 the notice, or within the time as extended by the state fire marshal, fail and  
 8 neglect to comply with the requirements of law, or of the state fire marshal, or  
 9 who shall fail, refuse, or neglect to perform any order or requirement fixed by  
 10 law, or by the state fire marshal, shall be ~~punished by a fine of not less than~~  
 11 ~~twenty-five dollars nor more than one hundred dollars guilty of a simple~~  
 12 ~~misdemeanor.~~ Each additional week of neglect to comply with such notice, order,  
 13 or requirement shall constitute a separate offense.

1 SEC. 78. Section one hundred three A point twenty-one (103A.21),  
 2 subsections one (1) and two (2), Code 1975, are amended to read as follows:

3 **103A.21 Penalty.**

4 1. Any person served with an order pursuant to the provisions of  
 5 section 103A.19, subsection 3, who fails to comply with the order within  
 6 thirty days after service or within the time fixed by the local building  
 7 department for compliance, whichever is longer, and any owner, builder,

8 architect, tenant, contractor, subcontractor, construction superintendent or their  
 9 agents, or any other person taking part or assisting in the construction or use of  
 10 any building or structure who shall knowingly violate any of the applicable  
 11 provisions of the state building code or any lawful order of a local building  
 12 department made thereunder, shall be ~~punishable by a fine of not more than one~~  
 13 ~~hundred dollars, or thirty days in jail, or by both fine and imprisonment guilty of~~  
 14 ~~a simple misdemeanor.~~

15 2. Violation of this chapter shall not impose any disability upon or affect or  
 16 impair the credibility as a witness, or otherwise, of any person.

17 Violations of this section shall be *simple* misdemeanors, and ~~municipal, police,~~  
 18 ~~or mayors' magistrates' and district associate judges' courts~~ shall have exclusive  
 19 jurisdiction to originally hear and determine charges of violations.

1 SEC. 79. Section one hundred four point seventeen (104.17), Code 1975, is  
 2 amended to read as follows:

3 **104.17 Penalties.**

4 1. Any owner who violates any of the provisions of this chapter shall be  
 5 ~~punished for each offense by a fine of not more than one hundred dollars, or by~~  
 6 ~~imprisonment for not more than thirty days in the county jail guilty of a simple~~  
 7 ~~misdemeanor, unless otherwise specifically provided in this chapter.~~

8 2. Any person who bribes or attempts to bribe an inspector shall be subject to  
 9 criminal proceedings under ~~section 739.4~~ *chapter one (1), section two thousand two*  
 10 *hundred one (2201) of this Act.*

1 SEC. 80. Section one hundred six point seven (106.7), subsection five (5),  
 2 Code 1975, is amended to read as follows:

3 5. Failure of the operator of any vessel involved in a collision, reportable  
 4 accident, or other casualty, to offer assistance and aid to other persons affected  
 5 by such collision, accident, or casualty, as set forth in this chapter, shall be  
 6 ~~punishable by a fine of not more than one thousand dollars, or imprisonment in~~  
 7 ~~the county jail for not more than one year, or both constitute a serious~~  
 8 ~~misdemeanor.~~

1 SEC. 81. Section one hundred six point thirteen (106.13), Code 1975, is  
 2 amended to read as follows:

3 **106.13 Penalty.** Any person violating any of the provisions of this chapter,  
 4 for which another penalty is not otherwise specifically provided, shall, ~~upon~~  
 5 ~~conviction or a plea of guilty, be fined not to exceed one hundred dollars or be~~  
 6 ~~imprisoned in the county jail not to exceed thirty days be guilty of a simple~~  
 7 ~~misdemeanor.~~

8 Chapter 232 shall have no application in the prosecution of offenses  
 9 committed in violation of this chapter or rules and regulations which are  
 10 adopted under the authority of this chapter which are ~~punishable by a fine of~~  
 11 ~~not more than one hundred dollars or by imprisonment for not more than thirty~~  
 12 ~~days constitute simple misdemeanors.~~

1 SEC. 82. Section one hundred six point twenty-five (106.25), Code 1975, is  
 2 amended to read as follows:

3 **106.25 Penalty.** If any owner, agent or master of any vessel, plying the  
 4 waters of this state, shall hire or offer for hire, such vessel for the carrying of a  
 5 person or persons thereon, without first obtaining annually, a permit as in this  
 6 chapter required, and before operating such vessel in such service; or if the  
 7 owner, agent or master, having obtained such permit, receives for carriage or  
 8 permits carriage on such vessel a greater number of persons than authorized  
 9 therein, or if any person acts as pilot or engineer on any vessel, for which  
 10 inspection and registration are required, without first obtaining a permit  
 11 therefor; or if such pilot or engineer continues to follow such avocation after the  
 12 same has been revoked or expired, he *or she* shall be ~~fin~~ed in a ~~sum~~ not to  
 13 ~~exceed one thousand dollars or imprisoned in the county jail not to exceed one~~

14 ~~year or punished by both such fine and imprisonment guilty of a serious~~  
 15 ~~misdemeanor.~~ The provisions of this section shall not apply to vessels registered  
 16 or numbered by authority of the United States.

1 SEC. 83. Section one hundred nine point nine (109.9), Code 1975, is amended  
 2 to read as follows:

3 **109.9 Spawning grounds.** To effect sound wildlife management and  
 4 maintain biological balance as provided in section 109.39, the commission may  
 5 set aside certain portions of any state waters for spawning grounds where the  
 6 same are suitable for this purpose for such length of time as it may deem  
 7 advisable by the posting of notices in conspicuous places around such area, and  
 8 it shall be unlawful for any person to fish or to in any manner interfere with the  
 9 spawning of fish in this area. Any person violating any of the provisions of this  
 10 section shall be guilty of a *simple* misdemeanor ~~and punished as provided in~~  
 11 ~~section 109.32.~~

1 SEC. 84. Section one hundred nine point thirty-two (109.32), unnumbered  
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell,  
 4 ship, or transport any frogs, fish, mussels, birds, their nests, eggs, or plumage,  
 5 fowls, game, or animals in violation of the provisions of this chapter or of  
 6 administrative rules of the commission or whoever shall use any device,  
 7 equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other  
 8 substance or means, the use of which is prohibited by this chapter, or use the  
 9 same at a time, place or in a manner or for a purpose prohibited, or do any  
 10 other act in violation of the provisions of this chapter or of administrative rules  
 11 of the commission for which no other punishment is provided, shall be ~~fin~~  
 12 ~~ed not less than ten dollars nor more than one hundred dollars or be imprisoned in the~~  
 13 ~~county jail not more than thirty days guilty of a simple misdemeanor.~~

1 SEC. 85. Section one hundred nine point thirty-three (109.33), Code 1975, is  
 2 amended to read as follows:

3 **109.33 Violations relating to dams.** Whoever shall erect any dam or other  
 4 obstruction prohibited by this chapter or at a place or in a manner prohibited  
 5 ~~shall be guilty of a simple misdemeanor,~~ or shall injure or destroy any dam  
 6 lawfully erected, shall be ~~fin~~  
 7 ~~ed not less than one hundred dollars nor more than~~  
 8 ~~five hundred dollars, or be imprisoned in the county jail not more than one~~  
~~hundred days guilty of an aggravated misdemeanor.~~

1 SEC. 86. Section one hundred nine point thirty-four (109.34), Code 1975, is  
 2 amended to read as follows:

3 **109.34 Violations by common carrier.** Any common carrier which shall  
 4 violate any of the provisions of this chapter relating to receiving, having in  
 5 possession, shipping or delivering any fish, fowls, birds, birds' nests, eggs, or  
 6 plumage, game or animals, in violation of the provisions of this chapter or  
 7 contrary to the regulations and restrictions therein provided, and any agent,  
 8 employee, or servant of such corporation violating such provisions, shall be ~~fin~~  
 9 ~~ed not less than one hundred dollars nor more than three hundred dollars, and any~~  
 10 ~~such agent, employee, or servant may be imprisoned not exceeding thirty days~~  
 11 ~~guilty of a simple misdemeanor.~~

1 SEC. 87. Section one hundred nine point sixty-one (109.61), unnumbered  
 2 paragraph three (3), Code 1975, is amended to read as follows:

3 Violation of the provisions of this section shall constitute a *simple*  
 4 misdemeanor ~~and punishment shall be as provided for in section 109.32.~~

1 SEC. 88. Section one hundred nine point eighty-seven (109.87), unnumbered  
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Taking or attempting to take beaver on private lands or waters without  
4 permission of the owner or tenant shall constitute a *simple* misdemeanor  
5 punishable as provided in section 109.32.

1 SEC. 89. Section one hundred nine point ninety-three (109.93), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person violating this section shall be ~~punished by a fine of not more than~~  
4 ~~three hundred dollars or imprisonment in the county jail for a period not to~~  
5 ~~exceed thirty days guilty of a simple misdemeanor.~~

1 SEC. 90. Section one hundred nine point one hundred twenty (109.120),  
2 Code 1975, is amended to read as follows:

3 **109.120 Hunting from aircraft or snowmobiles prohibited.** It shall be  
4 unlawful for any person to intentionally kill or wound, attempt to kill or wound,  
5 or pursue any animal, fowl or fish from or with an aircraft in flight or from or  
6 with any self-propelled vehicles designed for travel on snow or ice which utilize  
7 sled type runners, or skis, or an endless belt tread or any combination thereof  
8 and which are commonly known as snowmobiles. Any person who violates the  
9 provisions of this section shall be guilty of a *simple* misdemeanor ~~and upon~~  
10 ~~conviction thereof shall be punished by a fine not to exceed one hundred~~  
11 ~~dollars, or by a term not to exceed thirty days in the county jail.~~

1 SEC. 91. Section one hundred ten point thirteen (110.13), Code 1975, is  
2 amended to read as follows:

3 **110.13 Unlawful use—effect.** The use of a license by a person other than  
4 that to whom issued shall nullify said license and such use shall constitute a  
5 *simple* misdemeanor.

1 SEC. 92. Sections one hundred ten point twenty (110.20) and one hundred  
2 ten point twenty-one (110.21), Code 1975, are amended by striking the sections  
3 and inserting in lieu thereof the following:

4 **110.20 Disposition of seized property.** Disposition of seized property shall  
5 be made in accordance with chapter two (2), division nine (IX) of this Act.

1 SEC. 93. Section one hundred ten point twenty-six (110.26), Code 1975, is  
2 amended to read as follows:

3 **110.26 Penalties.** Whoever shall violate any of the provisions of this  
4 chapter shall be ~~fined not less than ten dollars nor more than one hundred~~  
5 ~~dollars or be imprisoned in the county jail not more than thirty days guilty of a~~  
6 ~~simple misdemeanor.~~

1 SEC. 94. Section one hundred ten A point nine (110A.9), Code 1975, is  
2 amended to read as follows:

3 **110A.9 Violations—penalty.** Any licensee or any other person, who willfully  
4 and intentionally transfers or permits the transfer of the tags issued to the  
5 operator of one licensed game breeding and shooting preserve area to the  
6 operator of another licensed game breeding and shooting preserve area, or to  
7 any other person, or who affixes such tags to game birds not taken from a  
8 licensed game breeding and shooting preserve area or to game birds taken from  
9 any area other than the area for which such tags were issued, is guilty of a *simple*  
10 misdemeanor.

1 SEC. 95. Section one hundred eleven point four (111.4), unnumbered  
2 paragraph three (3), Code 1975, is amended to read as follows:

3 Any person, firm, association, or corporation violating any of the provisions  
4 of this section or any rule or regulation adopted by the commission under the  
5 authority of this section shall be guilty of a *simple* misdemeanor, ~~and upon~~  
6 ~~conviction shall be punished by a fine of not to exceed one hundred dollars or~~  
7 ~~by imprisonment in the county jail not to exceed thirty days.~~

1 SEC. 96. Section one hundred eleven point fifty-seven (111.57), Code 1975, is  
2 amended to read as follows:

3 **111.57 Penalties.** Any person violating any of the provisions of the  
4 foregoing sections number 111.35 to 111.56, inclusive, shall, ~~upon conviction, be~~  
5 ~~fined not to exceed one hundred dollars or be imprisoned in the county jail not~~  
6 ~~to exceed thirty days be guilty of a simple misdemeanor.~~

1 SEC. 97. Section one hundred eleven A point five (111A.5), Code 1975, is  
2 amended to read as follows:

3 **111A.5 Rules and regulations—officers.** The county conservation board  
4 may make, alter, amend or repeal rules and regulations for the protection,  
5 regulation and control of all museums, parks, preserves, parkways, playgrounds,  
6 recreation centers, and other property under its control. No rules and regulations  
7 adopted shall be contrary to, or inconsistent with, the laws of the state of Iowa.  
8 Such rules and regulations shall not take effect until ten days after their  
9 adoption by said board and after their publication once a week for two weeks in  
10 at least one paper circulating in the county and after a copy thereof has been  
11 posted near each gate or principal entrance to the public ground to which they  
12 apply. After such publication and posting, any person violating any provision of  
13 such rules and regulations which are then in effect shall, ~~upon conviction, be~~  
14 ~~fined not more than one hundred dollars or be imprisoned in the county jail not~~  
15 ~~more than thirty days be guilty of a simple misdemeanor.~~ The board may  
16 designate the executive officer and such employees as ~~he the executive officer~~  
17 may designate as police officers who shall have all the powers conferred by law  
18 on police officers, peace officers, or sheriffs in the enforcement of the laws of the  
19 state of Iowa and the apprehension of violators thereof.

1 SEC. 98. Section one hundred fourteen point twenty-five (114.25), Code 1975,  
2 is amended to read as follows:

3 **114.25 Violations.** Any person who ~~violates such permanent injunction or~~  
4 ~~presents or attempts to file as his or her own the certificate of registration of~~  
5 ~~another, or who shall give false or forged evidence of any kind to the board, or~~  
6 ~~to any member thereof, in obtaining a certificate of registration, or who shall~~  
7 ~~falsely impersonate another practitioner of like or different name, or who shall~~  
8 ~~use or attempt to use a revoked certificate of registration, shall be deemed guilty~~  
9 ~~of a misdemeanor and shall be punished by a fine of not less than one hundred~~  
10 ~~dollars nor more than five hundred dollars, or by imprisonment for three~~  
11 ~~months, or by both such fine and imprisonment fraudulent practice.~~

1 SEC. 99. Section one hundred fourteen point thirty-two (114.32),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 100. Section one hundred fifteen point nine (115.9), Code 1975, is  
2 amended to read as follows:

3 **115.9 Violations punished.** Any ~~violation of person who violates~~ the  
4 provisions of this chapter shall be ~~punished by a fine not exceeding one hundred~~  
5 ~~dollars guilty of a simple misdemeanor.~~

1 SEC. 101. Section one hundred fifteen point twenty (115.20), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 102. Section one hundred sixteen point sixteen (116.16), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 103. Section one hundred sixteen point twenty-nine (116.29),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person who violates any provisions of section 116.25 shall be guilty of a  
4 ~~serious misdemeanor; and upon conviction, shall be subject to a fine of not more~~  
5 ~~than five hundred dollars, or to imprisonment for not more than one year, or to~~  
6 ~~both such fine and imprisonment.~~

1 SEC. 104. Section one hundred seventeen point forty-three (117.43), Code  
2 1975, is amended to read as follows:

3 **117.43 Penalties.** Any person found guilty of violating a provision of  
4 sections 117.1 to 117.42, inclusive, in a first offense shall be ~~punished by a fine~~  
5 ~~of not to exceed one hundred dollars or by imprisonment for a term of not to~~  
6 ~~exceed thirty days in jail guilty of a simple misdemeanor.~~

1 SEC. 105. Section one hundred seventeen point forty-five (117.45),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who shall violate the provisions of this section shall be ~~imprisoned~~  
4 ~~in the penitentiary not exceeding two years, or may be fined in the discretion of~~  
5 ~~the court, not exceeding five thousand dollars, or imprisoned in the county jail~~  
6 ~~not more than one year guilty of a fraudulent practice.~~

1 SEC. 106. Section one hundred seventeen point fifty-two (117.52),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 107. Section one hundred seventeen A point five (117A.5), Code 1975,  
2 is amended to read as follows:

3 **117A.5 Penalties.**

4 1. Any person, firm, partnership, corporation, company, or association  
5 representing in any manner that the state, the commission or any officer thereof  
6 has recommended or acquiesced in the recommendation of the purchase of any  
7 subdivided land offered for sale or lease, in advertising or offering such  
8 subdivided land for sale or lease, shall be guilty of a ~~serious misdemeanor and~~  
9 ~~shall be punished by a fine of not more than one thousand dollars, or by~~  
10 ~~imprisonment in the county jail for not more than one year or by both such fine~~  
11 ~~and imprisonment.~~

12 2. Any person, officer, director, agent, or employee of a person, company,  
13 firm, partnership, association, or corporation offering to sell or lease, or selling  
14 or leasing, subdivided land prior to the filing of the offering statement and the  
15 application required by this chapter shall be guilty of a ~~serious misdemeanor and~~  
16 ~~punished by a fine not to exceed two thousand dollars or by imprisonment in~~  
17 ~~the county jail for a term not to exceed one year, or by both such fine and~~  
18 ~~imprisonment.~~

19 3. Except as provided in subsection 2, every person, officer, director, agent, or  
20 employee of a person, company, firm, partnership, corporation, or association  
21 who authorizes, directs, or aids in the publication, advertisement, distribution, or

22 circulation of any device, scheme, or artifice for obtaining money or property by  
 23 means of any false pretense, representation, or promise concerning any  
 24 subdivided land offered for sale or lease, and every person, officer, director,  
 25 agent, or employee of a company, firm, partnership, corporation, or association  
 26 who make or attempts to make fictitious or pretended purchases or sales of  
 27 subdivided lands in this state, or in any other respect willfully violates or fails to  
 28 comply with any of the provisions of this chapter, or omits or neglects to obey,  
 29 observe, or comply with any order, permit, decision, demand, or requirement of  
 30 the commission under the provisions of this chapter, is guilty of a *serious*  
 31 misdemeanor ~~and shall be punished by a fine not to exceed two thousand~~  
 32 ~~dollars or by imprisonment in the county jail for a term not to exceed one year~~  
 33 ~~or by both such fine and imprisonment, and if such person is a licensee under~~  
 34 ~~chapter 117, the commission also may revoke or suspend his license in the~~  
 35 ~~manner provided in such chapter.~~

1 SEC. 108. Section one hundred eighteen point nineteen (118.19), Code 1975,  
 2 is amended to read as follows:

3 **118.19 Violations—punishment.** Any person who practices or offers to  
 4 practice architecture or who uses the word architect or any word or any letters  
 5 or figures indicating or tending to imply that the person using the same is an  
 6 architect, without first having complied with the provisions of this chapter, shall  
 7 be deemed guilty of a *serious* misdemeanor ~~and shall be punished with a fine of~~  
 8 ~~not more than two hundred dollars or imprisonment for not more than one year,~~  
 9 ~~or both such fine and imprisonment.~~

1 SEC. 109. Section one hundred eighteen point twenty-seven (118.27),  
 2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
 4 such information, and any person who willfully requests, obtains, or seeks to  
 5 obtain such information, is guilty of a public offense which is punishable by a  
 6 fine not exceeding one hundred dollars ~~or by imprisonment in the county jail for~~  
 7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 110. Section one hundred eighteen A point eighteen (118A.18), Code  
 2 1975, is amended to read as follows:

3 **118A.18 Unlawful practice.** Any person who uses the words landscape  
 4 architect or any word or any letters or figures indicating or tending to imply that  
 5 the person using the same is a landscape architect, without having a valid  
 6 certificate of registration as a landscape architect issued pursuant to this chapter,  
 7 is guilty of a *simple* misdemeanor ~~and upon conviction may be sentenced to pay~~  
 8 ~~a fine of not more than five hundred dollars or be imprisoned for not more than~~  
 9 ~~three months; or be subject to both such fine and imprisonment.~~

1 SEC. 111. Section one hundred nineteen point one (119.1), Code 1975, is  
 2 amended to read as follows:

3 **119.1 Fraudulent marking.** Any person making for sale, selling, or offering  
 4 to sell or dispose of, or having in possession with intent to sell or dispose of, any  
 5 article of merchandise made, in whole or in part, of gold or any alloy of gold,  
 6 and having stamped, branded, engraved, or imprinted thereon, or upon any tag,  
 7 card, or label attached thereto, or upon any container in which said article is  
 8 enclosed, any mark indicating or designed to indicate that the gold or alloy in  
 9 such article is of a greater degree of fineness than the actual fineness or qualify\*  
 10 thereof, unless the actual fineness thereof, in the case of flatware or watchcases,  
 11 be not less by more than three one-thousandths parts, and in case of all other  
 12 articles be not less by more than one-half carat than the fineness indicated by  
 13 the marks stamped, branded, engraved, or imprinted upon any part of such  
 14 article, or upon any tag, card, or label attached thereto, or upon any container in  
 15 which such article is enclosed according to the standards and subject to the  
 16 qualifications hereinafter set forth, is guilty of a ~~misdemeanor~~ *fraudulent practice*.

\*According to enrolled Act



1 SEC. 112. Section one hundred nineteen point three (119.3), Code 1975, is  
2 amended to read as follows:

3 **119.3 "Sterling silver."** Any person making for sale, selling, or offering to sell  
4 or dispose of, or having in possession with intent to sell or dispose of, any article  
5 of merchandise made in whole or in part of silver or of any alloy of silver and  
6 having marked, stamped, branded, engraved, or imprinted thereon, or upon any  
7 tag, card, or label attached thereto, or upon any container in which said article is  
8 enclosed, the words "sterling silver" or "sterling" or any colorable imitation  
9 thereof, unless nine hundred twenty-five one-thousandths of the component  
10 parts of the metal purporting to be silver of which such article is manufactured  
11 are pure silver, subject to the qualifications hereinafter set forth, is guilty of a  
12 ~~misdemeanor~~ *fraudulent practice*, but in the case of all such articles there shall be  
13 allowed a divergence in fineness of four one-thousandths parts from the  
14 foregoing standard.

1 SEC. 113. Section one hundred nineteen point four (119.4), Code 1975, is  
2 amended to read as follows:

3 **119.4 "Coin silver."** Any person making for sale, selling, or offering to sell or  
4 dispose of, or having in possession with intent to sell or dispose of, any article of  
5 merchandise made in whole or in part of silver or of any alloy of silver and  
6 having marked, stamped, branded, engraved, or imprinted thereon, or upon any  
7 tag, card, or label attached thereto, or upon any box, package, cover, or wrapper  
8 in which such article is enclosed, the words "coin" or "coin silver", or any  
9 colorable imitation thereof, unless nine hundred one-thousandths of the  
10 component parts of the metal appearing or purporting to be silver of which such  
11 article is manufactured are pure silver, subject to the qualifications hereinafter  
12 set forth, is guilty of a ~~misdemeanor~~ *fraudulent practice*; but in case of all such  
13 articles there shall be allowed a divergence in fineness of four one-thousandths  
14 parts from the foregoing standards.

1 SEC. 114. Section one hundred nineteen point five (119.5), Code 1975, is  
2 amended to read as follows:

3 **119.5 Other articles of silver.** Any person making for sale, selling, or  
4 offering to sell or dispose of, or having in possession with intent to sell or  
5 dispose of, any article of merchandise made in whole or in part of silver or of  
6 any alloy of silver and having stamped, branded, engraved, or imprinted  
7 thereon, or upon any tag, card, or label attached thereto, or upon any container  
8 in which said article is enclosed, any mark or word, other than the word  
9 "sterling" or the word "coin", indicating, or designed to indicate that the silver  
10 or alloy of silver in said article is of a greater degree of fineness than the actual  
11 fineness or quality, unless the actual fineness of the silver or alloy or silver of  
12 which said article is composed be not less by more than four one-thousandths  
13 parts than the actual fineness indicated by the said mark or word, other than the  
14 word "sterling" or "coin", stamped, branded, engraved, or imprinted upon any  
15 part of said article, or upon any tag, card, or label attached thereto, or upon any  
16 container in which said article is enclosed, subject to the qualifications  
17 hereinafter set forth, is guilty of a ~~misdemeanor~~ *fraudulent practice*.

1 SEC. 115. Section one hundred nineteen point seven (119.7), Code 1975, is  
2 amended to read as follows:

3 **119.7 Gold-plated or gold-filled articles.** Any person making for sale,  
4 selling, or offering to sell or dispose of, or having in possession with intent to sell  
5 or dispose of, any article of merchandise made in whole or in part of inferior  
6 metal having deposited or plated thereon, or brazed or otherwise affixed thereto,  
7 a plate, plating, covering, or sheet of gold or of any alloy of gold and which  
8 article is known in the market as "rolled gold-plate", "gold-plate", "gold-filled",  
9 or "gold-electroplate", or by any similar designation, and having stamped,  
10 branded, engraved, or imprinted thereon, or upon any tag, card, or label

11 attached thereto, or upon any container in which said article is enclosed, any  
 12 word or mark usually employed to indicate the fineness of gold, unless said  
 13 word be accompanied by other words plainly indicating that such article or part  
 14 thereof is made of rolled gold-plate, or gold-plate, or gold-electroplate, or is  
 15 gold-filled, as the case may be, is guilty of a ~~misdemeanor~~ *fraudulent practice*.

1 SEC. 116. Section one hundred nineteen point eight (119.8), Code 1975, is  
 2 amended to read as follows:

3 **119.8 Silver-plated articles.** Any person making for sale, selling, or offering  
 4 to sell or dispose of, or having in possession with intent to sell or dispose of, any  
 5 article of merchandise made in whole or in part of inferior metal having  
 6 deposited or plated thereon, or brazed or otherwise affixed thereto, a plate,  
 7 plating, covering, or sheet of silver or of any alloy of silver, and which article is  
 8 known in the market as "silver-plate" or "silver-electroplate", or by any similar  
 9 designation, and having stamped, branded, engraved, or imprinted thereon, or  
 10 upon any tag, card, or label attached thereto, or upon any container in which  
 11 said article is encased or enclosed, the word "sterling" or the word "coin" either  
 12 alone or in conjunction with any other words or marks, is guilty of a  
 13 ~~misdemeanor~~ *fraudulent practice*.

1 SEC. 117. Section one hundred nineteen point nine (119.9), Code 1975, is  
 2 amended to read as follows:

3 **119.9 Violation.** Every person guilty of a violation of the provisions of this  
 4 chapter, and every officer, manager, director, or agent of any such person  
 5 directly participating in such violation or consenting thereto, shall be ~~punished~~  
 6 ~~by a fine of not more than five hundred dollars or imprisonment for not more~~  
 7 ~~than three months, or both, at the discretion of the court guilty of a simple~~  
 8 ~~misdemeanor~~; but nothing in this chapter shall apply to articles manufactured  
 9 prior to June 13, 1907.

1 SEC. 118. Section one hundred twenty point thirteen (120.13), Code 1975, is  
 2 amended to read as follows:

3 **120.13 Penalty.** Anyone not having a certificate of registration who shall  
 4 hold himself out as a watchmaker or as one qualified to do watchmaking or  
 5 anyone who shall violate any of the provisions of this chapter shall be guilty of a  
 6 ~~serious misdemeanor and shall be punished by a fine of not more than one~~  
 7 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~  
 8 ~~days or by both such fine and imprisonment.~~

1 SEC. 119. Section one hundred twenty point seventeen (120.17), unnumbered  
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
 4 such information, and any person who willfully requests, obtains, or seeks to  
 5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
 6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
 7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 120. Section one hundred twenty-two point six (122.6), Code 1975, is  
 2 amended to read as follows:

3 **122.6 Violations.** Any person who shall violate the provisions of this  
 4 chapter or who shall solicit funds without a permit, or if under a permit  
 5 thereafter divert the same to purposes other than for which said donations were  
 6 contributed, shall be deemed guilty of a ~~simple misdemeanor and upon~~  
 7 ~~conviction shall be punished by a fine of not more than one hundred dollars or~~  
 8 ~~by imprisonment in the county jail for not to exceed thirty days.~~

1 SEC. 121. Section one hundred twenty-three point forty-eight (123.48),  
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person under legal age who presents to any vendor falsified evidence  
 4 of age as provided in subsection 1 of this section shall be guilty of a *simple*  
 5 misdemeanor ~~and upon conviction shall be punished by a fine not to exceed one~~  
 6 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~  
 7 ~~days.~~

1 SEC. 122. Section one hundred twenty-three point fifty (123.50), subsection  
 2 one (1), Code 1975, is amended to read as follows:

3 1. Any person who violates any of the provisions of section 123.49 shall be  
 4 ~~subject to a fine of not to exceed one hundred dollars or to imprisonment for~~  
 5 ~~not more than thirty days in the county jail guilty of a simple misdemeanor.~~

1 SEC. 123. Section one hundred twenty-three point fifty-one (123.51),  
 2 subsection four (4), Code 1975, is amended to read as follows:

3 4. Violations of this section shall be a *simple* misdemeanor ~~punishable by a~~  
 4 ~~fine not exceeding one hundred dollars or imprisonment in the county jail not~~  
 5 ~~exceeding thirty days.~~

1 SEC. 124. Section one hundred twenty-three point eighty-seven (123.87),  
 2 Code 1975, is amended to read as follows:

3 **123.87 Prompt service.** It shall be a *simple* misdemeanor for any peace  
 4 officer to delay service of original notices, writs of injunction, writs of  
 5 abatement, or warrants for contempt in any equity case filed for injunction or  
 6 abatement by the state.

1 SEC. 125. Section one hundred twenty-three point ninety-nine (123.99), Code  
 2 1975, is amended to read as follows:

3 **123.99 False statements.** If any person, for the purpose of procuring the  
 4 shipment, transportation, or conveyance of any intoxicating liquors within this  
 5 state, shall make to any person, company, corporation, or common carrier, or to  
 6 any agent thereof, any false statements as to the character or contents of any  
 7 box, barrel, or other vessel or package containing such liquors; or shall refuse to  
 8 give correct and truthful information as to the contents of any such box, barrel,  
 9 or other vessel or package so sought to be transported or conveyed; or shall  
 10 falsely mark, brand, or label such box, barrel, or other vessel or package in order  
 11 to conceal the fact that the same contains intoxicating liquors; or shall by any  
 12 device or concealment procure or attempt to procure the conveyance or  
 13 transportation of such liquors as herein prohibited, ~~he the person shall be fined~~  
 14 ~~for each offense one hundred dollars and costs of prosecution, and be~~  
 15 ~~committed to the county jail until such fine and costs are paid guilty of a simple~~  
 16 ~~misdemeanor.~~

1 SEC. 126. Section one hundred twenty-three point one hundred two  
 2 (123.102), Code 1975, is amended to read as follows:

3 **123.102 Inspection of shipping records.** The record book required by section  
 4 123.101 shall, during business hours, be open to inspection by any peace or law  
 5 enforcing officer. It shall be a *simple* misdemeanor to refuse such inspection.

1 SEC. 127. Section one hundred twenty-three point one hundred four  
 2 (123.104), unnumbered paragraph one (1), Code 1975, is amended to read as  
 3 follows:

4 It shall be a *simple* misdemeanor for any corporation, common carrier, person,  
 5 or any agent or employee thereof:

1 SEC. 128. Section one hundred twenty-seven point seven (127.7), Code 1975,  
 2 is amended by striking the section and inserting in lieu thereof the following:

3 **127.7 Liquor subject to forfeiture.** The court, upon conviction, shall enter a  
 4 judgment of forfeiture of the liquor and vessels seized and shall file with the  
 5 clerk of the district court a certified transcript of such order.

1 SEC. 129. Section one hundred twenty-seven point eight (127.8), Code 1975,  
2 is amended by striking the section and inserting in lieu thereof the following:

3 **127.8 Disposition of forfeited liquors.** When a judgment has been entered  
4 decreeing a forfeiture of any intoxicating liquors, the magistrate shall direct the  
5 disposition of such liquors and the vessels containing the same:

6 1. By ordering that forfeited intoxicating liquors, which have a valid unbroken  
7 federal liquor tax stamp properly affixed to the vessel and which the magistrate  
8 has no reason to believe is adulterated or contaminated, be delivered to the Iowa  
9 beer and liquor control department.

10 2. By ordering the destruction of forfeited intoxicating liquors which do not  
11 have a valid federal liquor tax stamp properly affixed to the vessel or which the  
12 magistrate has reason to believe is contaminated or adulterated.

13 3. By ordering any portion thereof consisting of alcohol, brandies, wine, or  
14 whiskey, to be delivered, for medicinal or scientific purposes, to any state or  
15 reputable hospital in the county, or in adjoining counties, or to the board of  
16 control of state institutions, or to any reputable educational institution in the  
17 state for scientific purposes.

1 SEC. 130. Section one hundred twenty-seven point nine (127.9), Code 1975, is  
2 amended by striking the section and inserting in lieu thereof the following:

3 **127.9 Conveyance subject to forfeiture.** Any conveyance which is used to  
4 transport a quantity of unlawful liquor which is large enough to give rise to a  
5 presumption that the liquors are being transported for the purpose of sale and  
6 the transportation of such liquors is not incidental to the transportation of  
7 persons or other property is subject to forfeiture to the state.

1 SEC. 131. Section one hundred twenty-seven point eleven (127.11), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **127.11 Procedure.** Upon the filing of an information the procedure for  
5 forfeiting the conveyance shall be as follows:

6 1. Notice of the time and place of the forfeiture hearing shall be personally  
7 served upon all owners and lien holders of record of the seized conveyance at  
8 least thirty days prior to the date set for hearing. The notice shall contain a  
9 reasonable description of the conveyance and the time and place of its seizure.

10 2. Any person having a claim to the conveyance may file a claim with the  
11 clerk of court alleging his or her claim to the vehicle and the grounds relied  
12 upon in claiming that his or her property interest in the conveyance may not be  
13 forfeited.

14 3. The hearing shall be held before the district court in the county in which  
15 the conveyance was seized.

16 4. If a judgment of forfeiture is entered, the judgment shall state the value of  
17 the conveyance and the amount forfeited and direct the sheriff to sell the  
18 conveyance as chattel under execution, and a certified copy of the judgment  
19 shall constitute an execution.

1 SEC. 132. Section one hundred twenty-seven point twelve (127.12), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **127.12 Basis of forfeiture.** An order of forfeiture may only be entered upon  
5 a finding by the court that all of the following are true:

6 1. The quantity of liquor transported is large enough to give rise to a  
7 presumption that the liquor was being transported for the purpose of sale.

8 2. The transportation of the liquor was not incidental to the transportation of  
9 persons or other property.

10 3. One of the owners or lien holders knew or consented to the transportation  
11 of the liquor.

1 SEC. 133. Section one hundred twenty-seven point thirteen (127.13), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **127.13 Effect of forfeiture on owners and lien holders.** An order of  
5 forfeiture shall only be effective against the property interest of an owner or lien  
6 holder who knew or consented to the transportation of the liquor. The property  
7 interest of an owner or lien holder who did not consent or know of the  
8 transportation of the liquor shall not be affected by the order.

1 SEC. 134. Section one hundred twenty-seven point twenty (127.20), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **127.20 Sale of conveyance.** Prior to placing the conveyance for sale to the  
5 general public the sheriff shall permit any owner or lien holder having a  
6 property interest of fifty percent or more in the conveyance the opportunity to  
7 purchase the property interest forfeited. If such owner or lien holder does not  
8 exercise his or her option under this section or if no such owner or lien holder  
9 exists the conveyance shall be sold at public auction with the proceeds first  
10 being applied to the owners and lien holders who have not had their property  
11 interest forfeited and then applied to the expenses of keeping the conveyance  
12 and court costs.

1 SEC. 135. Section one hundred thirty-five point twenty (135.20), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who sells or offers to sell any pipe for use in the construction,  
4 reconstruction, or modification of a water well which is not clearly marked as  
5 provided in this section or who willfully alters any markings on such pipe in  
6 violation of this section, shall be guilty of a *simple* misdemeanor, ~~and, upon~~  
7 ~~conviction, shall be fined not more than one hundred dollars or be imprisoned~~  
8 ~~in the county jail not more than thirty days.~~ Each violation shall constitute a  
9 separate offense.

1 SEC. 136. Section one hundred thirty-five point thirty-six (135.36), Code  
2 1975, is amended to read as follows:

3 **135.36 Interference with health officer.** Any person resisting or interfering  
4 with the department, its employees, or authorized agents, in the discharge of any  
5 duty imposed by law shall be guilty of a *simple* misdemeanor.

1 SEC. 137. Section one hundred thirty-five point thirty-eight (135.38), Code  
2 1975, is amended to read as follows:

3 **135.38 Penalty.** Any person who knowingly violates any provision of this  
4 chapter, or of the rules of the department, or any lawful order, written or oral, of  
5 the department or of its officers, or authorized agents, shall be guilty of a *simple*  
6 misdemeanor. ~~If said rules relate to the practice of cosmetology or barbering~~  
7 ~~said misdemeanors shall be punished by a fine of not to exceed one hundred~~  
8 ~~dollars or by imprisonment not to exceed thirty days.~~

1 SEC. 138. Section one hundred thirty-five point forty-one (135.41), Code  
2 1975, is amended to read as follows:

3 **135.41 Publication.** The state department of health, the Iowa medical  
4 society or any of its allied medical societies or the Iowa society of osteopathic  
5 physicians and surgeons or any in-hospital staff committee shall use or publish  
6 said material only for the purpose of advancing medical research or medical  
7 education in the interest of reducing morbidity or mortality, except that a  
8 summary of such studies may be released by any such group for general  
9 publication. In all events the identity of any person whose condition or  
10 treatment has been studied shall be confidential and shall not be revealed under  
11 any circumstances. A violation of this section shall constitute a *simple*  
12 misdemeanor ~~and be punishable as such.~~

1 SEC. 139. Section one hundred thirty-five B point fifteen (135B.15), Code  
2 1975, is amended to read as follows:

3 **135B.15 Penalties.** Any person establishing, conducting, managing, or  
4 operating any hospital without a license shall be guilty of a *serious* misdemeanor  
5 ~~and upon conviction thereof shall be fined not less than one hundred dollars or~~  
6 ~~more than five hundred dollars~~, and each day of continuing violation after  
7 conviction shall be considered a separate offense.

1 SEC. 140. Section one hundred thirty-five C point twenty-one (135C.21),  
2 Code 1975, is amended to read as follows:

3 **135C.21 Penalty.** Any person establishing, conducting, managing, or  
4 operating any health care facility without a license shall be guilty of a *serious*  
5 misdemeanor ~~and, upon conviction thereof, shall be fined not less than one~~  
6 ~~hundred dollars nor more than one thousand dollars or be imprisoned in the~~  
7 ~~county jail for not more than six months, or both.~~ Each day of continuing  
8 violation after conviction or notice from the department by certified mail of a  
9 violation shall be considered a separate offense. Any such person establishing,  
10 conducting, managing or operating any health care facility without a license may  
11 be by any court of competent jurisdiction temporarily or permanently restrained  
12 therefrom in any action brought by the state.

1 SEC. 141. Section one hundred thirty-five D point eighteen (135D.18), Code  
2 1975, is amended to read as follows:

3 **135D.18 Penalty.** Any person violating any provision of this chapter shall  
4 be ~~fined not less than one hundred dollars nor more than one thousand dollars~~  
5 ~~or be imprisoned in the county jail for not more than six months or by both~~  
6 ~~such fine and imprisonment guilty of a simple misdemeanor.~~

1 SEC. 142. Section one hundred thirty-seven point twenty-one (137.21), Code  
2 1975, is amended to read as follows:

3 **137.21 Penalties.** Any person who violates any provision of this chapter or  
4 the rules of a local board or any lawful order of said board, its officers, or  
5 authorized agents shall be guilty of a *simple* misdemeanor ~~and shall be punished~~  
6 ~~by a fine not to exceed one hundred dollars or by imprisonment in the county~~  
7 ~~jail for not more than thirty days.~~ Each additional day of neglect or failure to  
8 comply with such provision, rule or lawful order after notice of violation by the  
9 local board shall constitute a separate offense.

1 SEC. 143. Section one hundred thirty-eight point nineteen (138.19), Code  
2 1975, is amended to read as follows:

3 **138.19 Penalties.** Any person failing to comply with any provision of this  
4 chapter, or with any rule or order issued pursuant to the provisions of this  
5 chapter, or interfering with, impeding, or obstructing in any manner, the  
6 commissioner, department, or any of its employees in the performance of official  
7 duties pursuant to this chapter, shall be guilty of a *simple* misdemeanor ~~and~~  
8 ~~fined in an amount of not less than fifty dollars nor more than one hundred~~  
9 ~~dollars for each such offense.~~ If any person further fails to comply with any  
10 provisions of this chapter, or with any rule or order issued pursuant to the  
11 provisions of this chapter, the commissioner shall enforce such provision, rule, or  
12 order by filing an action for injunction against such person in the district court  
13 in the county wherein such violation or violations occur.

1 SEC. 144. Section one hundred thirty-nine point thirty-two (139.32), Code  
2 1975, is amended to read as follows:

3 **139.32 Penalty.** Any person who knowingly violates any provision of this  
4 chapter, or of the rules of the state department or the local board, or any lawful  
5 order, written or oral, of said department or board, or of their officers or  
6 authorized agents, shall be guilty of a *simple* misdemeanor.

1 SEC. 145. Section one hundred forty point fifteen (140.15), Code 1975, is  
2 amended to read as follows:

3 **140.15 Penalty.** Any person violating any of the provisions of this chapter  
4 shall be ~~punished by a fine of not more than one hundred dollars, or by~~  
5 ~~imprisonment in the county jail for a period not to exceed thirty days, or by~~  
6 ~~both such fine and imprisonment guilty of a simple misdemeanor.~~

1 SEC. 146. Section one hundred forty-one point six (141.6), Code 1975, is  
2 amended to read as follows:

3 **141.6 Penalty.** A person who violates the confidentiality provision of this  
4 chapter shall be guilty of a *simple* misdemeanor and ~~shall, upon conviction, be~~  
5 ~~punished by a fine of not more than one hundred dollars.~~

1 SEC. 147. Section one hundred forty-two point five (142.5), Code 1975, is  
2 amended to read as follows:

3 **142.5 Disposition after dissection.** The remains of every body received for  
4 scientific purposes under this chapter shall be decently buried or cremated after  
5 it has been used for said purposes, and failure to do so shall be a *simple*  
6 misdemeanor.

1 SEC. 148. Section one hundred forty-two point eight (142.8), Code 1975, is  
2 amended to read as follows:

3 **142.8 Purpose for which body used.** The dead bodies delivered under this  
4 chapter shall be used only within the limits of this state for the purpose of  
5 scientific, medical, and surgical study, and no person shall remove the same  
6 beyond the limits of this state or in any manner traffic therein. Any person who  
7 shall violate this section shall be ~~punished by imprisonment for a term not~~  
8 ~~exceeding one year in the county jail guilty of a serious misdemeanor.~~

9 This section shall not apply to bodies given under authority of the Uniform  
10 Anatomical Gift Act.

1 SEC. 149. Section one hundred forty-two point nine (142.9), Code 1975, is  
2 amended to read as follows:

3 **142.9 Failure to deliver dead body.** Any person having the custody of the  
4 dead body of any human being which is required to be delivered for scientific  
5 purposes by this chapter, who shall fail to notify the state department of the  
6 existence of such body, or fail to deliver the same in accordance with the  
7 instruction of the department, shall be ~~punished by a fine not exceeding five~~  
8 ~~hundred dollars guilty of a simple misdemeanor.~~

1 SEC. 150. Section one hundred forty-two point ten (142.10), Code 1975, is  
2 amended to read as follows:

3 **142.10 Use without proper record.** Any physician or member of the  
4 instructional staff of any college or school who uses, or permits others under his  
5 *or her* charge to use the dead body of a human being for the purpose of medical  
6 or surgical study without the record required in section 142.6 having been made,  
7 or who shall refuse to allow any peace officer or relative of the deceased to  
8 inspect said record or body, shall be ~~punished by imprisonment in the county~~  
9 ~~jail not exceeding one year, or by a fine not exceeding one thousand dollars, or~~  
10 ~~by both guilty of a serious misdemeanor.~~

1 SEC. 151. Section one hundred forty-two point eleven (142.11), Code 1975, is  
2 amended to read as follows:

3 **142.11 Penalties.** Any person who shall receive or deliver any dead body of  
4 a human being knowing that any of the provisions of this chapter have been  
5 violated, shall be ~~imprisoned in the penitentiary not more than two years, or~~  
6 ~~fined not exceeding twenty-five hundred dollars, or both guilty of an aggravated~~  
7 ~~misdemeanor.~~

1 SEC. 152. Section one hundred forty-four point fifty-two (144.52),  
2 unnumbered paragraph one (1), Code 1975, is amended by striking the  
3 unnumbered paragraph and inserting in lieu thereof the following:

4 Any person committing any of the following acts is guilty of a serious  
5 misdemeanor:

1 SEC. 153. Section one hundred forty-four point fifty-three (144.53),  
2 unnumbered paragraph one (1), Code 1975, is amended by striking the  
3 unnumbered paragraph and inserting in lieu thereof the following:

4 Any person committing any of the following acts is guilty of a simple  
5 misdemeanor:

1 SEC. 154. Section one hundred forty-seven point seventy-four (147.74),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person who falsely holds himself out by the use of any professional title  
4 or abbreviation, either in writing, cards, signs, circulars, or advertisements, to be  
5 a practitioner of a system of the healing arts other than the one under which ~~he~~  
6 *the person* holds a license or who fails to use the following designations shall be  
7 guilty of a *simple* misdemeanor ~~and shall be fined not less than twenty-five~~  
8 ~~dollars, nor more than one hundred dollars, or be sentenced to thirty days in jail.~~

1 SEC. 155. Section one hundred forty-seven point eighty-four (147.84), Code  
2 1975, is amended to read as follows:

3 **147.84 Forgeries.** Any person who shall file or attempt to file with the state  
4 department of health any false or forged diploma, or certificate or affidavit of  
5 identification or qualification, shall be guilty of ~~forgery and punished~~  
6 ~~accordingly a fraudulent practice.~~

1 SEC. 156. Section one hundred forty-seven point eighty-five (147.85), Code  
2 1975, is amended to read as follows:

3 **147.85 Fraud.** Any person who shall present to the department a diploma  
4 or certificate of which ~~he~~ *the person* is not the rightful owner, for the purpose of  
5 procuring a license, or who shall falsely personate anyone to whom a license has  
6 been issued by said department shall be ~~punished as provided in section 147.86~~  
7 ~~guilty of a serious misdemeanor.~~

1 SEC. 157. Section one hundred forty-seven point eighty-six (147.86), Code  
2 1975, is amended to read as follows:

3 **147.86 Penalties.** Any person violating any provision of this or the  
4 following chapters of this title, except insofar as said provisions apply or relate  
5 to or affect the practice of pharmacy, of cosmetology, and of barbering, shall be  
6 ~~finned not less than one hundred dollars nor more than one thousand dollars or~~  
7 ~~be imprisoned in the county jail for not more than six months or by both such~~  
8 ~~fine and imprisonment guilty of a serious misdemeanor.~~

1 SEC. 158. Section one hundred forty-seven point one hundred thirteen  
2 (147.113), Code 1975, is amended to read as follows:

3 **147.113 Violations.** Any person failing to make the report required herein  
4 shall be guilty of a *simple* misdemeanor ~~and upon conviction shall be fined not~~  
5 ~~to exceed one hundred dollars.~~

1 SEC. 159. Section one hundred forty-seven point one hundred thirty  
2 (147.130), Code 1975, is amended to read as follows:

3 **147.130 Misdemeanor.** It shall be a *serious* misdemeanor for any person to  
4 act or serve in the capacity of a nursing home administrator unless ~~he~~ *the person*  
5 is the holder of a license as a nursing home administrator issued in accordance  
6 with the provisions of this division.



1 SEC. 160. Section one hundred forty-seven point one hundred thirty-four  
2 (147.134), unnumbered paragraph two (2), Code 1975, is amended to read as  
3 follows:

4 A member of the board who willfully communicates or seeks to communicate  
5 such information, and any person who willfully requests, obtains or seeks to  
6 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
7 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
8 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 161. Section one hundred fifty-four A point six (154A.6), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 162. Section one hundred fifty-four A point twenty-seven (154A.27),  
2 Code 1975, is amended to read as follows:

3 **154A.27 Penalties.** A violation of any provisions of this chapter is  
4 ~~punishable, upon conviction, by a fine of not more than five hundred dollars or~~  
5 ~~by imprisonment for not more than ninety days in the county jail, or by both~~  
6 ~~such fine and imprisonment a simple misdemeanor.~~

1 SEC. 163. Section one hundred fifty-five point twenty-six (155.26), Code  
2 1975, is amended to read as follows:

3 **155.26 Possession of prescription drugs.** Any person found in possession of  
4 a drug or medicine limited by law to dispensation by a prescription, unless such  
5 drug or medicine was so lawfully dispensed, shall be deemed guilty of ~~violating~~  
6 ~~the provisions of this section, and upon conviction thereof, shall be fined not~~  
7 ~~more than one thousand dollars or be imprisoned in the county jail for not more~~  
8 ~~than one year, or both a serious misdemeanor.~~ This section shall not apply to a  
9 licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist,  
10 podiatrist or nurse acting under the direction of a physician or the board of  
11 pharmacy examiners, its officers, agents, inspectors, and representatives, nor to a  
12 common carrier or messenger when transporting such drug or medicine in the  
13 same unbroken package in which the drug or medicine was delivered to him *or*  
14 *her* for transportation.

1 SEC. 164. Section one hundred fifty-five point twenty-seven (155.27), Code  
2 1975, is amended to read as follows:

3 **155.27 Penalty.** Any person violating any of the provisions of this chapter  
4 or any chapter pertaining to or affecting the practice of pharmacy for which a  
5 specific penalty is not otherwise provided, shall be deemed guilty of a *simple*  
6 ~~misdemeanor, and upon conviction thereof, shall be fined not more than five~~  
7 ~~hundred dollars or shall be imprisoned in the county jail for not more than six~~  
8 ~~months, or both.~~

1 SEC. 165. Section one hundred fifty-five point thirty (155.30), unnumbered  
2 paragraphs two (2) and three (3), Code 1975, are amended to read as follows:

3 If the prescription drug is a controlled substance as defined in section 204.101,  
4 subsection 6, the person shall be punished pursuant to section 204.401,  
5 subsection 1, and section 204.411. If the prescription drug is not a controlled  
6 substance, the person shall upon conviction of a first offense be ~~fined not more~~  
7 ~~than one thousand dollars or be imprisoned in the county jail for not more than~~  
8 ~~one year, or both guilty of a serious misdemeanor.~~ For a second offense, or if in  
9 case of a first conviction of violation of any provision of section 155.29 or of  
10 violation of any provision of this section, the offender shall previously have been  
11 convicted of any violation of the laws of the United States or of any state,

12 territory, or district thereof relating to prescription drugs, the offender ~~upon~~  
 13 ~~conviction~~ shall be ~~fined not more than two thousand dollars and be imprisoned~~  
 14 ~~in the state penitentiary not less than two or more than five years~~ *guilty of an*  
 15 *aggravated misdemeanor*. For a third or subsequent offense in violation of this  
 16 section or in violation of section 155.29, or if the offender shall previously have  
 17 been convicted two or more times in the aggregate of any violation of the laws  
 18 of the United States or of any state, territory, or district thereof relating to  
 19 prescription drugs, the offender ~~upon conviction~~ shall be ~~fined not more than~~  
 20 ~~five thousand dollars and be imprisoned in the state penitentiary not less than~~  
 21 ~~five or more than ten years~~ *guilty of a class "D" felony*.

22 Any person violating any provision of this chapter by selling, giving away, or  
 23 administering any prescription drug to a minor shall ~~upon conviction thereof be~~  
 24 ~~punished by imprisonment in the state penitentiary for not less than five or more~~  
 25 ~~than twenty years~~ *be guilty of a class "C" felony*.

1 SEC. 166. Section one hundred fifty-six point twelve (156.12), Code 1975, is  
 2 amended to read as follows:

3 **156.12 Funeral directors and embalmers—solicitation of business—penalty.**  
 4 Every funeral director or embalmer, or any person acting for him *or her*, who  
 5 pays or causes to be paid, directly or indirectly, any money or other thing of  
 6 value as a commission or gratuity for the securing of business for such funeral  
 7 director or embalmer, and every person who accepts or offers to accept any  
 8 money or other thing of value as a commission or gratuity from a funeral  
 9 director or embalmer in order to secure business for him *or her* shall be deemed  
 10 guilty of a *simple* misdemeanor, and ~~upon conviction thereof shall be fined not~~  
 11 ~~more than five hundred dollars or shall be imprisoned in the county jail for not~~  
 12 ~~less than thirty days, or both~~; provided that nothing herein contained shall be  
 13 construed as prohibiting any person, firm, co-operative burial association or  
 14 corporation, subject to the provisions of this chapter, from using legitimate and  
 15 honest advertising.

1 SEC. 167. Section one hundred fifty-nine point seventeen (159.17), Code  
 2 1975, is amended to read as follows:

3 **159.17 Interference with department.** Any person resisting or interfering  
 4 with the department, its employees or authorized agents, in the discharge of any  
 5 duty imposed by law shall be guilty of a *simple* misdemeanor.

1 SEC. 168. Section one hundred sixty-two point thirteen (162.13), unnumbered  
 2 paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

3 Operation of a pound, animal shelter, pet shop, boarding kennel, commercial  
 4 kennel, hobby kennel or public auction, as defined in section 162.2, or dealing in  
 5 dogs or cats, or both, either as a dealer or a commercial breeder, without a  
 6 currently valid license or a certificate of registration shall constitute a *simple*  
 7 misdemeanor and each day of such operation shall constitute a separate offense.  
 8 ~~Upon conviction, a violator shall be fined not more than one hundred dollars or~~  
 9 ~~imprisoned in the county jail not more than thirty days.~~

10 Failure of any person licensed or registered to adequately house, feed or water  
 11 dogs or cats, or both, in his *or her* possession or custody or failure of any  
 12 operator of a licensed pet shop to adequately house, feed, or water any  
 13 vertebrate animal shall constitute a *simple* misdemeanor. ~~Upon conviction, a~~  
 14 ~~violator shall be fined not more than one hundred dollars or imprisoned in the~~  
 15 ~~county jail not more than thirty days.~~ Such animals shall be subject to seizure  
 16 and impoundment and may be sold or destroyed by euthanasia at the discretion  
 17 of the secretary and such failure shall also constitute grounds for revocation of  
 18 license after public hearing. The commission of an act declared to be an  
 19 unlawful practice under section 713.24, by any person licensed under this  
 20 chapter shall constitute grounds for revocation of license.

1 SEC. 169. Section one hundred sixty-two point fifteen (162.15), Code 1975, is  
2 amended to read as follows:

3 **162.15 Violation by animal warden.** Violation of any provision of this  
4 chapter which relates to the seizing, impoundment, and custody of an animal by  
5 an animal warden shall constitute a *simple* misdemeanor and each animal  
6 handled in violation shall constitute a separate offense. ~~Upon conviction, a~~  
7 ~~violation shall be fined not more than one hundred dollars or imprisoned in the~~  
8 ~~county jail not more than thirty days.~~

1 SEC. 170. Section one hundred sixty-three point eighteen (163.18), Code  
2 1975, is amended to read as follows:

3 **163.18 False representation.** Any person who knowingly makes any false  
4 representation as to the purpose for which a shipment of animals is being or will  
5 be made, with intent to avoid or prevent an inspection of such animals for the  
6 purpose of determining whether the animals are free from disease, shall be guilty  
7 of a *simple* misdemeanor and ~~punished as provided in this chapter.~~

1 SEC. 171. Section one hundred sixty-three point twenty-one (163.21), Code  
2 1975, is amended to read as follows:

3 **163.21 Penalties.** Any person who shall violate any provision of this  
4 chapter or any rule adopted thereunder by the department shall be ~~punished by~~  
5 ~~a fine of not less than one hundred dollars nor more than one thousand dollars,~~  
6 ~~or by imprisonment in the county jail for not more than one year guilty of a~~  
7 ~~*simple* misdemeanor.~~

1 SEC. 172. Section one hundred sixty-three point twenty-three (163.23), Code  
2 1975, is amended to read as follows:

3 **163.23 False certificates of health—penalty.** Any veterinarian issuing a  
4 certificate of health for an animal knowing that the animal described therein was  
5 not the animal from which the tests were made as a basis for the certificate or  
6 who otherwise falsifies any such certificate shall be guilty of a ~~misdemeanor and~~  
7 ~~punished as provided in this chapter~~ *fraudulent practice.*

1 SEC. 173. Section one hundred sixty-three point twenty-four (163.24), Code  
2 1975, is amended to read as follows:

3 **163.24 Using false certificate.** Any person, firm, or corporation importing,  
4 exporting, or transporting within this state or selling or offering for sale any  
5 animal for which a certificate of health has been issued and who uses such  
6 certificate in connection with any of said transactions knowing that the animal  
7 described in said certificate was not the animal from which the tests were made  
8 as a basis for the certificate or who knowingly uses any altered or otherwise false  
9 certificate in connection with any of said transactions shall be guilty of a  
10 ~~misdemeanor and punished as provided in this chapter~~ *fraudulent practice.*

1 SEC. 174. Section one hundred sixty-three point twenty-five (163.25), Code  
2 1975, is amended to read as follows:

3 **163.25 Altering certificate.** Any person, firm, or corporation removing or  
4 altering on any animal, tested or being tested for disease, any tag or mark of  
5 identification authorized by the department or inserted by any qualified  
6 veterinarian or altering any certificate of vaccination by one authorized to  
7 vaccinate animals shall be guilty of a ~~misdemeanor and punished as provided in~~  
8 ~~this chapter~~ *fraudulent practice.*

1 SEC. 175. Section one hundred sixty-three point twenty-nine (163.29), Code  
2 1975, is amended to read as follows:

3 **163.29 Penalty.** Any person, firm, partnership, or corporation violating the  
4 provisions of this division shall, ~~upon conviction thereof, be fined not less than~~  
5 ~~one hundred dollars and not to exceed five hundred dollars~~ *guilty of a simple*  
6 *misdemeanor.* Each day the provisions of section 163.27, or any rule made  
7 pursuant thereto, is violated shall be a separate offense.

- 1       SEC. 176. Section one hundred sixty-three A point ten (163A.10), Code 1975,  
2 is amended to read as follows:  
3       **163A.10 Penalty.** Any person who shall violate any provision of this  
4 chapter or any rule adopted thereunder by the department of agriculture shall be  
5 ~~punished by a fine of not less than one hundred dollars nor more than one~~  
6 ~~thousand dollars; or by imprisonment in the county jail for not more than one~~  
7 ~~year guilty of a serious misdemeanor.~~
- 1       SEC. 177. Section one hundred sixty-four point thirty-one (164.31), Code  
2 1975, is amended to read as follows:  
3       **164.31 Penalties.** Any person found guilty of violating the provisions of  
4 this chapter shall be deemed guilty of a *simple* misdemeanor ~~and punished by a~~  
5 ~~fine not to exceed one hundred dollars on first offense; two hundred dollars on~~  
6 ~~second offense; and three hundred dollars on the third and all subsequent~~  
7 ~~offenses.~~
- 1       SEC. 178. Section one hundred sixty-five point twenty-seven (165.27), Code  
2 1975, is amended to read as follows:  
3       **165.27 Penalty.** Any owner of dairy or breeding cattle in the state who  
4 prevents, hinders, obstructs, or refuses to allow a veterinarian authorized by the  
5 department of agriculture to conduct such tests for tuberculosis on ~~his~~ *the*  
6 *owner's* cattle, shall be deemed guilty of a *simple* misdemeanor ~~and shall be~~  
7 ~~punished by a fine of not more than one hundred dollars, nor less than twenty-~~  
8 ~~five dollars.~~
- 1       SEC. 179. Section one hundred sixty-five point thirty-three (165.33), Code  
2 1975, is amended to read as follows:  
3       **165.33 Penalty.** Any person found guilty of violating the provisions of  
4 section 165.32 shall be deemed guilty of a *simple* misdemeanor ~~and punished by~~  
5 ~~a fine of not to exceed one hundred dollars nor less than twenty-five dollars.~~
- 1       SEC. 180. Section one hundred sixty-six point thirty-eight (166.38), Code  
2 1975, is amended to read as follows:  
3       **166.38 Compensation.** No licensed veterinarian shall receive, directly or  
4 indirectly, any compensation of any kind for the handling, sale, or use of any  
5 biological products, other than ~~his~~ *the veterinarian's* charges for administering the  
6 same, unless ~~he~~ *the veterinarian* makes known in writing the amount of such  
7 compensation, if requested to do so by the person using biological products. Any  
8 veterinarian violating this section shall ~~forfeit his license to practice and the~~  
9 ~~same shall not be renewed for a period of one year~~ *be guilty of a simple*  
10 *misdemeanor.*
- 1       SEC. 181. Section one hundred sixty-six A point fourteen (166A.14), Code  
2 1975, is amended to read as follows:  
3       **166A.14 Penalty.** Any person, firm or partnership or corporation violating  
4 the provisions of this chapter shall ~~upon conviction thereof be fined not less~~  
5 ~~than one hundred dollars and not to exceed five hundred dollars~~ *be guilty of a*  
6 *simple misdemeanor.*
- 1       SEC. 182. Section one hundred sixty-seven point nineteen (167.19), Code  
2 1975, is amended to read as follows:  
3       **167.19 Penalty.** The violation of any of the provisions of this chapter or  
4 any rule adopted thereunder by the department shall be ~~punishable by a fine of~~  
5 ~~not less than five dollars nor more than one hundred dollars or by imprisonment~~  
6 ~~in the county jail not more than thirty days~~ *guilty of a simple misdemeanor.*
- 1       SEC. 183. Section one hundred sixty-eight point eight (168.8), Code 1975, is  
2 amended to read as follows:  
3       **168.8 Punishment.** Any person, partnership, corporation, company, firm,  
4 society, or association who violates any provision of this chapter shall be guilty

5 of a *simple* misdemeanor and shall be punished by a fine not exceeding one  
6 hundred dollars.

1 SEC. 184. Section one hundred sixty-nine point forty-three (169.43), Code  
2 1975, is amended to read as follows:

3 **169.43 Forgeries.** Any person who shall file or attempt to file with the  
4 department of agriculture any false or forged diploma, or certificate or affidavit  
5 of identification or qualification, shall be guilty of ~~forgery and punished~~  
6 ~~accordingly a fraudulent practice.~~

1 SEC. 185. Section one hundred sixty-nine point forty-five (169.45), Code  
2 1975, is amended to read as follows:

3 **169.45 Penalty.** Any person who violates any provision of this chapter shall  
4 be guilty of a *simple* misdemeanor.

1 SEC. 186. Section one hundred sixty-nine point fifty-six (169.56),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~  
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~  
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 187. Section one hundred seventy point thirty-eight (170.38),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The state fire marshal shall adopt, amend, promulgate, and enforce such rules  
4 and standards relating to fire protection and fire safety in hotels, restaurants and  
5 food establishments, but such rules shall be promulgated only after public  
6 hearing. Any person, firm or corporation violating any of said rules of said fire  
7 marshal shall be deemed guilty of a *simple* misdemeanor, ~~and upon conviction~~  
8 ~~thereof shall be punished by a fine of not less than twenty-five dollars nor more~~  
9 ~~than one hundred dollars, and each day of a continuing violation after~~  
10 ~~conviction shall be considered a separate offense.~~

1 SEC. 188. Section one hundred seventy point forty-nine (170.49), Code 1975,  
2 is amended to read as follows:

3 **170.49 Penalty.** Any person who shall violate any provision of this chapter  
4 shall be ~~fined not exceeding one hundred dollars or imprisoned in the county jail~~  
5 ~~not exceeding thirty days guilty of a simple misdemeanor.~~

1 SEC. 189. Section one hundred seventy-one point sixteen (171.16), Code  
2 1975, is amended to read as follows:

3 **171.16 Penalties.** Any person violating any of the provisions of this chapter  
4 shall be ~~punished for the first offense by a fine of not less than twenty-five~~  
5 ~~dollars nor more than one hundred dollars, and for the second offense by a fine~~  
6 ~~of not less than one hundred dollars nor more than five hundred dollars, or by~~  
7 ~~imprisonment for not more than six months, or by both such fine and~~  
8 ~~imprisonment guilty of a simple misdemeanor.~~

1 SEC. 190. Section one hundred seventy-two point eleven (172.11), Code 1975,  
2 is amended to read as follows:

3 **172.11 Penalties.** Any person who shall violate any provision of this  
4 chapter shall be ~~fined not less than twenty-five dollars nor more than one~~  
5 ~~hundred dollars or be imprisoned in the county jail not exceeding thirty days~~  
6 ~~guilty of a simple misdemeanor.~~

1 SEC. 191. Section one hundred seventy-four point seven (174.7), Code 1975,  
2 is amended to read as follows:

3 **174.7 Refusal to remove obstructions.** Any person owning, occupying, or  
4 using any such obstruction who shall refuse or fail to remove the same when  
5 ordered to do so by the management shall be ~~liable to a fine of not less than five~~

6 dollars ~~not more than one hundred dollars for each such offense guilty of a~~  
7 ~~simple misdemeanor.~~

1 SEC. 192. Section one hundred seventy-four point twenty-one (174.21), Code  
2 1975, is amended to read as follows:

3 **174.21 Violations—penalty.** Any person convicted of a violation of section  
4 174.20 shall be ~~imprisoned in the penitentiary for a period of not more than~~  
5 ~~three years, or in the county jail for not more than one year, and be fined in a~~  
6 ~~sum not exceeding one thousand dollars guilty of a fraudulent practice.~~

1 SEC. 193. Section one hundred seventy-six point fourteen (176.14), Code  
2 1975, is amended to read as follows:

3 **176.14 Dividends—diversion of funds.** No dividend shall ever be declared  
4 by the association and any diversion of the funds or property of such  
5 organization to any other purpose than that for which such organization was  
6 incorporated shall constitute ~~larceny and be punished accordingly theft.~~

1 SEC. 194. Section one hundred seventy-seven A point sixteen (177A.16),  
2 Code 1975, is amended to read as follows:

3 **177A.16 Violations.** Any person, copartnership, association or corporation,  
4 or any combination of individuals, violating any provision of a quarantine  
5 promulgated under the authority of this chapter, or of any rules issued  
6 supplemental thereto, shall be guilty of a *simple* misdemeanor ~~and upon~~  
7 ~~conviction thereof be punished by imprisonment in the county jail not exceeding~~  
8 ~~thirty days or by a fine of not less than twenty-five dollars nor more than one~~  
9 ~~hundred dollars for each offense.~~

1 SEC. 195. Section one hundred seventy-seven A point eighteen (177A.18),  
2 Code 1975, is amended to read as follows:

3 **177A.18 Violations.** Any person who shall violate any provision or  
4 requirement of this chapter, or of the rules made or of any notice given pursuant  
5 thereto, or who shall forge, counterfeit, deface, destroy, or wrongfully use, any  
6 certificate provided for in this chapter, or in the rules and regulations made  
7 pursuant thereto, shall be deemed guilty of a *simple* misdemeanor ~~and upon~~  
8 ~~conviction thereof shall be punished by a fine of not less than ten dollars, nor~~  
9 ~~more than one hundred dollars or by imprisonment for not more than thirty~~  
10 ~~days.~~

1 SEC. 196. Section one hundred seventy-seven A point nineteen (177A.19),  
2 subsection four (4), Code 1975, is amended to read as follows:

3 4. The ~~penalties procedures~~ provided in section 177A.17 and all other  
4 applicable provisions of sections 177A.5 to 177A.18 shall govern and apply to  
5 the enforcement of this section.

1 SEC. 197. Section one hundred seventy-nine point eleven (179.11), Code  
2 1975, is amended to read as follows:

3 **179.11 Penalties.** *Any Except as otherwise provided,* any person who shall  
4 violate or aid in the violation of any of the provisions of this chapter shall be  
5 deemed guilty of a *simple* misdemeanor ~~and upon conviction thereof shall be~~  
6 ~~punished by a fine of not to exceed one hundred dollars, or by imprisonment in~~  
7 ~~the county jail not to exceed thirty days.~~ All prosecutions for alleged violations  
8 of the provisions of this chapter shall be by the county attorney of the county in  
9 which such alleged violation occurred and shall be instituted and conducted  
10 under the direction and authority of the attorney general of the state.

1 SEC. 198. Section one hundred eighty-one point twenty (181.20), Code 1975,  
2 is amended to read as follows:

3 **181.20 Misdemeanors.** Any person who shall violate or assist in the  
4 violation of any of the provisions of this chapter shall be deemed guilty of a  
5 *simple* misdemeanor.

1 SEC. 199. Section one hundred eighty-four A point fifteen (184A.15), Code  
2 1975, is amended to read as follows:

3 **184A.15 Misdemeanor.** It is a *simple* misdemeanor for any person to  
4 willfully violate any provision of this chapter, or for any person to willfully  
5 render or furnish a false or fraudulent report, statement, or record required by  
6 the council or secretary.

1 SEC. 200. Section one hundred eighty-five point thirty-one (185.31), Code  
2 1975, is amended to read as follows:

3 **185.31 Penalty.** It is a *simple* misdemeanor for any person to willfully  
4 violate any provision of this chapter or for any person to willfully render or  
5 furnish a false or fraudulent report, statement, or record required by the  
6 secretary.

1 SEC. 201. Section one hundred eighty-seven point seven (187.7), Code 1975,  
2 is amended to read as follows:

3 **187.7 Unlawful use of brand.** It shall be unlawful to use any brand for  
4 branding any horses, cattle, sheep, mules, or asses unless the brand has been  
5 recorded as provided by this chapter. Hot brands and cryo-brands, consisting of  
6 Arabic numerals only, may be used in conjunction with recorded brands for  
7 within the herd identification and as such shall not be recorded; and when so  
8 used shall not be evidence of ownership. Anyone convicted of violating this  
9 section shall be ~~fin~~ed a sum not to exceed one hundred dollars or imprisoned in  
10 the county jail not to exceed thirty days *guilty of a simple misdemeanor.*

1 SEC. 202. Section one hundred eighty-seven point fourteen (187.14), Code  
2 1975, is amended to read as follows:

3 **187.14 Tampering with brand.** Any person who shall brand, attempt to  
4 brand, or cause to be branded the animals of another, or who shall efface,  
5 deface, or obliterate or attempt to efface, deface, or obliterate any brand upon  
6 any animal or animals of another, or who shall brand, attempt to brand, or  
7 cause to be branded the recorded brand of another on any animal shall be  
8 ~~imprisoned in the penitentiary not to exceed two years or fined not to exceed~~  
9 ~~one thousand dollars, or both~~ *guilty of a fraudulent practice.*

1 SEC. 203. Section one hundred eighty-eight point forty (188.40), Code 1975,  
2 is amended to read as follows:

3 **188.40 Penalty against finder.** If any person shall sell, trade, or take out of  
4 the state any estray before the legal title shall have vested in ~~him~~ *the person*, he  
5 *or she* shall forfeit to the owner double its value, and shall also be guilty of a  
6 *simple* misdemeanor.

1 SEC. 204. Section one hundred eighty-eight point forty-six (188.46), Code  
2 1975, is amended to read as follows:

3 **188.46 Penalty.** Any officer who fails to perform the duties enjoined upon  
4 ~~him~~ *the officer* in this chapter in relation to estrays, shall be ~~fin~~ed not less than  
5 ~~five dollars nor more than fifty dollars~~ *guilty of a simple misdemeanor.*

1 SEC. 205. Section one hundred eighty-nine point twenty-one (189.21), Code  
2 1975, is amended to read as follows:

3 **189.21 Penalty.** Unless otherwise provided, any person violating any  
4 provision of this title, or any rule made by the department and promulgated  
5 under the authority of said department, shall be ~~punished by a fine of not less~~  
6 ~~than ten dollars nor more than one hundred dollars or by imprisonment in the~~  
7 ~~county jail not to exceed thirty days; and on a third conviction for the same~~  
8 ~~offense may be restrained by injunction from operating such place of business~~  
9 ~~guilty of a simple misdemeanor.~~

1 SEC. 206. Section one hundred eighty-nine A point seventeen (189A.17),  
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person who violates any provisions of this chapter for which no other  
 4 criminal penalty is provided shall ~~upon conviction be subject to imprisonment in~~  
 5 ~~the county jail for not more than one year, or a fine of not more than one~~  
 6 ~~thousand dollars, or both such imprisonment and fine~~ *be guilty of a simple*  
 7 *misdemeanor*; but if such violation involves intent to defraud, or any distribution  
 8 or attempted distribution of an article that is adulterated, except as defined in  
 9 section 189A.2, subsection 15, paragraph "h" such person shall be ~~subject to~~  
 10 ~~imprisonment in the penitentiary for not more than three years or a fine of not~~  
 11 ~~more than ten thousand dollars or both~~ *guilty of a fraudulent practice.*

1 SEC. 207. Section one hundred eighty-nine A point twenty (189A.20), Code  
 2 1975, is amended by striking unnumbered paragraph one (1).

1 SEC. 208. Section one hundred ninety-one point three (191.3), unnumbered  
 2 paragraph three (3), Code 1975, is amended to read as follows:

3 Any person violating any provision of this section shall ~~upon conviction or~~  
 4 ~~plea of guilty be punished, for the first offense by a fine of one hundred dollars;~~  
 5 ~~for the second offense by a fine of three hundred dollars; for the third offense~~  
 6 ~~by a fine of five hundred dollars~~ *be guilty of a simple misdemeanor* and the  
 7 suspension for one year of all licenses issued by the state of Iowa for the public  
 8 eating place in which said violation occurred.

1 SEC. 209. Section one hundred ninety-one point five (191.5), Code 1975, is  
 2 amended to read as follows:

3 **191.5 Advertising oleomargarine—restrictions.** No person, by himself, or  
 4 agent, shall, by any means whatever, directly or indirectly, advertise or represent  
 5 by statement, printing, writing, circular, poster, design, device, grade  
 6 designation, advertisement, symbol, sound, or any combination thereof, that  
 7 oleo, oleomargarine or margarine, or any brand of oleo, oleomargarine or  
 8 margarine, is a dairy product for the purpose of inducing or which is likely to  
 9 induce, directly or indirectly, the purchase for consumption of oleo,  
 10 oleomargarine or margarine, or any brand thereof. Whoever shall violate this  
 11 provision shall be deemed guilty of a *simple misdemeanor*.

1 SEC. 210. Section one hundred ninety-one A point twelve (191A.12), Code  
 2 1975, is amended to read as follows:

3 **191A.12 Penalty.** Any person who violates any provision of this chapter  
 4 shall, upon conviction, be ~~fin~~ *not exceeding one hundred dollars or*  
 5 ~~imprisoned in the county jail not exceeding thirty days~~ *guilty of a simple*  
 6 *misdemeanor.*

1 SEC. 211. Section one hundred ninety-two point sixty-six (192.66), subsection  
 2 eight (8), Code 1975, is amended to read as follows:

3 8. Any person violating any provisions of this section shall be ~~punished by a~~  
 4 ~~fine of not more than fifty dollars~~ *guilty of a simple misdemeanor.*

1 SEC. 212. Section one hundred ninety-two A point nineteen (192A.19), Code  
 2 1975, is amended to read as follows:

3 **192A.19 Reports and answers to department.** Whenever the department has  
 4 reason to believe that any distributor or retailer or processor may be in  
 5 possession of information relevant to an investigation by it of suspected  
 6 violations of the provisions of this chapter, the secretary may require such  
 7 person to file with ~~him~~ *the secretary* in such form as ~~he~~ *the secretary* may  
 8 prescribe special reports or answers in writing to specific questions furnishing  
 9 such information. Such reports and answers shall be made under oath or  
 10 otherwise as the secretary may prescribe and shall be filed with ~~him~~ *the secretary*  
 11 within such reasonable period as ~~he~~ *the secretary* may prescribe. Any person who  
 12 fails without lawful cause to file such reports or answers in writing within the  
 13 period prescribed or shall willfully make or cause to be made any false  
 14 statements in any such report or answer in writing shall be guilty of a *simple*



15 misdemeanor and upon conviction thereof fined not less than five hundred  
16 dollars nor more than one thousand dollars.

1 SEC. 213. Section one hundred ninety-four point twenty (194.20), Code 1975,  
2 is amended to read as follows:

3 **194.20 Penalty.** Any person who, by himself or herself or by his or her  
4 agent or employee, willfully violates any requirement of this chapter shall be  
5 fined not less than fifty dollars nor more than one hundred dollars guilty of a  
6 simple misdemeanor.

1 SEC. 214. Section one hundred ninety-five point twenty-seven (195.27), Code  
2 1975, is amended to read as follows:

3 **195.27 Penalties.** Any person who, by himself or herself or by his or her  
4 agent or employee, willfully violates any requirement of this chapter shall be  
5 fined not less than twenty-five dollars nor more than one hundred dollars guilty  
6 of a simple misdemeanor.

1 SEC. 215. Section one hundred ninety-six point eighteen (196.18), Code 1975,  
2 is amended to read as follows:

3 **196.18 Penalty.** Any person found guilty of any violation of this chapter  
4 shall, upon conviction for the first offense, be fined twenty-five dollars; for the  
5 second offense, he shall be fined one hundred dollars; and for the third and  
6 subsequent offenses, he shall be fined two hundred dollars be deemed to have  
7 committed a simple misdemeanor. In addition to such fines, the court for the third  
8 offense shall suspend his the person's license for thirty days; and for the fourth  
9 and any subsequent offense, such person's license shall be revoked for a period  
10 of one year.

1 SEC. 216. Section one hundred ninety-six A point twenty-three (196A.23),  
2 Code 1975, is amended to read as follows:

3 **196A.23 Penalty.** Any person who willfully violates any provision of this  
4 chapter, willfully gives a false report, statement, or record required by the  
5 council, or willfully fails to furnish or render any report, statement or record  
6 required by the secretary shall be guilty of a simple misdemeanor.

1 SEC. 217. Section one hundred ninety-seven point six (197.6), Code 1975, is  
2 amended to read as follows:

3 **197.6 Violations.** Any person who shall violate the provisions of this  
4 chapter shall, for each offense, be deemed guilty of a simple misdemeanor and  
5 punishable as such.

1 SEC. 218. Section one hundred ninety-eight point thirteen (198.13),  
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person convicted of violating any of the provisions of this chapter or  
4 who shall impede, hinder or otherwise prevent, or attempt to prevent, said  
5 secretary or his the secretary's authorized agent in performance of his or her duty  
6 in connection with the provisions of this chapter, shall be guilty of a simple  
7 misdemeanor and shall be fined not less than twenty-five dollars or more than  
8 one hundred dollars for the first violation, and not less than fifty dollars or more  
9 than three hundred dollars for a subsequent violation.

1 SEC. 219. Section one hundred ninety-nine point thirteen (199.13), Code  
2 1975, is amended to read as follows:

3 **199.13 Penalty.** Every violation of the provisions of this chapter shall be  
4 deemed a simple misdemeanor, punishable by a fine of not more than two  
5 hundred fifty dollars. The department of agriculture through its duly authorized  
6 agent or agents, may institute proceedings in a court of competent jurisdiction to  
7 enforce the provisions of this chapter.

1 SEC. 220. Section two hundred point eighteen (200.18), subsection two (2),  
2 Code 1975, is amended to read as follows:

3 2. Any person ~~convicted~~ of violating any provision of this chapter or the rules  
4 and regulations issued thereunder shall be ~~punished by a fine of not less than~~  
5 ~~one hundred dollars nor more than two hundred fifty dollars guilty of a simple~~  
6 ~~misdemeanor.~~

1 SEC. 221. Section two hundred one point eleven (201.11), unnumbered  
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whoever sells, offers for sale, or exposes for sale or distribution any bulk  
4 agricultural lime, limestone, or aglime without complying with the provisions of  
5 this chapter, or permits any certification to accompany or be printed or stamped  
6 on any bill of lading, scale ticket, ticket, or delivery receipt or other instrument  
7 of sale, shipping or delivery, stating that the agricultural lime, limestone, or  
8 aglime contains a different number of pounds of ECCE than certified as  
9 provided in this chapter, or who shall adulterate any agricultural lime, limestone,  
10 or aglime\*with foreign mineral matter or other foreign substances, or who shall  
11 adulterate the same with any substance injurious to the growth of plants, or  
12 make any false report, shall be deemed guilty of a *simple misdemeanor*. ~~On~~  
13 ~~conviction thereof, such person shall be fined not less than fifty dollars nor more~~  
14 ~~than one hundred dollars.~~ The secretary of agriculture may revoke the license of  
15 any person so convicted.

1 SEC. 222. Section two hundred one point fourteen (201.14), Code 1975, is  
2 amended to read as follows:

3 **201.14 Misdemeanor.** Any person who shall obstruct the secretary of  
4 agriculture or ~~his the secretary's~~ agents or representatives when in the discharge  
5 of any duty or duties prescribed by this chapter shall be deemed to be guilty of a  
6 *simple misdemeanor* and ~~upon conviction thereof shall be punished by a fine of~~  
7 ~~not less than ten dollars nor more than one hundred dollars for the first offense,~~  
8 ~~and for each subsequent offense by a fine of not less than fifty dollars nor more~~  
9 ~~than thirty days in jail, or by both such fine and imprisonment.~~

1 SEC. 223. Section two hundred three A point five (203A.5), subsection one  
2 (1), Code 1975, is amended to read as follows:

3 1. Any person who violates any of the provisions of this chapter shall be guilty  
4 of a *serious misdemeanor* and ~~shall on conviction thereof be subject to~~  
5 ~~imprisonment for not more than six months in the county jail or a fine of not~~  
6 ~~more than five hundred dollars, or both such imprisonment and fine; but if the~~  
7 ~~violation is committed after a conviction of such person under this section has~~  
8 ~~become final, such person shall be subject to imprisonment for not more than~~  
9 ~~one year in the county jail, or a fine of not more than one thousand dollars, or~~  
10 ~~both such imprisonment and fine guilty of an aggravated misdemeanor.~~

1 SEC. 224. Section two hundred four point four hundred one (204.401),  
2 subsection one (1), paragraphs a, b, c, and d, Code 1975, are amended to read as  
3 follows:

4 a. A substance classified in schedule I or II which is a narcotic drug, is guilty  
5 of a *public offense* and ~~upon conviction shall be punished by imprisonment in~~  
6 ~~the penitentiary for not to exceed ten years and by a fine of not more than two~~  
7 ~~thousand dollars class "C" felony.~~

8 b. Any other controlled substance classified in schedules I, II, or III, is guilty  
9 of a *public offense* and ~~upon conviction shall be punished by imprisonment in~~  
10 ~~the penitentiary for not to exceed five years and by a fine of not more than one~~  
11 ~~thousand dollars class "D" felony.~~

12 c. A substance classified in schedule IV, is guilty of a *public offense* and ~~upon~~  
13 ~~conviction shall be punished by imprisonment in the county jail for not to~~  
14 ~~exceed one year or by a fine of not more than five hundred dollars, or by both~~  
15 ~~such imprisonment and fine serious misdemeanor.~~

\* According to enrolled Act

16 d. A substance classified in schedule V, is guilty of a public offense and upon  
 17 conviction shall be punished by imprisonment in the county jail for not to  
 18 exceed six months or by a fine of not more than two hundred fifty dollars, or  
 19 both such imprisonment and fine *simple misdemeanor*.

1 SEC. 225. Chapter two hundred four (204), Code 1975, is amended by adding  
 2 the following new section:

3 **NEW SECTION Mandatory minimum sentence.** A person sentenced  
 4 pursuant to section two hundred four point four hundred one (204.401),  
 5 subsection one (1), paragraph a or b of the Code, shall not be eligible for parole  
 6 until he or she has served a minimum period of confinement of one-third of the  
 7 maximum indeterminate sentence prescribed by law.

8 This section shall not apply if:

9 1. The offense is found to be an accommodation pursuant to section two  
 10 hundred four point four hundred ten (204.410) of the Code; or

11 2. The controlled substance is marijuana.

1 SEC. 226. Section two hundred four point four hundred one (204.401),  
 2 subsection two (2), paragraphs a, b, c, and d, Code 1975, are amended to read as  
 3 follows:

4 a. A counterfeit substance classified in schedule I or II which is a narcotic  
 5 drug, is guilty of a public offense and upon conviction shall be punished by  
 6 imprisonment in the penitentiary for not to exceed ten years, and by a fine of  
 7 not more than two thousand dollars *class "C" felony*.

8 b. Any other counterfeit substance classified in schedules I, II, or III, is guilty  
 9 of a public offense and upon conviction shall be punished by imprisonment in  
 10 the penitentiary for not to exceed five years and by a fine of not more than one  
 11 thousand dollars *class "D" felony*.

12 c. A counterfeit substance classified in schedule IV, is guilty of a public  
 13 offense and upon conviction shall be punished by imprisonment in the county  
 14 jail for not to exceed one year or by a fine of not more than five hundred  
 15 dollars, or by both such imprisonment and fine *serious misdemeanor*.

16 d. A counterfeit substance classified in schedule V, is guilty of a public  
 17 offense and upon conviction shall be punished by imprisonment in the county  
 18 jail for not to exceed six months or by a fine of not more than two hundred fifty  
 19 dollars, or by both such imprisonment and fine *simple misdemeanor*.

1 SEC. 227. Section two hundred four point four hundred two (204.402),  
 2 subsection two (2), paragraphs a and b, Code 1975, are amended to read as  
 3 follows:

4 a. Of a violation of paragraphs "a", "b", "d", or "e" shall be punished by  
 5 imprisonment in the penitentiary for not to exceed one year or by a fine of not  
 6 more than one thousand dollars, or both such imprisonment and fine *an*  
 7 *aggravated misdemeanor*.

8 b. Of a violation of paragraph "c" shall be punished by a fine of not more  
 9 than five hundred dollars if the conviction is the defendant's first under this  
 10 chapter or under any state or federal statute relating to narcotic drugs,  
 11 marijuana, or stimulant, depressant, or hallucinogenic drugs, and by  
 12 imprisonment in the penitentiary for not to exceed one year, or by a fine of not  
 13 more than one thousand dollars, or both such imprisonment and fine if the  
 14 defendant has previously been so convicted *a serious misdemeanor*.

1 SEC. 228. Section two hundred four point four hundred three (204.403),  
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person who violates this section, or who acts with, enters into a  
 4 common scheme or design with, or conspires with one or more other persons to  
 5 violate this section, is guilty of a public offense and upon conviction shall be  
 6 punished by imprisonment in the penitentiary for not to exceed one year and by  
 7 a fine of not more than one thousand dollars *serious misdemeanor*.

1 SEC. 229. Section two hundred four point four hundred six (204.406), Code  
2 1975, is amended to read as follows:

3 **204.406 Distribution to persons under age eighteen.** Any person who is  
4 eighteen years of age or over who violates section 204.401, subsection 1, by  
5 distributing a substance listed in schedule I or II, which is a narcotic drug, to a  
6 person under eighteen years of age, shall be ~~punished by a fine and by a term of~~  
7 ~~imprisonment not to exceed twice that authorized by section 204.401, subsection~~  
8 ~~1, paragraph "a" guilty of a class "B" felony, however the minimum time to be~~  
9 ~~served before parole may be granted shall be five years.~~ Any person who is eighteen  
10 years of age or over who violates section 204.401, subsection 1, by distributing  
11 any other controlled substance listed in schedules I, II, or III, ~~IV, or V~~ to a  
12 person under eighteen years of age who is at least three years his or her junior  
13 shall be ~~punished by a fine not to exceed that authorized by section 204.401,~~  
14 ~~subsection 1, paragraph "b" or "c", or by a term of imprisonment not to exceed~~  
15 ~~one and one-half times that authorized by section 204.401, subsection 1,~~  
16 ~~paragraph "b" or "c", or by both such fine and imprisonment guilty of a class~~  
17 ~~"C" felony.~~ Any person who is eighteen years of age or over who violates section two  
18 hundred four point four hundred one (204.401), subsection one (1) of the Code by  
19 distributing any controlled substance listed in schedules four (IV) and five (V) to a  
20 person under eighteen years of age who is at least three years his junior shall be  
21 guilty of an aggravated misdemeanor.

1 SEC. 230. Section two hundred four point four hundred seven (204.407),  
2 unnumbered paragraphs three (3) and four (4), Code 1975, are amended to read  
3 as follows:

4 Any person who violates this section and where the controlled substance is  
5 any one other than marijuana is guilty of a ~~public offense and upon conviction~~  
6 ~~shall be punished by imprisonment in the penitentiary for not to exceed five~~  
7 ~~years or by a fine of not to exceed ten thousand dollars or by both such~~  
8 ~~imprisonment and fine class "D" felony.~~

9 Any person who violates this section, and where the controlled substance is  
10 marijuana only, is guilty of a ~~public offense and upon conviction shall be~~  
11 ~~punished by imprisonment in the county jail for not to exceed one year or by a~~  
12 ~~fine of not to exceed one thousand dollars or by both such fine and~~  
13 ~~imprisonment serious misdemeanor.~~

1 SEC. 231. Section two hundred four point four hundred ten (204.410), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **204.410 Accommodation offense.** In a prosecution for unlawful delivery or  
5 possession with intent to deliver a controlled substance, if the prosecution proves  
6 that the defendant violated the provisions of section two hundred four point  
7 four hundred one (204.401), subsection one (1), of the Code, but fails to prove  
8 that the defendant delivered or possessed with intent to deliver the controlled  
9 substance for the purpose of making a profit, the defendant shall be guilty of an  
10 accommodation offense and shall be sentenced as if he had been convicted of a  
11 violation of section two hundred four point four hundred one (204.401),  
12 subsection three (3) of the Code. An accommodation offense may be proved as  
13 an included offense under a charge of delivering or possessing with the intent to  
14 deliver a controlled substance\* in violation of section two hundred four point  
15 four hundred one (204.401), subsection one (1), of the Code.

16 The effective date of this section shall be July 1, 1976.

1 SEC. 232. Section two hundred four point five hundred five (204.505),  
2 subsection four (4), Code 1975, is amended by striking the subsection and  
3 inserting in lieu thereof the following:

4 4. The disposition of property, other than conveyances subject to forfeiture,  
5 which has been taken or detained under this chapter shall be made in

\*According to enrolled Act

6 accordance with division nine (IX) of chapter two (2) of this Act.

7 However, controlled substances taken, detained, or forfeited shall be disposed  
8 of as provided by section two hundred four point five hundred six (204.506) of  
9 the Code. Such property shall not be subject to replevin.

1 SEC. 233. Section two hundred five point ten (205.10), Code 1975, is  
2 amended to read as follows:

3 **205.10 False representations.** Any person who obtains any poison  
4 enumerated in section 205.5 under a false name or statement shall be guilty of a  
5 misdemeanor and punished as provided in chapter 189 *fraudulent practice*.

1 SEC. 234. Section two hundred six point twenty-two (206.22), Code 1975, is  
2 amended to read as follows:

3 **206.22 Penalties.**

4 1. Any person violating section 206.11, subsection 1, paragraph "a", shall be  
5 guilty of a *simple* misdemeanor and upon conviction shall be fined not more  
6 than one hundred dollars.

7 2. Any person violating any provision of this chapter other than section  
8 206.11, subsection 1, paragraph "a", shall be guilty of a *serious* misdemeanor and  
9 upon conviction shall be fined not more than five hundred dollars for the first  
10 offense and upon conviction for a subsequent offense shall be fined not more  
11 than one thousand dollars; provided, that any offense committed more than five  
12 years after a previous conviction shall be considered a first offense; and  
13 provided, further, that in any case where a registrant was issued a warning by  
14 the secretary pursuant to the provisions of this chapter, such registrant shall  
15 upon conviction of a violation of any provision of this chapter other than section  
16 206.11, subsection 1, paragraph "a", be fined not more than one thousand  
17 dollars, or imprisoned for not more than one year, or be subject to both such  
18 fine and imprisonment guilty of a *serious* misdemeanor; and the registration of  
19 the article with reference to which the violation occurred shall terminate  
20 automatically. An article, the registration of which has been terminated, may not  
21 again be registered unless the article, its labeling, and other material required to  
22 be submitted appear to the secretary to comply with all the requirements of this  
23 chapter.

24 3. Notwithstanding any other provisions of the section, in case any person,  
25 with intent to defraud, uses or reveals information relative to formulae of  
26 products acquired under authority of section 206.12, he shall be fined not more  
27 than one thousand dollars or imprisoned for not more than one year, or both  
28 guilty of a *serious* misdemeanor.

1 SEC. 235. Section two hundred eight A point eleven (208A.11), Code 1975, is  
2 amended to read as follows:

3 **208A.11 Penalty.** If any person, partnership, corporation, or association  
4 shall violate the provisions of this chapter, such person, partnership, corporation  
5 or association shall be deemed guilty of a *simple* misdemeanor and, upon convic-  
6 tion thereof, shall be punished according to the general provisions of title X and  
7 the department may after due hearing cancel registration.

1 SEC. 236. Section two hundred ten point twenty-one (210.21), Code 1975, is  
2 amended to read as follows:

3 **210.21 Violations.** It shall be unlawful for any person to manufacture,  
4 procure, or keep for the purpose of sale, offer or expose for sale, or sell bread in  
5 the form of loaves which are not of one of the weights specified in section 210.19  
6 or violate the rules of the secretary of agriculture pertaining thereto. Any person  
7 who, by himself or herself or by his or her servant, or agent, or as the servant or  
8 agent of another, shall violate any of the provisions of sections 210.19 to 210.25,  
9 shall be guilty of a *simple* misdemeanor and shall be punished by a fine of not  
10 less than ten dollars nor more than one hundred dollars upon conviction in any  
11 court of competent jurisdiction, or by imprisonment for not more than thirty  
12 days, in the discretion of the court.

1 SEC. 237. Section two hundred eleven point two (211.2), Code 1975, is  
2 amended to read as follows:

3 **211.2 Violations.** Any person or corporation failing to keep such record or  
4 refusing to offer the same for inspection when requested at a reasonable time by  
5 the peace officer, shall be guilty of a *simple* misdemeanor and ~~punished by a fine~~  
6 ~~not exceeding one hundred dollars.~~

1 SEC. 238. Section two hundred fourteen point eight (214.8), Code 1975, is  
2 amended to read as follows:

3 **214.8 Penalty.** Any weighmaster violating any of the provisions of sections  
4 214.6 and 214.7, shall be guilty of a *simple* misdemeanor, and ~~punished as~~  
5 ~~provided in chapter 189~~ and be liable to the person injured for all damages  
6 sustained.

1 SEC. 239. Section two hundred fourteen A point eleven (214A.11), Code  
2 1975, is amended to read as follows:

3 **214A.11 Violations.** Any person violating the provisions of this chapter  
4 shall be guilty of a *simple* misdemeanor and ~~shall be punished by a fine of not to~~  
5 ~~exceed one hundred dollars or imprisonment in the county jail for a period of~~  
6 ~~not to exceed thirty days.~~

1 SEC. 240. Section two hundred fifteen point twenty (215.20), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person violating any provision of this section is guilty of a *simple*  
4 misdemeanor and, upon conviction shall be punished as provided by law.

1 SEC. 241. Section two hundred fifteen A point ten (215A.10), Code 1975, is  
2 amended to read as follows:

3 **215A.10 Penalty.** Every person who uses or causes to be used a moisture-  
4 measuring device in commerce with knowledge that such device has not been  
5 inspected and approved by the department in accordance with the provisions of  
6 this chapter shall be guilty of a *simple* misdemeanor and ~~upon conviction shall~~  
7 ~~be punished by a fine not exceeding one hundred dollars or by imprisonment in~~  
8 ~~the county jail for a period not to exceed thirty days or both such fine and~~  
9 ~~imprisonment.~~

1 SEC. 242. Section two hundred seventeen point fourteen (217.14), subsection  
2 seven (7), unnumbered paragraph two (2), Code 1975, is amended to read as  
3 follows:

4 The commissioner of social services may establish for any inmate sentenced  
5 pursuant to ~~section 789.13~~ *chapter three (3), section two hundred two (202) of this*  
6 *Act* a furlough program under which inmates sentenced to and confined in an  
7 institution under the jurisdiction of the department of social services may be  
8 temporarily released. Furloughs for a period not to exceed fourteen days may be  
9 granted when an immediate member of the inmate's family is seriously ill or has  
10 died, when an inmate is to be interviewed by a prospective employer, or when  
11 an inmate is authorized to participate in a training program not available within  
12 the institution. Furloughs for a period not to exceed fourteen days may also be  
13 granted in order to allow the inmate to participate in programs or activities that  
14 serve rehabilitative objectives. The commissioner of social services shall  
15 promulgate rules and regulations to carry out the provisions of this paragraph.

1 SEC. 243. Section two hundred eighteen point ninety-one (218.91), Code  
2 1975, is amended to read as follows:

3 **218.91 Boys transferred from training school to reformatory.** The director of  
4 the division of child and family services with the consent and approval of the  
5 director of the division of corrections of the department of social services may  
6 order the transfer of inmates of the training school for boys to the men's

7 reformatory for custodial care whenever it is determined that such action will be  
 8 conducive to the welfare of the other inmates of the school. Such transfer shall  
 9 be effected by application in writing to the district court, or any judge thereof,  
 10 of the county in which the said training school is situated. Upon the granting of  
 11 the order of transfer, the transfer shall take place. The county attorney of the  
 12 said county shall appear in support of such application. The cost of the transfer  
 13 shall be paid from the funds of the training school for boys. Subsequent to a  
 14 transfer made under this section, the person transferred shall be subject to all  
 15 the provisions of law and regulations of the institution to which he is transferred,  
 16 and for the purposes of chapter 745 one (1), section one thousand nine hundred  
 17 four (1904) of this Act such person shall be regarded as having been committed  
 18 to the institution.

1 SEC. 244. Section two hundred twenty-two point forty-seven (222.47), Code  
 2 1975, is amended to read as follows:

3 **222.47 Penalty for false petition of commitment.** Any person who shall  
 4 maliciously seek to have any person adjudged mentally retarded, knowing that  
 5 such person is not mentally retarded, shall be ~~fined not exceeding one thousand~~  
 6 ~~dollars or imprisoned not exceeding one year in the county jail guilty of a~~  
 7 ~~fraudulent practice.~~

1 SEC. 245. Section two hundred twenty-three point four (223.4), subsection  
 2 two (2), Code 1975, is amended to read as follows:

3 2. Commitments by the courts as mentally incompetent to stand trial under  
 4 chapter 783 two (2), section one thousand two hundred four (1204) of this Act.

1 SEC. 246. Section two hundred twenty-four A point six (224A.6), Code 1975,  
 2 is amended to read as follows:

3 **224A.6 Penalties.** Any person who violates any provision of this chapter  
 4 shall, ~~upon conviction, be fined not exceeding one hundred dollars, or~~  
 5 ~~imprisoned in the county jail not exceeding thirty days guilty of a simple~~  
 6 ~~misdemeanor.~~

1 SEC. 247. Section two hundred twenty-nine point thirty-eight (229.38), Code  
 2 1975, is amended to read as follows:

3 **229.38 Cruelty or official misconduct.** If any person having the care of a  
 4 mentally ill person, and restraining him *or her*, whether in a hospital or  
 5 elsewhere, with or without authority, shall treat him *or her* with unnecessary  
 6 severity, harshness, or cruelty, or in any way abuse him *or her*, or if any officer  
 7 required by the provisions of this and chapters 226 to 228, inclusive, to perform  
 8 any act shall willfully refuse or neglect to perform the same, ~~he the person shall,~~  
 9 ~~unless otherwise provided, be fined not to exceed five hundred dollars, or be~~  
 10 ~~imprisoned in the county jail not to exceed three months, and pay the costs of~~  
 11 ~~prosecution, or be both fined and imprisoned at the discretion of the court guilty~~  
 12 ~~of a serious misdemeanor.~~

1 SEC. 248. Section two hundred thirty-five A point nine (235A.9), subsection  
 2 one (1), Code 1975, is amended to read as follows:

3 1. Any person, official, agency or institution, required by this chapter to  
 4 report a suspected case of child abuse who knowingly and willfully fails to do so  
 5 is guilty of a *simple* misdemeanor and ~~upon conviction shall be fined not more~~  
 6 ~~than one hundred dollars or be imprisoned in the county jail not more than ten~~  
 7 ~~days.~~

1 SEC. 249. Section two hundred thirty-five A point twenty-one (235A.21),  
 2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person who willfully requests, obtains, or seeks to obtain child abuse  
 4 information under false pretenses, or who willfully communicates or seeks to  
 5 communicate child abuse information to any agency or person except in  
 6 accordance with sections 235A.15 and 235A.17, or any person connected with

7 any research authorized pursuant to section 235A.15 who willfully falsifies child  
 8 abuse information or any records relating thereto, is guilty of a ~~criminal offense~~  
 9 ~~and upon conviction for each such offense be punished by a fine of not more~~  
 10 ~~than one thousand dollars or by imprisonment in the state penitentiary for not~~  
 11 ~~more than two years, or by both such fine and imprisonment~~ *serious*  
 12 *misdemeanor*. Any person who knowingly, but without criminal purposes,  
 13 communicates or seeks to communicate child abuse information except in  
 14 accordance with sections 235A.15 and 235A.17 shall for each such offense be  
 15 ~~fined not more than one hundred dollars or be imprisoned not more than ten~~  
 16 ~~days be guilty of a simple misdemeanor.~~

1 SEC. 250. Section two hundred thirty-six point thirty-four (236.34), Code  
 2 1975, is amended to read as follows:

3 **236.34 Penalty.** Every person who violates any of the provisions of this  
 4 chapter or who shall intentionally make any false statements or reports to the  
 5 state commissioner with reference to the matters contained herein, shall be guilty  
 6 of a ~~misdemeanor and upon conviction shall be fined not to exceed three~~  
 7 ~~hundred dollars or imprisoned for a term not to exceed one year~~ *fraudulent*  
 8 *practice*.

1 SEC. 251. Section two hundred thirty-eight point forty-five (238.45), Code  
 2 1975, is amended to read as follows:

3 **238.45 Penalty.** Every person who violates any of the provisions of this  
 4 chapter or who intentionally shall make any false statements or reports to the  
 5 state director with reference to the matters contained herein, shall be guilty of a  
 6 ~~misdemeanor and upon conviction shall be punished accordingly~~ *fraudulent*  
 7 *practice*.

1 SEC. 252. Section two hundred thirty-nine point fourteen (239.14), Code  
 2 1975, is amended to read as follows:

3 **239.14 Fraudulent acts.** Whoever obtains, or attempts to obtain, or aids or  
 4 abets any person to obtain, by means of a willfully false statement or  
 5 representation, or by impersonation, or any fraudulent device, any assistance  
 6 under this chapter to which the recipient is not entitled, shall be guilty of a  
 7 ~~misdemeanor, and, upon conviction thereof, shall be punishable by fine, not~~  
 8 ~~exceeding five hundred dollars or by imprisonment in the county jail for not~~  
 9 ~~more than three months, or by both such fine and imprisonment~~ *fraudulent*  
 10 *practice*.

1 SEC. 253. Chapter two hundred forty-five (245), Code 1975, is amended by  
 2 adding the following new section:

3 **NEW SECTION. Federal prisoners.** Convicts sentenced for any term by any  
 4 court of the United States may be received by the superintendent into the  
 5 women's reformatory and there kept in pursuance of their sentences. Convicts at  
 6 the women's reformatory may also be transferred to the federal bureau of  
 7 prisons.

1 SEC. 254. Section two hundred forty-five point eleven (245.11), Code 1975, is  
 2 amended to read as follows:

3 **245.11 Effect of transfer.** After a transfer to either institution is made,  
 4 under section 245.10, the person transferred shall be subject to all the provisions  
 5 of law and regulations of the institution to which she is transferred, and for the  
 6 purposes of chapter ~~745~~ *one (1), section one thousand nine hundred four (1904) of*  
 7 *this Act*, a person transferred from the training school for girls to the women's  
 8 reformatory shall be regarded as having been committed thereto.

1 SEC. 255. Section two hundred forty-six point eleven (246.11), Code 1975, is  
 2 amended to read as follows:



3     **246.11 Federal prisoners.** Convicts sentenced for any term at ~~hard labor~~ by  
4 any court of the United States may be received by the warden into the  
5 penitentiary or the men's reformatory and there kept in pursuance of their  
6 sentences. *Convicts at either the penitentiary or men's reformatory may also be*  
7 *transferred to the federal bureau of prisons.*

1     SEC. 256. Section two hundred forty-nine point eleven (249.11), Code 1975,  
2 is amended to read as follows:

3     **249.11 Fraud.** Any person who obtains assistance under this chapter by  
4 misrepresentation or by failure with fraudulent intent to bring forth all of the  
5 facts required of an applicant for assistance under this chapter, or any person  
6 who shall knowingly make false statements concerning an applicant's eligibility  
7 for assistance under this chapter, is guilty of a *simple* misdemeanor.

1     SEC. 257. Section two hundred fifty point ten (250.10), unnumbered  
2 paragraph three (3), Code 1975, is amended to read as follows:

3     It shall be unlawful for any person, body, association, firm, corporation or  
4 any other agency to solicit, disclose, receive, make use of or to authorize,  
5 knowingly permit, participate in or acquiesce in the use of any lists, names or  
6 other information obtained from the reports above provided for, for commercial  
7 or political purposes, and a violation of this provision shall constitute a *serious*  
8 misdemeanor ~~punishable by a fine of not to exceed two thousand dollars or by~~  
9 ~~imprisonment in the county jail not to exceed one year, or by both such fine and~~  
10 ~~imprisonment.~~

1     SEC. 258. Section two hundred sixty-two point sixty-eight (262.68), Code  
2 1975, is amended to read as follows:

3     **262.68 Speed limit on institutional grounds.** The maximum speed limit of all  
4 vehicles on institutional roads at institutions under the control of the state board  
5 of regents shall be forty-five miles per hour. All driving shall be confined to  
6 driveways designated by the state board. Whenever the state board shall  
7 determine that the speed limit hereinbefore set forth is greater than is reasonable  
8 or safe under the conditions found to exist at any place of congestion or upon  
9 any part of its institutional roads, said board shall determine and declare a  
10 reasonable and safe speed limit thereat which shall be effective when  
11 appropriate signs giving notice thereof are erected at such places of congestion  
12 or other parts of its institutional roads. Any person violating the aforementioned  
13 speed limits shall, ~~upon conviction, be fined not to exceed one hundred dollars,~~  
14 ~~or be imprisoned in the county jail not to exceed thirty days guilty of a simple~~  
15 ~~misdemeanor.~~

1     SEC. 259. Section two hundred sixty-four point six (264.6), Code 1975, is  
2 amended to read as follows:

3     **264.6 Penalty.** The members of the board of trustees and the officers of an  
4 institution of higher learning who do not file, in accordance with the provisions  
5 of this chapter, the record of grades in the office of the registrar of the state  
6 university within twelve months after the said institution has been closed or has  
7 ceased to function as an educational institution, ~~may shall be fined an amount~~  
8 ~~not to exceed five hundred dollars guilty of a simple misdemeanor.~~

1     SEC. 260. Section two hundred eighty-five point fourteen (285.14), Code  
2 1975, is amended to read as follows:

3     **285.14 Nonstandard buses—penalties.** Any person who operates or permits  
4 to be operated as a school bus to transport pupils, any vehicle which does not  
5 comply with the requirements provided by law or by the rules and regulations of  
6 the state department of public instruction, or for which there is not a valid  
7 temporary certificate for operation, shall be ~~punished by a fine of not to exceed~~  
8 ~~one hundred dollars or by imprisonment in the county jail not to exceed thirty~~  
9 ~~days guilty of a simple misdemeanor.~~

1        SEC. 261. Section two hundred eighty-five point fifteen (285.15), Code 1975,  
2 is amended to read as follows:

3        **285.15 Forfeiture of reimbursement rights.** The failure of any local district  
4 to comply with the provisions of this chapter or any other laws relating to the  
5 transportation of pupils, or any rules made by the state department of public  
6 instruction under this chapter or the final decisions of the area education agency  
7 board, or the final decisions of the state department of public instruction shall  
8 during the period such failure to comply existed forfeit the rights to collect  
9 transportation costs from school or parents while operating in such illegal  
10 manner. Any superintendent, board, or board member who knowingly operates  
11 or permits to be operated any school bus transporting public school pupils in  
12 violation of any school transportation law shall be deemed guilty of a *simple*  
13 misdemeanor.

1        SEC. 262. Section two hundred eighty-nine point six (289.6), Code 1975, is  
2 amended to read as follows:

3        **289.6 Violations.** When such part-time school shall have been established,  
4 any parent or person in charge of such minor as defined in this chapter who  
5 shall violate the provisions of this chapter, shall be ~~punished by a fine of not less~~  
6 ~~than ten dollars nor more than fifty dollars guilty of a simple misdemeanor,~~ or  
7 any person unlawfully employing any such minor shall be ~~punished by a fine of~~  
8 ~~not less than twenty dollars nor more than one hundred dollars, or be~~  
9 ~~imprisoned in the county jail not to exceed thirty days guilty of a simple~~  
10 ~~misdemeanor.~~

1        SEC. 263. Section two hundred ninety-seven point fourteen (297.14), Code  
2 1975, is amended to read as follows:

3        **297.14 Barbed wire.** No fence provided for in section 297.13 shall be  
4 constructed of barbed wire, nor shall any barbed wire fence be placed within ten  
5 feet of any school grounds. Any person violating the provisions of this section  
6 shall be ~~punished by a fine not exceeding twenty-five dollars guilty of a simple~~  
7 ~~misdemeanor.~~

1        SEC. 264. Section two hundred ninety-nine point six (299.6), Code 1975, is  
2 amended to read as follows:

3        **299.6 Violations.** Any person who shall violate any of the provisions of  
4 sections 299.1 to 299.5, inclusive, shall be ~~fined not less than five dollars nor~~  
5 ~~more than twenty dollars for each offense guilty of a simple misdemeanor.~~

1        SEC. 265. Section three hundred one point twenty-eight (301.28), Code 1975,  
2 is amended to read as follows:

3        **301.28 Officers and teachers as agents for books and supplies.** It shall be  
4 unlawful for any school director, officer, area education director or teacher to  
5 act as agent for any school textbooks or school supplies during such term of  
6 office or employment, and any school director, officer, area education director  
7 or teacher, who shall act as agent or dealer in school textbooks or school  
8 supplies, during the term of such office or employment, shall be deemed guilty  
9 of a *serious* misdemeanor, ~~and shall, upon conviction thereof, be fined not less~~  
10 ~~than ten dollars nor more than one hundred dollars, and pay the costs of~~  
11 ~~prosecution.~~

1        SEC. 266. Section three hundred six B point six (306B.6), Code 1975, is  
2 amended to read as follows:

3        **306B.6 Misdemeanor.** Whoever erects or maintains an advertising device in  
4 violation of this chapter or in violation of rules and regulations promulgated by  
5 the department under this chapter shall be guilty of a *simple* misdemeanor ~~and~~  
6 ~~upon conviction be fined not less than twenty-five dollars nor more than one~~  
7 ~~hundred dollars.~~

1 SEC. 267. Section three hundred nine point sixty-six (309.66), Code 1975, is  
2 amended to read as follows:

3 **309.66 Use of gravel beds.** The board of supervisors may permit private  
4 parties or municipal corporations to take materials from such acquired lands in  
5 order to improve any street or highway in the county, but it shall be a *serious*  
6 misdemeanor for any person to use or for the board of supervisors to dispose of  
7 any such material for any purpose other than for the improvement of such  
8 streets or highways.

1 SEC. 268. Section three hundred thirteen A point thirty-seven (313A.37),  
2 Code 1975, is amended to read as follows:

3 **313A.37 Failure to pay toll—penalty.** Any person who uses any toll bridge  
4 and fails or refuses to pay the toll provided therefor shall be ~~punished by a fine~~  
5 ~~of not more than one hundred dollars or by imprisonment for not more than~~  
6 ~~thirty days, or both guilty of a simple misdemeanor.~~

1 SEC. 269. Section three hundred seventeen point twenty-four (317.24), Code  
2 1975, is amended to read as follows:

3 **317.24 Punishment of officer.** Any officer referred to in this chapter who  
4 neglects or fails to perform the duties incumbent upon ~~him~~ *the officer* under the  
5 provisions of this chapter shall be ~~punished by a fine not exceeding one hundred~~  
6 ~~dollars guilty of a simple misdemeanor.~~

1 SEC. 270. Section three hundred twenty point eight (320.8), Code 1975, is  
2 amended to read as follows:

3 **320.8 Penalty.** Failure to comply with any of the conditions of said grant,  
4 whether made such by statute or by agreement, or the laying of any such mains,  
5 or the constructing of any such catterways, without having secured the grant of  
6 permission as provided by law shall be ~~punished by a fine of not less than one~~  
7 ~~hundred dollars nor more than one thousand dollars deemed a simple~~  
8 ~~misdemeanor.~~ It shall be the duty of the state department of transportation and  
9 of the board of supervisors, as regards the highways under their respective  
10 jurisdictions, to enforce the provisions of this section and the laws relating  
11 thereto.

1 SEC. 271. Section three hundred twenty-one point one (321.1), subsection  
2 forty-five (45), Code 1975, is amended to read as follows:

3 45. "Peace officer" means every officer authorized to direct or regulate traffic  
4 or to make arrests for violations of traffic regulations in addition to its meaning  
5 in ~~section 748.3~~ *chapter two (2), section one hundred four (104), subsection seven (7)*  
6 *of this Act.*

1 SEC. 272. Section three hundred twenty-one point seventy-eight (321.78),  
2 Code 1975, is amended to read as follows:

3 **321.78 Injuring or tampering with vehicle.** Any person who either  
4 individually or in association with one or more other persons willfully injures or  
5 tampers with any vehicle or breaks or removes any part or parts of or from a  
6 vehicle without the consent of the owner is guilty of a *simple* misdemeanor  
7 ~~punishable as provided in section 321.482.~~

1 SEC. 273. Section three hundred twenty-one point seventy-nine (321.79),  
2 Code 1975, is amended to read as follows:

3 **321.79 Intent to injure.** Any person who with intent to commit any  
4 malicious mischief, injury, or other crime climbs into or upon a vehicle whether  
5 it is in motion or at rest or with like intent attempts to manipulate any of the  
6 levers, starting mechanism, brakes, or other mechanism or device of a vehicle  
7 while the same is at rest and unattended or with like intent sets in motion any  
8 vehicle while the same is at rest and unattended is guilty of a *simple*  
9 misdemeanor ~~punishable as provided in section 321.482.~~

1 SEC. 274. Section three hundred twenty-one point ninety-one (321.91),  
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person who abandons a motor vehicle shall be guilty of a *simple*  
4 misdemeanor.

1 SEC. 275. Section three hundred twenty-one point ninety-seven (321.97),  
2 Code 1975, is amended to read as follows:

3 **321.97 Fraudulent applications.** Any person who fraudulently uses a false or  
4 fictitious name in any application for the registration of, or certificate of title to,  
5 a vehicle or knowingly makes a false statement or knowingly conceals a material  
6 fact or otherwise commits a ~~fraud in any such application, shall upon conviction~~  
7 ~~be punished by a fine of not more than one thousand dollars, or by~~  
8 ~~imprisonment for not more than one year or both~~ *fraudulent practice*.

1 SEC. 276. Section three hundred twenty-one point ninety-eight (321.98), Code  
2 1975, is amended to read as follows:

3 **321.98 Operation without registration.** No person shall operate, nor shall an  
4 owner knowingly permit to be operated upon any highway any vehicle required  
5 to be registered and titled hereunder unless there shall be attached thereto and  
6 displayed thereon when and as required by this chapter a valid registration card  
7 and registration plate or plates issued therefor for the current registration year  
8 and unless a certificate of title has been issued for such vehicle except as  
9 otherwise expressly permitted in this chapter. Any violation of this section is a  
10 *simple* misdemeanor ~~punishable as provided in section 321.482~~.

1 SEC. 277. Section three hundred twenty-one point ninety-nine (321.99), Code  
2 1975, is amended to read as follows:

3 **321.99 Improper use of registration.** No person shall lend to another any  
4 registration card, registration plate, special plate, or permit issued to him or her  
5 if the person desiring to borrow the same would not be entitled to the use  
6 thereof, nor shall any person knowingly permit the use of any of the same by  
7 one not entitled thereto, nor shall any person display upon a vehicle any  
8 registration card, registration plate or permit not issued for such vehicle or not  
9 otherwise lawfully used thereon under this chapter. Any violation of this section  
10 is a *simple* misdemeanor ~~punishable as provided in section 321.482~~.

1 SEC. 278. Section three hundred twenty-one point one hundred (321.100),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 It is a *felony*, ~~punishable as provided in section 321.483, fraudulent practice~~ for  
4 any person to commit any of the following acts:

1 SEC. 279. Section three hundred twenty-one point two hundred sixteen  
2 (321.216), unnumbered paragraph one (1), Code 1975, is amended to read as  
3 follows:

4 It is a *simple* misdemeanor, ~~punishable as provided in section 321.482 unless~~  
5 ~~another punishment is otherwise provided,~~ for any person:

1 SEC. 280. Section three hundred twenty-one point two hundred seventeen  
2 (321.217), Code 1975, is amended to read as follows:

3 **321.217 Perjury.** Any person who makes any false affidavit, or knowingly  
4 swears or affirms falsely to any matter or thing required by the terms of this  
5 chapter to be sworn to or affirmed, is guilty of ~~perjury and upon conviction shall~~  
6 ~~be punishable by fine or imprisonment as other persons committing perjury are~~  
7 ~~punishable a class "D" felony~~.

1 SEC. 281. Section three hundred twenty-one point two hundred eighteen  
2 (321.218), Code 1975, is amended to read as follows:

3 **321.218 Driving while license denied, suspended or revoked.** Any person  
4 whose operator's or chauffeur's license or driving privilege, has been denied,  
5 canceled, suspended or revoked as provided in this chapter, and who drives any

6 motor vehicle upon the highways of this state while such license or privilege is  
7 denied, canceled, suspended, or revoked, is guilty of a *simple* misdemeanor ~~and~~  
8 ~~upon conviction shall be punished by imprisonment for not less than two days~~  
9 ~~or more than thirty days.~~ The sentence imposed under this section shall not be  
10 suspended by the court, notwithstanding the provisions of section 789A.1 or any  
11 other provision of statute. The department, upon receiving the record of the  
12 conviction of any person under this section upon a charge of driving a motor  
13 vehicle while the license of such person was suspended or revoked, shall extend  
14 the period of suspension or revocation for an additional like period, and the  
15 department shall not issue a new license during such additional period.

1 SEC. 282. Section three hundred twenty-one point two hundred seventy-  
2 seven (321.277), unnumbered paragraph two (2), Code 1975, is amended to read  
3 as follows:

4 Every person convicted of reckless driving shall be ~~punished upon a~~  
5 ~~conviction by imprisonment for a period of not more than thirty days, or by fine~~  
6 ~~of not less than twenty-five dollars, nor more than one hundred dollars guilty of~~  
7 ~~a simple misdemeanor.~~

1 SEC. 283. Section three hundred twenty-one point two hundred seventy-eight  
2 (321.278), unnumbered paragraph two (2), Code 1975, is amended to read as  
3 follows:

4 Any person who violates the provisions of this section shall be guilty of ~~drag~~  
5 ~~racing and upon conviction shall be punished by a fine of not more than one~~  
6 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~  
7 ~~days a simple misdemeanor.~~

1 SEC. 284. Section three hundred twenty-one point two hundred eighty-one  
2 (321.281), unnumbered paragraph one (1), Code 1975, is amended to read as  
3 follows:

4 Whoever operates a motor vehicle upon the public highways of this state  
5 while under the influence of an alcoholic beverage, a narcotic, hypnotic or other  
6 drug, or any combination of such substances shall, upon conviction or a plea of  
7 guilty, ~~be punished be guilty of a serious misdemeanor for the first offense and~~  
8 ~~shall be imprisoned in the county jail not less than two days by a fine of not less~~  
9 ~~than three hundred dollars nor more than one thousand dollars, or by~~  
10 ~~imprisonment in the county jail for a period of not to exceed one year, or by~~  
11 ~~both such fine and imprisonment; be guilty of an aggravated misdemeanor for the~~  
12 ~~second offense and shall be imprisoned in the county jail not less than seven days~~  
13 ~~by a fine of not less than five hundred dollars, nor more than one thousand~~  
14 ~~dollars, or by imprisonment in the penitentiary for a period of not to exceed one~~  
15 ~~year, or by both such fine and imprisonment; and be guilty of a class "D" felony~~  
16 ~~for a third offense and each offense thereafter by imprisonment in the~~  
17 ~~penitentiary for any term of years not less than one or more than five, and the~~  
18 ~~court may pronounce sentence for a lesser period than the maximum, the~~  
19 ~~provisions of the indeterminate sentence law to the contrary notwithstanding.~~

1 SEC. 285. Section three hundred twenty-one point two hundred eighty-one  
2 (321.281), unnumbered paragraph five (5), Code 1975, is amended to read as  
3 follows:

4 This section shall not apply to a person operating a motor vehicle while under  
5 the influence of a narcotic, hypnotic or other drug if such substances were  
6 prescribed for such person and have been taken under such prescription and in  
7 accordance with the directions of a ~~reputable doctor of medicine medical~~  
8 ~~practitioner as defined in section one hundred fifty-five point three (155.3), subsection~~  
9 ~~eleven (11), of the Code, provided however there is no evidence of the~~  
10 ~~consumption of alcohol and further provided said doctor of medicine medical~~  
11 ~~practitioner has not directed such person to refrain from operating a motor~~  
12 ~~vehicle.~~

1 SEC. 286. Section three hundred twenty-one point two hundred eighty-two  
2 (321.282), Code 1975, is amended to read as follows:

3 **321.282 Violations.** If any person who has been convicted or pleaded guilty  
4 to driving or operating a motor vehicle upon the public highways of this state  
5 while in an intoxicated condition is found driving or operating any motor  
6 vehicle in violation of the provisions of sections 321.174 and 321.209 ~~he the~~  
7 ~~person shall, without regard to any other punishment provided by law, be~~  
8 ~~imprisoned in the county jail for a period of not to exceed thirty days guilty of a~~  
9 ~~simple misdemeanor.~~

1 SEC. 287. Section three hundred twenty-one point two hundred eighty-three  
2 (321.283), subsection fourteen (14), Code 1975, is amended to read as follows:

3 14. Penalty. Any person violating a restriction or a temporary driving permit  
4 issued under subsection 6 shall be guilty of a *simple* misdemeanor.

1 SEC. 288. Section three hundred twenty-one point four hundred seventy-six  
2 (321.476), unnumbered paragraph three (3), Code 1975, is amended to read as  
3 follows:

4 Any person who prevents or in any manner obstructs an officer attempting to  
5 carry out the provisions of this section is guilty of a *simple* misdemeanor ~~and~~  
6 ~~shall be punished as provided in section 321.482.~~

1 SEC. 289. Section three hundred twenty-one point four hundred eighty-two  
2 (321.482), Code 1975, is amended to read as follows:

3 **321.482 Penalties for misdemeanor.** It is a *simple* misdemeanor for any  
4 person to do any act forbidden or to fail to perform any act required by any of  
5 the provisions of this chapter unless any such violation is by this chapter or  
6 other law of this state declared to be a felony. Chapter 232 shall have no  
7 application in the prosecution of offenses committed in violation of this chapter  
8 which are punishable by a fine of not more than one hundred dollars, or by  
9 imprisonment for not more than thirty days *simple misdemeanor*.

10 Every person convicted of a misdemeanor for a violation of any of the  
11 provisions of this chapter for which another penalty is not provided shall be  
12 punished by a fine of not more than one hundred dollars or by imprisonment for  
13 not more than thirty days.

1 SEC. 290. Section three hundred twenty-one point four hundred eighty-three  
2 (321.483), Code 1975, is amended to read as follows:

3 **321.483 Penalty for felony.** Any person who is convicted of a violation of  
4 any of the provisions of this chapter herein declared to constitute a felony, and  
5 for which another punishment is not otherwise provided, shall be ~~punished by~~  
6 ~~imprisonment for a term of not more than five years, or by a fine of not less~~  
7 ~~than five hundred dollars nor more than five thousand dollars, or by both such~~  
8 ~~fine and imprisonment guilty of a class "D" felony.~~

1 SEC. 291. Section three hundred twenty-one A point thirty-two (321A.32),  
2 Code 1975, is amended to read as follows:

3 **321A.32 Other violations—penalties.**

4 1. Any person whose license or registration or nonresident's operating  
5 privilege has been suspended, denied or revoked under this chapter or continues  
6 to remain suspended or revoked under this chapter, and who, during such  
7 suspension, denial or revocation, or during such continuing suspension or  
8 continuing revocation, drives any motor vehicle upon any highway or knowingly  
9 permits any motor vehicle owned by such person to be operated by another  
10 upon any highway, except as permitted under this chapter, shall be ~~fined not~~  
11 ~~more than five hundred dollars or imprisoned not exceeding six months, or both~~  
12 ~~guilty of a serious misdemeanor.~~

13 2. Any person willfully failing to return license or registration as required in  
14 section 321A.31 shall be ~~fined not more than five hundred dollars or imprisoned~~

15 ~~not to exceed thirty days, or both guilty of a serious misdemeanor.~~

16 3. Any person who shall forge or, without authority, sign any notice provided  
17 for under section 321A.5 that a policy or bond is in effect, or any evidence of  
18 proof of financial responsibility, or who files or offers for filing any such notice  
19 or evidence of proof knowing or having reason to believe that it is forged or  
20 signed without authority, shall be ~~fined not more than one thousand dollars or~~  
21 ~~imprisoned not more than one year, or both guilty of a serious misdemeanor.~~

22 4. Any person who shall violate any provision of this chapter for which no  
23 penalty is otherwise provided shall be ~~fined not more than five hundred dollars~~  
24 ~~or imprisoned not more than ninety days, or both guilty of a serious misdemeanor.~~

1 SEC. 292. Section three hundred twenty-one B point seven (321B.7), Code  
2 1975, is amended to read as follows:

3 **321B.7 Refusal to submit.** If a person under arrest refuses to submit to the  
4 chemical testing, no test shall be given, but the director, upon the receipt of a  
5 sworn report of the peace officer that he *or she* had reasonable grounds to  
6 believe the arrested person to have been operating a motor vehicle upon a public  
7 highway of this state while under the influence of an alcoholic beverage, that he  
8 *or she* had placed such person under arrest for the offense of operating a motor  
9 vehicle while under the influence of an alcoholic beverage and that the person  
10 had refused to submit to the chemical testing, shall revoke his *or her* license or  
11 permit to drive and any nonresident operating privilege for a period of not less  
12 than one hundred twenty days nor more than one year; or if the person is a  
13 resident without a license or permit to operate a motor vehicle in this state, the  
14 director shall deny to the person the issuance of a license or permit within one  
15 year from the date of the alleged violation, subject to review as hereinafter  
16 provided. The effective date of any such revocation shall be twenty days after  
17 the director has mailed notice of such revocation to such person by registered or  
18 certified mail.

1 SEC. 293. Section three hundred twenty-one B point fifteen (321B.15), Code  
2 1975, is amended to read as follows:

3 **321B.15 Driving while license denied or revoked.** Any person whose license,  
4 or driving privilege, has been denied or revoked as provided in this chapter, and  
5 who drives any motor vehicle upon the highways of this state while such license  
6 or privilege is denied or revoked, is guilty of a *simple* misdemeanor and upon  
7 conviction shall be punished as provided for *simple* misdemeanors in section  
8 321.482. The department, upon receiving the record of the conviction of any  
9 person under this section upon a charge of driving a motor vehicle while the  
10 license of such person was revoked, shall extend the period of revocation for an  
11 additional like period, and the department shall not issue a new license during  
12 such additional period.

1 SEC. 294. Section three hundred twenty-one F point twelve (321F.12), Code  
2 1975, is amended to read as follows:

3 **321F.12 Penalty.** Any person violating any provision of this chapter shall  
4 be guilty of a *simple* misdemeanor.

1 SEC. 295. Section three hundred twenty-one G point fourteen (321G.14),  
2 Code 1975, is amended to read as follows:

3 **321G.14 Penalty.** Any person who shall violate any provision of this  
4 chapter or any regulation of the commission or director of transportation shall  
5 be guilty of a *simple* misdemeanor and ~~punished by a fine of not more than one~~  
6 ~~hundred dollars, or by imprisonment for not more than thirty days.~~

7 Chapter 232 shall have no application in the prosecution of offenses which are  
8 committed in violation of this chapter, and which ~~are punishable by a fine of not~~  
9 ~~more than one hundred dollars or by imprisonment for not more than thirty~~  
10 ~~days constitute simple misdemeanors.~~

1 SEC. 296. Section three hundred twenty-two point fourteen (322.14),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person violating any of the provisions of this chapter where a penalty is  
4 not specifically provided for shall be deemed guilty of a *simple* misdemeanor ~~and~~  
5 ~~upon conviction thereof shall be punished by a fine not exceeding one hundred~~  
6 ~~dollars or thirty days in jail.~~

1 SEC. 297. Section three hundred twenty-three point nine (323.9), Code 1975,  
2 is amended to read as follows:

3 **323.9 Violations.** Any person violating the provisions of this chapter is  
4 guilty of a *simple* misdemeanor ~~and shall be punished by a fine not to exceed~~  
5 ~~one hundred dollars or imprisonment in the county jail for a period of not to~~  
6 ~~exceed thirty days.~~

1 SEC. 298. Section three hundred twenty-four point fourteen (324.14), Code  
2 1975, is amended to read as follows:

3 **324.14 Penalty for operating unregistered transport.** It shall be unlawful for  
4 any person to transport motor fuel in bulk upon the highways of this state in a  
5 conveyance the registration of which is required without the evidence of  
6 registration provided for and any person found guilty of the unlawful act shall  
7 be ~~fined not to exceed one hundred dollars or imprisoned in the county jail not~~  
8 ~~more than thirty days guilty of a simple misdemeanor,~~ and each cargo so  
9 transported shall be considered a separate offense. This penalty shall be in  
10 addition to penalties imposed under other provisions of this chapter. Persons  
11 transporting motor fuel in bulk upon the highways of this state in an amount of  
12 not to exceed four thousand gallons shall not be regarded as transporting in  
13 bulk.

1 SEC. 299. Section three hundred twenty-four point twenty (324.20), Code  
2 1975, is amended to read as follows:

3 **324.20 Posting price and discounts.** Every distributor and other person  
4 selling motor fuel in this state for resale to dealers in this state, shall keep posted  
5 in a conspicuous place most accessible to the public at their place or places of  
6 business, including bulk plants, a placard showing in legible words and figures  
7 the same height and size, the price per gallon of each grade of motor fuel offered  
8 for sale, the amount of state excise tax per gallon thereon, the federal excise tax  
9 per gallon thereon, and the total thereof. If any rebate, discount, commission, or  
10 other concession is granted by distributors or persons engaged in the sale of  
11 motor fuel for resale to dealers of such nature as will reduce the cost or price to  
12 any purchaser or dealer in such products, the conditions, quantity, and amount  
13 of such rebate, discount, commission or other concession shall be posted as a  
14 part of the posted price. All price placards shall be subject to the approval of the  
15 department of revenue. Any distributor or person failing to post or keep posted  
16 the placard required by this section, or who posts placards not approved by the  
17 department of revenue as provided in this section, or who sells any motor fuel  
18 for resale at a price which directly or indirectly, by any means or device,  
19 deviates from the posted price set forth on the price placard approved by the  
20 department of revenue, shall be guilty of a *simple* misdemeanor ~~and shall be~~  
21 ~~punished by a fine of one hundred dollars or imprisonment in the county jail for~~  
22 ~~thirty days.~~ Nothing contained herein shall prohibit or restrict the distribution of  
23 earnings to the members of any distributor or person, nor to the distribution to  
24 consumers of road maps, publicity and other advertising media carrying the  
25 name of the distributor, person, or produce. Each day the required placard  
26 remains unposted or an unauthorized placard remains posted, or each deviation  
27 from the posted price, shall be considered a separate offense. In the event of a  
28 second conviction for the violation of any of the provisions of this section, the  
29 department of revenue may revoke the license of such distributor or person so  
30 convicted.



1 SEC. 300. Section three hundred twenty-four point fifty-two (324.52),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who brings into the state in the fuel supply tanks of a commercial  
4 motor vehicle more than thirty gallons of motor fuel or special fuel in violation  
5 of the provisions of the preceding paragraph is guilty of a *simple* misdemeanor  
6 and upon conviction shall be fined not more than one hundred dollars or shall  
7 be imprisoned in the county jail not more than thirty days.

1 SEC. 301. Section three hundred twenty-four point sixty-three (324.63),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person violating the provisions of this section, and disclosing the contents  
4 of any records or reports required to be kept or made under the provisions of  
5 this chapter, except as hereinabove provided, shall upon conviction be fined not  
6 less than one hundred dollars nor more than one thousand dollars or be  
7 confined in the county jail not less than thirty days nor more than six months  
8 guilty of a *simple misdemeanor*.

1 SEC. 302. Section three hundred twenty-four point seventy-three (324.73),  
2 Code 1975, is amended to read as follows:

3 **324.73 Embezzlement of fuel tax money—penalty.** Every sale of motor fuel  
4 in this state and every sale of special fuel dispensed by the seller into a fuel  
5 supply tank of a motor vehicle shall, unless otherwise provided, be presumed to  
6 include as a part of the purchase price the fuel tax due the state of Iowa under  
7 the provisions of this chapter. Every person collecting fuel tax money as part of  
8 the selling price of motor fuel or special fuel, shall hold the tax money in trust  
9 for the state of Iowa unless the fuel tax on the fuel has been previously paid to  
10 the state of Iowa. Any person receiving fuel tax money in trust and failing to  
11 remit it to the department of revenue on or before time required shall be guilty  
12 of ~~embezzlement of public funds and upon conviction shall be subjected to the~~  
13 ~~penalty provided by law for that offense theft.~~

1 SEC. 303. Section three hundred twenty-four point seventy-five (324.75),  
2 Code 1975, is amended to read as follows:

3 **324.75 Penalty for false certificate.** Any person who makes a false  
4 certificate, false fuel invoice, false fuel receipt, or false fuel sales ticket in any  
5 report, return, application, claim, or evidence required or provided for by this  
6 chapter or under any rule or regulation made by the department of revenue shall  
7 be punished by imprisonment in the penitentiary for not more than one year, or  
8 by imprisonment in the county jail for such term as the court may determine,  
9 not exceeding six months, or by a fine of not more than two thousand dollars, or  
10 by such combination of either imprisonment and fine as the court may  
11 determine guilty of a *fraudulent practice*.

1 SEC. 304. Section three hundred twenty-five point thirty-four (325.34), Code  
2 1975, is amended to read as follows:

3 **325.34 Misdemeanor—penalty.** Every owner, officer, agent, or employee of  
4 any motor carrier, and every other person who violates or fails to comply with,  
5 or who procures, aids, or abets in the violation of any provision of this chapter,  
6 or who fails to obey, observe, or comply with any order, decision, rule, or  
7 regulation, direction, demand, or requirement or any part or provision thereof,  
8 of the commission, or who procures, aids, or abets any corporation or person in  
9 his failure to obey, observe, or comply with any such order, decision, rule,  
10 direction, demand, or regulation or any part or provision thereof, shall be guilty  
11 of a *simple* misdemeanor and upon conviction shall be punished by a fine not  
12 exceeding one hundred dollars or by imprisonment in the county jail for a  
13 period of not to exceed thirty days.

1 SEC. 305. Section three hundred twenty-five point thirty-five (325.35),  
2 unnumbered paragraph three (3), Code 1975, is amended to read as follows:

3 It shall be a *simple* misdemeanor; ~~punishable by a fine of not to exceed one~~  
 4 ~~hundred dollars or by imprisonment in the county jail not to exceed thirty days,~~  
 5 for any motor carrier to operate any motor vehicle for which the annual fee has  
 6 not been paid and the board may revoke the certificate of convenience and  
 7 necessity of any such violator.

1 SEC. 306. Section three hundred twenty-six point twenty-seven (326.27),  
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975  
 3 Session, chapter one hundred seventy-three (173), section nine (9) is amended to  
 4 read as follows:

5 **326.27 Violations to negate agreements.** Operation of a commercial vehicle  
 6 or vehicles in violation of the requirements of this chapter, the motor vehicle  
 7 registration laws of this state, or the terms of any agreement negotiated by the  
 8 department pursuant to this chapter may, after due notice and hearing, be  
 9 grounds for denial of reciprocal or proportional registration privileges on the  
 10 vehicle or vehicles of an owner so operated. Any owner denied such reciprocal  
 11 or proportional registration privileges shall be subject to payment of full annual  
 12 Iowa registration fees on any such vehicle operated on Iowa highways. In  
 13 addition to denial of reciprocal or proportional registration privileges, it shall be  
 14 a *simple* misdemeanor ~~punishable upon conviction by a fine of not more than~~  
 15 ~~one hundred dollars or imprisonment in the county jail for not more than thirty~~  
 16 ~~days,~~ unless such act is declared under Iowa law to be a felony, for any person  
 17 to operate under reciprocity or proportional registration in violation of any  
 18 requirements of this chapter.

1 SEC. 307. Section three hundred twenty-seven point nine (327.9),  
 2 unnumbered paragraph three (3), Code 1975, is amended to read as follows:

3 It shall be a *simple* misdemeanor for any truck operator or contract carrier to  
 4 operate any motor truck for which the annual fee has not been paid and the  
 5 board may revoke the truck operator or contract carrier permit of any such  
 6 violator or both.

1 SEC. 308. Section three hundred twenty-seven point twenty-two (327.22),  
 2 Code 1975, is amended to read as follows:

3 **327.22 Violations—punishment.** Every owner, officer, agent, or employee of  
 4 any truck operator, and every other person who violates or fails to comply with,  
 5 or who procures, aids, or abets in the violation of any provision of this chapter,  
 6 or who fails to obey, observe, or comply with any order, decision, rule, or  
 7 regulation, direction, demand, or requirement or any part or provision thereof,  
 8 of the commission, or the department, or who procures, aids, or abets any  
 9 corporation or person in his *or her* failure to obey, observe, or comply with any  
 10 such order, decision, rule, direction, demand, or regulation or any part or  
 11 provision thereof, shall be guilty of a *simple* misdemeanor ~~and upon conviction~~  
 12 ~~shall be punished by a fine not exceeding one hundred dollars or by~~  
 13 ~~imprisonment in the county jail for a period of not to exceed thirty days.~~

1 SEC. 309. Section three hundred twenty-seven A point eighteen (327A.18),  
 2 Code 1975, is amended to read as follows:

3 **327A.18 Penalties.** Every owner, officer, agent or employee of any liquid  
 4 transport carrier, and every other person who violates or fails to comply with, or  
 5 who procures, aids, or abets in the violation of any provision of this chapter, or  
 6 who fails to obey, observe, or comply with any order, decision, rule, or  
 7 regulation, direction, demand, or requirement or any part or provision thereof of  
 8 the board, or who procures, aids or abets any corporation or person in his  
 9 failure to obey, observe, or comply with any such order, decision, rule, direction,  
 10 demand or regulation or any part or provision thereof, shall be guilty of a *simple*  
 11 misdemeanor ~~and upon conviction shall be punished by a fine not exceeding one~~  
 12 ~~hundred dollars or by imprisonment in the county jail for a period of not to~~  
 13 ~~exceed thirty days.~~

1 SEC. 310. Section three hundred twenty-eight point forty (328.40), Code  
2 1975, is amended to read as follows:

3 **328.40 Penalties.** Any person who violates any of the provisions of this  
4 chapter, or who makes any material false statement or representation in any  
5 application or statement filed with the department as required by this chapter or  
6 any of the rules and regulations issued pursuant thereto shall be guilty of a  
7 ~~misdemeanor, and upon conviction thereof shall be punished accordingly~~  
8 *fraudulent practice.*

1 SEC. 311. Section three hundred twenty-eight point forty-one (328.41),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who operates an aircraft in a careless or reckless manner in  
4 violation of the provisions of this section shall be guilty of a *simple* misdemeanor  
5 ~~and upon conviction thereof shall be punished accordingly.~~

1 SEC. 312. Section three hundred twenty-nine point fourteen (329.14), Code  
2 1975, is amended to read as follows:

3 **329.14 Enforcement and remedies.** Each violation of this chapter or of any  
4 regulations, order, or rules promulgated pursuant to this chapter, shall constitute  
5 a *simple* misdemeanor; ~~and the perpetrator thereof, upon conviction, shall be~~  
6 ~~punished accordingly;~~ and each day a violation continues to exist shall  
7 constitute a separate offense.

1 SEC. 313. Section three hundred thirty-two point thirty (332.30), Code 1975,  
2 is amended to read as follows:

3 **332.30 Penalty.** Any person who violates any of the provisions of sections  
4 332.23 to 332.29 or who violates any of the terms or conditions under which ~~he~~  
5 *the person* is permitted to engage in the business activity for which ~~he~~ *the person*  
6 was licensed, shall be fined a sum not to exceed twenty-five dollars *guilty of a*  
7 *simple misdemeanor.*

1 SEC. 314. Section three hundred thirty-six A point seven (336A.7), Code  
2 1975, is amended to read as follows:

3 **336A.7 Other attorney appointed.** The court may, for cause, upon the  
4 application of the indigent person or the public defender, or on its own motion,  
5 appoint an attorney other than the public defender, to represent the indigent  
6 person at any state of the proceedings or on appeal. The attorney so appointed  
7 shall be compensated as provided in ~~section 775.5 chapter two (2), section one~~  
8 *thousand five hundred seven (1507) of this Act.*

1 SEC. 315. Section three hundred thirty-six B point two (336B.2), Code 1975,  
2 is amended to read as follows:

3 **336B.2 Financial statement.** Before an attorney is appointed under the  
4 provisions of sections 68.8, 145.17, 145.19, 222.22, 232.28, ~~775.4 or 777.12 rule~~  
5 *eight (8), rules of criminal procedure,* or to represent any person charged with a  
6 crime in this state, the court shall require the client, or his parent, guardian, or  
7 custodian to complete under oath a detailed financial statement.

1 SEC. 316. Section three hundred thirty-six B point five (336B.5), Code 1975,  
2 is amended to read as follows:

3 **336B.5 False statement—penalty.** Any person that submits to a court or to  
4 a public defender a materially false financial statement, for the purpose of  
5 obtaining legal assistance at public expense, shall be guilty of a ~~misdemeanor~~  
6 ~~and shall be punished by a fine of not more than one hundred dollars or by~~  
7 ~~imprisonment for not more than thirty days~~ *fraudulent practice.*

1 SEC. 317. Section three hundred thirty-nine point five (339.5), Code 1975, is  
2 amended to read as follows:

3 **339.5 Reports by others.** Every person who knows of the existence of a  
4 body where death occurred in the manner specified in section 339.6, shall notify

5 the county or state medical examiner or the city or state law enforcement agency  
 6 or county sheriff thereof as soon as possible, unless such person shall have good  
 7 reason to believe that such notice has already been given. Any person who shall  
 8 fail to give such notice to a medical examiner shall be guilty of a public offense,  
 9 ~~and upon conviction thereof shall be punished by a fine of not more than five~~  
 10 ~~hundred dollars or a sentence in the county jail of not more than six months, or~~  
 11 ~~by both such fine and imprisonment serious misdemeanor.~~

1 SEC. 318. Section three hundred thirty-nine point thirteen (339.13),  
 2 unnumbered paragraph four (4), Code 1975, is amended to read as follows:

3 Any person violating any of the provisions of this section shall be deemed  
 4 guilty of a *serious* misdemeanor ~~and, upon conviction thereof, shall be fined not~~  
 5 ~~more than one thousand dollars or imprisoned in the county jail not more than~~  
 6 ~~one year, or by both such fine and imprisonment.~~

1 SEC. 319. Section three hundred forty-one A point twenty-one (341A.21),  
 2 Code 1975, is amended to read as follows:

3 **341A.21 Indictable misdemeanor.** Any person who willfully violates any of  
 4 the provisions of this chapter shall be guilty of a *simple* misdemeanor, ~~and upon~~  
 5 ~~conviction thereof, shall be punished by a fine of not more than one hundred~~  
 6 ~~dollars or by imprisonment in the county jail for not longer than thirty days or~~  
 7 ~~punished by both such fine and imprisonment.~~ The district court shall have  
 8 jurisdiction of all such offenses.

1 SEC. 320. Section three hundred forty-three point nine (343.9), Code 1975, is  
 2 amended to read as follows:

3 **343.9 Violations.** Any officer of any county, or any deputy or employee of  
 4 such officer, who violates any of the provisions of sections 343.7 and 343.8, shall  
 5 be guilty of a *simple* misdemeanor, ~~and fined not less than one hundred dollars,~~  
 6 ~~nor more than five hundred dollars, for each offense.~~

1 SEC. 321. Section three hundred forty-four point ten (344.10), unnumbered  
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any county official in charge of any department or office who violates this  
 4 law shall be guilty of a *simple* misdemeanor ~~and punished accordingly.~~

1 SEC. 322. Section three hundred forty-six point twenty-two (346.22), Code  
 2 1975, is amended to read as follows:

3 **346.22 Violations.** Any officer of any county, or any deputy or employee of  
 4 such officer, who violates any of the provisions of sections 346.20 and 346.21,  
 5 shall be guilty of a *simple* misdemeanor, ~~and fined not less than one hundred~~  
 6 ~~dollars, nor more than five hundred dollars, for each offense.~~

1 SEC. 323. Section three hundred fifty point seven (350.7), Code 1975, is  
 2 amended to read as follows:

3 **350.7 False claim.** Any person who shall claim or attempt to procure any  
 4 bounty provided for in this chapter upon any animal killed in another state or  
 5 county, or upon any animal which has been domesticated, or who shall attempt  
 6 to obtain any bounty by presenting any false claim or spurious exhibit, shall be  
 7 ~~fined not more than one hundred dollars nor less than fifty dollars for each~~  
 8 ~~offense guilty of a fraudulent practice.~~

1 SEC. 324. Section three hundred fifty-one point forty-three (351.43), Code  
 2 1975, is amended to read as follows:

3 **351.43 Penalty.** Any person refusing to comply with the provisions of  
 4 sections 351.33 to 351.42 or violating any of their provisions, shall be deemed  
 5 guilty of a *simple* misdemeanor ~~and upon conviction shall be fined not more~~  
 6 ~~than one hundred dollars or imprisoned not more than thirty days, for each~~  
 7 ~~offense.~~

1 SEC. 325. Section three hundred fifty-one A point six (351A.6), Code 1975, is  
2 amended to read as follows:

3 **351A.6 Penalty.** It shall be a *simple* misdemeanor for any person or  
4 corporation to violate any provision of this chapter. ~~Every person convicted~~  
5 ~~hereunder shall be punished by imprisonment for a period not more than thirty~~  
6 ~~days, or by a fine not to exceed one hundred dollars.~~ Any pound failing or  
7 refusing to comply with the provisions of this chapter shall become immediately  
8 ineligible for any public moneys notwithstanding the provisions of any contract,  
9 and it shall be unlawful for any public body to pay any public moneys to a  
10 pound after receipt by it of a notice of such noncompliance or refusal from any  
11 institution authorized by the state department of health to obtain dogs until such  
12 time as such institution shall have withdrawn its notice or the state department  
13 of health shall have notified such public body that such notice was without  
14 foundation.

1 SEC. 326. Section three hundred fifty-six point seven (356.7), Code 1975, is  
2 amended to read as follows:

3 **356.7 Calendar returned.** On or before the fifteenth day of the months of  
4 January, April, July and October each year, the sheriff of each county must  
5 return a copy of such calendar to the district court of the district within which  
6 his county is situated. If a sheriff neglects or refuses to do so, he *or she* shall be  
7 ~~punished by a fine not exceeding one hundred dollars guilty of a simple~~  
8 ~~misdemeanor.~~

1 SEC. 327. Section three hundred fifty-six point twenty-three (356.23), Code  
2 1975, is amended to read as follows:

3 **356.23 Cruel treatment.** If any officer or other person treat any prisoner in  
4 a cruel or inhuman manner, he *or she* shall be ~~punished by fine not exceeding~~  
5 ~~one thousand dollars or by imprisonment in the county jail not exceeding twelve~~  
6 ~~months, or by both such fine and imprisonment guilty of a serious misdemeanor.~~

1 SEC. 328. Section three hundred fifty-six point twenty-five (356.25), Code  
2 1975, is amended to read as follows:

3 **356.25 Annoyance of prisoner.** Any person persisting in insulting or  
4 annoying or communicating with any prisoner, after being commanded by such  
5 officer to desist, shall be ~~punished by a fine not exceeding ten dollars, or by~~  
6 ~~imprisonment not exceeding three days guilty of a simple misdemeanor.~~

1 SEC. 329. Section three hundred fifty-six A point three (356A.3), Code 1975,  
2 is amended to read as follows:

3 **356A.3 Alternative confinement of prisoners.** Any municipal or district  
4 court judge may sentence and commit a person to a facility established and  
5 maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A  
6 district court judge may order the transfer of a person sentenced and committed  
7 to the county jail to such a facility upon his *or her* own motion, the motion of  
8 the sentenced and committed person, or the motion of the sheriff. The original  
9 order of commitment or the order of transfer to the facility shall set forth the  
10 terms and conditions of the detention\* or commitment; that the detained or  
11 committed person shall abide by the terms and conditions of this chapter and  
12 the rules and regulations of the facility to which committed or transferred. The  
13 order shall be read to the detained, committed or transferred person in open  
14 court. The committing court or a district court judge may order any person who  
15 has been detained, committed, or transferred to such a facility to be transferred  
16 to the county jail if, upon hearing, the court determines such person has been  
17 refractory, disorderly, has willfully destroyed or injured any property in the  
18 facility, or has violated any of the terms and conditions of the order of  
19 detention, commitment, or transfer or the provisions of this chapter or the rules  
20 and regulations of the facility wherein ~~he~~ *the person* was detained or committed.  
21 Any violations of the order of detention, commitment, or transfer shall further

\*According to enrolled Act

22 be punished as contempt of court pursuant to chapter 665. The provisions of  
 23 chapter ~~745~~ *one (1), section one thousand nine hundred four (1904) of this Act* shall  
 24 be applicable to any person detained, committed, or transferred to a facility  
 25 established and maintained pursuant to this chapter. The county or city to which  
 26 the cause originally belonged shall be liable for the expense of the original  
 27 detention, commitment, or transfer and the subsequent expenses of maintaining  
 28 such person in the facility. The county's expense shall be levied and paid out of  
 29 the court expense fund pursuant to section 444.10.

1 SEC. 330. Section three hundred fifty-eight A point twenty-six (358A.26),  
 2 Code 1975, is amended to read as follows:

3 **358A.26 Penalty.** In addition to any other remedy granted herein, the  
 4 violation on any regulation, restriction or boundary adopted under this chapter  
 5 or the occupancy or use of any structure erected, altered or maintained in  
 6 violation of this chapter shall constitute a *simple* misdemeanor. Such occupancy  
 7 or use shall be deemed a continuing violation and may be the subject to  
 8 repeated prosecutions if so continued. ~~Every person convicted of a~~  
 9 ~~misdemeanor, by reason of violations hereinabove set forth, shall be punished by~~  
 10 ~~a fine of not more than one hundred dollars or by imprisonment of not more~~  
 11 ~~than thirty days.~~

1 SEC. 331. Section three hundred sixty-four point five (364.5), unnumbered  
 2 paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General  
 3 Assembly, 1975 Session, chapter two hundred three (203), section thirteen (13) is  
 4 amended to read as follows:

5 **364.5 Joint action—league of municipalities.** It is unlawful for the league of  
 6 Iowa municipalities to provide any form of aid to a political party or to the  
 7 campaign of a candidate for political or public office. Any person violating or  
 8 being an accessory to a violation of this section is guilty of a *simple*  
 9 misdemeanor.

1 SEC. 332. Section four hundred point thirty (400.30), Code 1975, is amended  
 2 to read as follows:

3 **400.30 Penalty.** The provisions of this chapter shall be strictly carried out  
 4 by each person or body having powers or duties thereunder, and any act or  
 5 failure to act tending to avoid or defeat the purposes of such provisions is  
 6 hereby prohibited and shall be ~~punishable~~ as a *simple* misdemeanor.

1 SEC. 333. Section four hundred nine point fourteen (409.14), unnumbered  
 2 paragraph seven (7), Code 1975, is amended to read as follows:

3 If any such plat of land is tendered for recording in the office of the county  
 4 recorder or county auditor of any county in which any city of the above class  
 5 may be situated, it shall be the duty of such county recorder and auditor to  
 6 examine such plat, to ascertain whether the endorsement of approval by the city  
 7 council, as herein provided for, shall appear thereon. If it shall, and the plat  
 8 otherwise conforms to the provisions of law, said officers shall accept same for  
 9 recording. If such endorsement does not appear thereon said officers shall refuse  
 10 and decline to accept such plat, and any filing thereof shall be void. Any failure  
 11 to observe the provisions of this section on the part of any county recorder or  
 12 county auditor shall constitute a *simple* misdemeanor in office.

1 SEC. 334. Section four hundred eleven point fourteen (411.14), Code 1975, is  
 2 amended to read as follows:

3 **411.14 Protection against fraud.** Any person who shall knowingly make any  
 4 false statement, or shall falsify or permit to be falsified any record or records of  
 5 such retirement system in any attempt to defraud such system as a result of such  
 6 act, shall be guilty of a *misdemeanor*, and shall be ~~punishable therefor under the~~  
 7 ~~laws of this state fraudulent practice.~~ Should any change or errors in records  
 8 result in any member or beneficiary receiving from the retirement system more

9 or less than he *or she* would have been entitled to receive had the records been  
 10 correct, the respective board of trustees shall correct such error, and, as far as  
 11 practicable, shall adjust the payments in such a manner that the actuarial  
 12 equivalent of the benefit to which such member or beneficiary was correctly  
 13 entitled, shall be paid.

1 SEC. 335. Section four hundred thirteen point one hundred seven (413.107),  
 2 Code 1975, is amended to read as follows:

3 **413.107 Violations.** Every person who shall violate or assist in the violation  
 4 of any provision of this chapter shall be guilty of a *simple* misdemeanor  
 5 ~~punishable by a fine of not less than ten dollars or more than one hundred~~  
 6 ~~dollars, and in default in payment thereof, by imprisonment in the county jail~~  
 7 ~~for not more than thirty days.~~

1 SEC. 336. Section four hundred thirteen point one hundred eleven (413.111),  
 2 Code 1975, is amended to read as follows:

3 **413.111 Lien on property.** The existence of a nuisance in or upon such  
 4 dwelling, structure on the same lot with a dwelling, or on such lot, which the  
 5 owner thereof has created or permitted to exist and any violation of this chapter  
 6 as to such dwelling, structure, and lot of which the owner has been guilty shall in  
 7 such proceeding subject such dwelling, structure, and lot respectively to a  
 8 penalty of fifty dollars, which shall be a lien thereon until paid; and any  
 9 violation of an order made or a notice given by the health officer, permitted or  
 10 committed by the owner of a dwelling, structure on the same lot with a dwelling,  
 11 or such lot, shall in such proceeding subject the dwelling, structure, and lot  
 12 respectively to a penalty of fifty dollars, which penalty shall be a lien thereon  
 13 until paid constitute a *simple misdemeanor*.

1 SEC. 337. Section four hundred twenty-two point twenty (422.20), Code 1975,  
 2 is amended to read as follows:

3 **422.20 Information confidential—penalty.** It shall be unlawful for any  
 4 officer or employee of the state of Iowa to divulge or to make known in any  
 5 manner whatever not provided by law to any person the amount or source of  
 6 income, profits, losses, expenditures, or any particular thereof, set forth or  
 7 disclosed in any income return, or to permit any income return or copy thereof  
 8 or any book containing any abstract or particulars thereof to be seen or  
 9 examined by any person except as provided by law; and it shall be unlawful for  
 10 any person to print or publish in any manner whatever not provided by law any  
 11 income return, or any part thereof or source of income, profits, losses, or  
 12 expenditures appearing in any income return; and any person committing an  
 13 offense against the foregoing provision shall, ~~upon conviction for each such~~  
 14 ~~offense, be punished by imprisonment in the county jail for a term not exceeding~~  
 15 ~~one year, or by a fine of not more than one thousand dollars, or both be guilty of~~  
 16 ~~a serious misdemeanor~~; and if the offender be an officer or employee of the state  
 17 of Iowa he *or she* shall also be dismissed from office or discharged from  
 18 employment. Nothing herein shall prohibit turning over to duly authorized  
 19 officers of the United States information and income returns pursuant to  
 20 agreement between the director and the secretary of the treasury of the United  
 21 States or ~~his~~ *the secretary's* delegate.

1 SEC. 338. Section four hundred twenty-two point twenty-five (422.25),  
 2 subsections five (5) and eight (8), Code 1975, are amended to read as follows:

3 5. Any person required to supply any information, to pay any tax, or to make,  
 4 sign, or file any return or supplemental return, who willfully makes any false or  
 5 fraudulent return, or willfully fails to pay such tax, supply such information, or  
 6 make, sign, or file such return, at the time or times required by law, shall ~~upon~~  
 7 ~~conviction for each such offense be punished by imprisonment in the county jail~~  
 8 ~~for a term not exceeding one year, or by a fine not exceeding twenty-five~~  
 9 ~~hundred dollars, or both such fine and imprisonment be guilty of a fraudulent~~

10 *practice.*

11 8. Any person who willfully attempts in any manner to defeat or evade any  
12 tax imposed by this division or the payment thereof, shall upon conviction for  
13 each such offense be ~~punished by imprisonment in the county jail for a term not~~  
14 ~~exceeding one year or in the state penitentiary for a term not exceeding five~~  
15 ~~years or by a fine not exceeding five thousand dollars, or both such fine and~~  
16 ~~imprisonment guilty of a class "D" felony.~~

1 SEC. 339. Section four hundred twenty-two point forty (422.40), subsection  
2 four (4), Code 1975, is amended to read as follows:

3 4. Any person, or any officer or employee of any corporation, or member or  
4 employee of any partnership, who, with intent to evade any requirement of this  
5 division or any lawful requirement of the director thereunder, shall fail to pay  
6 any tax or to make, sign, or verify any return or to supply any information  
7 required by or under the provisions of this division, shall be guilty of a *serious*  
8 ~~misdemeanor and punished accordingly.~~ Any person, corporation, or any officer  
9 or employee of a corporation, or member or employee of any partnership, who,  
10 with intent to evade any of the requirements of this division, or any lawful  
11 requirements of the director thereunder, shall make, render, sign, or verify any  
12 false or fraudulent return or statement, or shall supply any false or fraudulent  
13 information, or who shall aid, abet, direct, cause, or who shall procure anyone so  
14 to do, shall be ~~liable to a penalty of not more than five thousand dollars, to be~~  
15 ~~recovered by the attorney general, in the name of the state, by action in any~~  
16 ~~court of competent jurisdiction, and shall also upon conviction be punished by~~  
17 ~~imprisonment in the penitentiary for a term not exceeding one year, or by a fine~~  
18 ~~of not less than five hundred dollars nor more than five thousand dollars, or~~  
19 ~~both guilty of a fraudulent practice.~~ Such penalty shall be in addition to all other  
20 penalties in this division provided.

1 SEC. 340. Section four hundred twenty-two point forty-two (422.42),  
2 subsection sixteen (16), unnumbered paragraph three (3), Code 1975, is amended  
3 to read as follows:

4 Every operator of a vending machine or amusement device equipment, the  
5 receipts from the operation of which are taxable under section 422.43, shall by  
6 means of a sticker identify each such machine operated by him *or her* to show  
7 the valid sales tax permit number issued to him *or her* under which the sales tax  
8 concerning the operation of each given machine is being reported and remitted  
9 to the department. The stickers shall be provided by the department and it shall  
10 be the duty of each operator to place and maintain same in a place easily seen  
11 by the user on each machine operated by him *or her*. Failure to so identify such  
12 machines shall be ~~unlawful and~~ a *simple* misdemeanor.

1 SEC. 341. Section four hundred twenty-two point forty-five (422.45),  
2 subsection seven (7), paragraph c, Code 1975, is amended to read as follows:

3 c. Any contractor who shall willfully make false report of tax paid under the  
4 provisions of this subsection shall be guilty of a *simple* misdemeanor and in  
5 addition thereto shall be liable for the payment of the tax with penalty and  
6 interest thereon.

1 SEC. 342. Section four hundred twenty-two point fifty-eight (422.58),  
2 subsections two (2) and three (3), Code 1975, are amended to read as follows:

3 2. Any person who shall sell tangible personal property, tickets or admissions  
4 to places of amusement and athletic events, or gas, water, electricity, and  
5 communication service at retail, or engage in the rendering, furnishing, or  
6 performing services enumerated in section 422.43, in this state after ~~his the~~  
7 ~~person's~~ license shall have been revoked, or without procuring a license within  
8 sixty days after the effective date of this division, as provided in section 422.53,  
9 or who shall violate the provisions of section 422.49, and the officers of any  
10 corporation who shall so act, shall be guilty of a *simple* misdemeanor;



11 ~~punishment for which shall be a fine of not more than one hundred dollars or~~  
 12 ~~imprisonment in the county jail for not more than thirty days in the discretion of~~  
 13 ~~the court.~~

14 3. Any person required to make, render, sign, or certify any return or  
 15 supplementary return, who makes any false or fraudulent return with intent to  
 16 defeat or evade the assessment required by law to be made, shall be guilty of a  
 17 class "D" felony ~~and shall, for each such offense, be fined not less than five~~  
 18 ~~hundred dollars and not more than five thousand dollars, or be imprisoned not~~  
 19 ~~exceeding one year, or be subject to both such fine and imprisonment, in the~~  
 20 ~~discretion of the court.~~

1 SEC. 343. Section four hundred twenty-two point seventy-two (422.72),  
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person violating the provisions of subsection 1 of this section shall be  
 4 guilty of a *serious* misdemeanor ~~and punishable by a fine not to exceed one~~  
 5 ~~thousand dollars.~~

1 SEC. 344. Section four hundred twenty-three point eleven (423.11), Code  
 2 1975, is amended to read as follows:

3 **423.11 Absorbing tax prohibited.** It shall be unlawful for any retailer to  
 4 advertise or hold out or state to the public or to any purchaser, consumer or  
 5 user, directly or indirectly, that the tax or any part thereof imposed by this  
 6 chapter will be assumed or absorbed by the retailer or that it will not be added  
 7 to the selling price of the property sold, or if added that it or any part thereof  
 8 will be refunded. The director shall have the power to adopt and promulgate  
 9 rules for adding such tax, or the average equivalent thereof, by providing  
 10 different methods applying uniformly to retailers within the same general  
 11 classification for the purpose of enabling such retailers to add and collect, as far  
 12 as practicable, the amount of such tax. Any person violating any of the  
 13 provisions of this section within this state shall be guilty of a *simple*  
 14 ~~misdemeanor and subject to the penalties provided in section 423.20.~~

1 SEC. 345. Section four hundred twenty-three point nineteen (423.19), Code  
 2 1975, is amended to read as follows:

3 **423.19 Fraud.** Any person required to make, render, sign, or certify any  
 4 return or supplementary return, who makes any false or fraudulent return with  
 5 intent to defeat or evade the tax, or amount required to be paid by this chapter,  
 6 shall be guilty of a felony ~~and shall, for each such offense, be fined not less than~~  
 7 ~~five hundred dollars and not more than five thousand dollars, or be imprisoned~~  
 8 ~~not exceeding one year, or be subject to both such fine and imprisonment, in the~~  
 9 ~~discretion of the court~~ *fraudulent practice.*

1 SEC. 346. Section four hundred twenty-three point twenty (423.20), Code  
 2 1975, is amended to read as follows:

3 **423.20 Penalty.** Any retailer or other person failing or refusing to furnish  
 4 any return herein required to be made, or failing or refusing to furnish a  
 5 supplemental return or other data required by the director, shall be guilty of a  
 6 *simple* misdemeanor ~~and subject to a fine of not to exceed one hundred dollars~~  
 7 ~~for each such offense, or to imprisonment for not to exceed thirty days, or to~~  
 8 ~~both such fine and imprisonment, in the discretion of the court.~~

1 SEC. 347. Section four hundred twenty-three point twenty-six (423.26), Code  
 2 1975, is amended to read as follows:

3 **423.26 Penalty for false statement.** Any person who willfully makes any  
 4 false statement in regard to the purchase price of a vehicle subject to taxation  
 5 under section 423.7 is guilty of a *simple* misdemeanor.

1 SEC. 348. Section four hundred twenty-three A point four (423A.4), Code  
 2 1975, is amended to read as follows:

3     **423A.4 Penalty.** A person who violates the provisions of this chapter shall  
4 upon conviction be ~~punished by imprisonment in the county jail for not more~~  
5 ~~than one year or be fined not more than ten thousand dollars or punished by~~  
6 ~~both such imprisonment and fine~~ *guilty of an aggravated misdemeanor.*

1     SEC. 349. Section four hundred twenty-four point thirteen (424.13),  
2 subsection two (2), Code 1975, is amended to read as follows:

3     2. Any person required to make, render, sign, or verify any return or  
4 supplementary return, who makes any false or fraudulent return with the intent  
5 to defeat or evade the assessment required by law to be made, shall be guilty of  
6 a ~~felony and shall, for each such offense, be fined not less than five hundred~~  
7 ~~dollars, nor not more than five thousand dollars, or be imprisoned not exceeding~~  
8 ~~one year, or be subject to both fine and imprisonment, in the discretion of the~~  
9 ~~court~~ *fraudulent practice.*

1     SEC. 350. Section four hundred twenty-five point thirteen (425.13), Code  
2 1975, is amended to read as follows:

3     **425.13 Conspiracy to defraud.** If any two or more persons conspire and  
4 confederate together with fraudulent intent to obtain the credit provided for  
5 under the terms of this chapter by making a false deed, or a false contract of  
6 purchase, they are guilty of a ~~conspiracy and every person who is convicted of~~  
7 ~~such a conspiracy shall be imprisoned in the county jail for a period not to~~  
8 ~~exceed one year, or shall be fined in a sum not to exceed one thousand dollars,~~  
9 ~~or shall be imprisoned in the penitentiary not more than three years~~ *fraudulent*  
10 *practice.*

1     SEC. 351. Section four hundred twenty-five point fourteen (425.14), Code  
2 1975, is amended to read as follows:

3     **425.14 False affidavits.** Any person making a false claim or affidavit for the  
4 purpose of securing a homestead tax credit, or for the purpose of aiding another  
5 to secure such homestead tax credit, shall be guilty of a ~~misdemeanor and, upon~~  
6 ~~conviction, shall be punished by a fine of not more than one hundred dollars, or~~  
7 ~~by imprisonment in the county jail not more than thirty days, or by both such~~  
8 ~~fine and imprisonment~~ *fraudulent practice.*

1     SEC. 352. Section four hundred twenty-five point twenty-nine (425.29), Code  
2 1975, is amended to read as follows:

3     **425.29 False claim—penalty.** Any person making a false affidavit for the  
4 purpose of obtaining reimbursement provided for in this division or who  
5 knowingly receives the reimbursement without being legally entitled to it or  
6 makes claim for the reimbursement in more than one county in the state shall be  
7 guilty of a *simple* misdemeanor; and ~~upon conviction shall be fined not more~~  
8 ~~than one hundred dollars or imprisoned in the county jail for not more than~~  
9 ~~thirty days or be subject to both such fine and imprisonment.~~ An action under  
10 this section shall be brought in the county in which the affidavit was filed. The  
11 claim for reimbursement shall be disallowed in full and if the claim has been  
12 paid the amount may be recovered by assessment in the manner that income  
13 taxes are assessed pursuant to sections 422.26 and 422.30. The director of  
14 revenue shall send a notice of disallowance of the claim.

1     SEC. 353. Section four hundred twenty-seven point seven (427.7), Code 1975,  
2 is amended to read as follows:

3     **427.7 Penalty.** Any person making a false affidavit for the purpose of  
4 obtaining the exemption provided for in sections 427.3 to 427.6 or who  
5 knowingly receives such exemption without being legally entitled thereto, or who  
6 makes claim for exemption in more than one county in the state shall be guilty  
7 of a ~~misdemeanor and upon conviction thereof fined not more than one~~  
8 ~~hundred dollars or imprisoned in the county jail for not more than thirty days or~~  
9 ~~be both so fined and imprisoned~~ *fraudulent practice.*

1 SEC. 354. Section four hundred twenty-seven point sixteen (427.16),  
2 subsection seven (7), Code 1975, is amended to read as follows:

3 7. Penalty. If any person willfully makes or causes to be made any statement  
4 to the officer charged with assessment or valuation of property for tax purposes  
5 in his *or her* taxing district containing a false statement of a material fact, be ~~he~~  
6 *the person* owner, shipper, storageman, or warehouseman, ~~he the person~~ shall be  
7 guilty of a misdemeanor and upon conviction shall be punished by a fine of not  
8 less than one hundred dollars or more than five hundred dollars or by  
9 imprisonment in the county jail for not less than thirty days or more than one  
10 hundred fifty days *fraudulent practice*.

1 SEC. 355. Section four hundred twenty-seven A point four (427A.4),  
2 unnumbered paragraph five (5), Code 1975, is amended to read as follows:

3 Any person making a false affidavit for the purpose of obtaining the credit  
4 provided for in this section, or who knowingly receives such credit without being  
5 legally entitled thereto, or who makes claim for credit of more than ten thousand  
6 dollars in the state shall be guilty of a misdemeanor and upon conviction thereof  
7 shall be fined not more than one hundred dollars or imprisoned in the county  
8 jail for not more than thirty days or be both so fined and imprisoned\*  
9 *fraudulent practice*.

1 SEC. 356. Section four hundred twenty-eight A point ten (428A.10), Code  
2 1975, is amended to read as follows:

3 **428A.10 Penalty.** Any person, firm or corporation liable for the tax  
4 imposed by this chapter who knowingly fails to comply with the provisions of  
5 sections 428A.5 and 428A.6 relating to the attachment or cancellation of  
6 documentary stamps, shall be subject to a fine of not less than one hundred  
7 dollars nor more than five hundred dollars *guilty of a simple misdemeanor*.

1 SEC. 357. Section four hundred forty-one point nineteen (441.19),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The assessor shall list every person in his *or her* county or city as the case may  
4 be and assess all the property therein, personal and real, except such as is  
5 heretofore exempted or otherwise assessed. Any person who shall refuse to assist  
6 in making out a list of his *or her* property, or of any property which ~~he the person~~  
7 is by law required to assist in listing, or who shall refuse to make either of the  
8 oaths or affirmations or combinations thereof required by section 441.20, shall  
9 be guilty of a *simple* misdemeanor and, upon conviction thereof, shall be fined in  
10 a sum not to exceed five hundred dollars.

1 SEC. 358. Section four hundred forty-four point seven (444.7), Code 1975, is  
2 amended to read as follows:

3 **444.7 Excessive tax prohibited.** It is hereby made a *simple* misdemeanor for  
4 the board of supervisors to authorize, or the county auditor to carry upon the  
5 tax lists for any year, an amount of tax for any public purpose in excess of the  
6 amount certified or authorized as provided by law. The state comptroller shall  
7 prescribe and furnish the county auditors forms and instructions to aid them in  
8 determining the legality and authorized amount of tax levies. In the case of an  
9 excessive levy, it shall be the duty of the county auditor to reduce it to the  
10 maximum amount authorized by law, and in any event not in excess of the  
11 amount certified; and in case of an illegal levy the county auditor shall not enter  
12 or carry any tax on the tax lists for such levy.

1 SEC. 359. Section four hundred forty-four point seventeen (444.17), Code  
2 1975, is amended to read as follows:

3 **444.17 Peddling without license.** Any person peddling outside the limits of  
4 a city without such license or after the expiration thereof, shall be guilty of a  
5 *simple* misdemeanor, whether ~~he the person~~ be the owner of the goods sold or  
6 carried by him *or her* or not, and, on conviction thereof, shall forfeit and pay

\*According to enrolled Act

7 into the county treasury, in addition to the penalty imposed therefor, double the  
8 amount of the tax for one year as fixed in section 444.13.

1 SEC. 360. Section four hundred forty-four point nineteen (444.19), Code  
2 1975, is amended to read as follows:

3 **444.19 Violations.** Any person exhibiting any such show without first  
4 having obtained such license shall be guilty of a *simple* misdemeanor, and shall  
5 also forfeit and pay to the county treasurer double the amount fixed for such  
6 license, for the benefit of the school fund.

1 SEC. 361. Section four hundred forty-six point twenty-six (446.26), Code  
2 1975, is amended to read as follows:

3 **446.26 Misconduct of officers.** Any treasurer or auditor failing to attend a  
4 sale of lands in person or by deputy shall ~~forfeit and pay the sum of one~~  
5 ~~hundred dollars, to be recovered in an action in the name of the county and for~~  
6 ~~its use be guilty of a simple misdemeanor.~~ If such officer or deputy shall sell or  
7 assist in selling any real estate, knowing it is not subject to taxation, or that the  
8 taxes for which it is sold have been paid, or shall knowingly and willfully sell or  
9 assist in selling any real estate for taxes to defraud the owner thereof, or shall  
10 knowingly and willfully execute a deed for property so sold, he *or she* shall; ~~upon~~  
11 ~~conviction, be fined in a sum of not less than one thousand nor more than three~~  
12 ~~thousand dollars, or imprisoned in the county jail not exceeding one year, or~~  
13 ~~both fined and imprisoned, be guilty of a serious misdemeanor and shall be liable~~  
14 ~~to pay the injured party all damages sustained by him or her on account thereof,~~  
15 ~~and all such sales shall be void.~~

1 SEC. 362. Section four hundred forty-six point twenty-seven (446.27), Code  
2 1975, is amended to read as follows:

3 **446.27 Fraud of officers.** If any treasurer or auditor shall be directly or  
4 indirectly concerned in the purchase of any real estate sold for the nonpayment  
5 of taxes, ~~he the treasurer or auditor~~ and his *or her* sureties shall be liable on his *or*  
6 *her* official bond for all damages sustained by the owner of such property, and  
7 all such sales shall be void. In addition thereto, the officer so offending shall;  
8 ~~upon conviction, be fined in a sum of not more than one thousand dollars guilty~~  
9 ~~of a fraudulent practice.~~

1 SEC. 363. Section four hundred fifty point fifty (450.50), Code 1975, is  
2 amended to read as follows:

3 **450.50 Removal of property from state—bond.** It shall be unlawful for any  
4 person to remove from this state any property, or the proceeds thereof, that may  
5 be subject to the tax imposed by this chapter, without paying the said tax to the  
6 department of revenue. Any person violating the provision of this section shall  
7 be guilty of a ~~felony~~ *serious misdemeanor* and upon conviction shall be fined an  
8 amount equal to twice the amount of tax, interest, and costs for which the estate  
9 may be liable; ~~but in no case less than two hundred dollars, and imprisoned as~~  
10 ~~the court shall direct, until the fine is paid;~~ provided, however, that the penalty  
11 hereby imposed shall not be enforced if, prior to the removal of such property or  
12 the proceeds thereof, the person desiring to effect such removal files with the  
13 clerk a bond conditioned upon the payment of the tax, interest, and costs, as is  
14 provided in section 450.49 hereof.

1 SEC. 364. Section four hundred fifty-two point three (452.3), Code 1975, is  
2 amended to read as follows:

3 **452.3 Discounting warrants.** If the state treasurer *of state* or any county  
4 treasurer, by himself *or herself* or through another, discounts state comptroller's  
5 or auditor's warrants, either directly or indirectly, he *or she* shall ~~upon conviction~~  
6 ~~be fined in any sum not exceeding one thousand dollars be guilty of a serious~~  
7 ~~misdemeanor.~~

1 SEC. 365. Section four hundred fifty-two point four (452.4), Code 1975, is  
2 amended to read as follows:

3 **452.4 Loans by county treasurer.** A county treasurer shall be ~~liable to a like~~  
4 ~~fine guilty of a serious misdemeanor~~ for loaning out, or in any manner using for  
5 private purposes, state, county, or other funds in ~~his~~ *the treasurer's* hands.

1 SEC. 366. Section four hundred fifty-two point five (452.5), Code 1975, is  
2 amended to read as follows:

3 **452.5 Loans by state treasurer of state.** The ~~state~~ *state* treasurer *of state* shall be  
4 ~~liable to a fine of not more than ten thousand dollars for a like guilty of a serious~~  
5 ~~misdemeanor for a like violation.~~

1 SEC. 367. Section four hundred fifty-two point fourteen (452.14), Code 1975,  
2 is amended to read as follows:

3 **452.14 False statements or reports.** Any officer or other person making a  
4 false statement or report or in any manner violating any of the provisions of  
5 sections 452.10 to 452.13, shall be guilty of a ~~misdemeanor and shall be liable to~~  
6 ~~a fine of not less than five hundred dollars fraudulent practice.~~

1 SEC. 368. Section four hundred fifty-two point fifteen (452.15), Code 1975, is  
2 amended to read as follows:

3 **452.15 Official delinquency.** If any auditor or treasurer or other officer  
4 shall neglect or refuse to perform any act or duty specifically required of him *or*  
5 *her*, such officer shall be guilty of a *simple* misdemeanor, ~~and, upon conviction,~~  
6 ~~shall be fined in any sum not exceeding one thousand dollars,~~ and he *or she* and  
7 his *or her* bondsmen shall be liable on his *or her* official bond for ~~such fine any~~  
8 ~~fine imposed,~~ and for the damages sustained by any person through such neglect  
9 or refusal.

1 SEC. 369. Section four hundred fifty-five point one hundred sixty (455.160),  
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person or persons willfully diverting, obstructing, impeding, or filling up,  
4 without legal authority, any ditch, drain, or watercourse or breaking down or  
5 injuring any levee or the bank of any settling basin, established, constructed, and  
6 maintained under any provision of law, or obstructing, or engaging in travel or  
7 agricultural practices upon the improvement or rights of way of a levee or  
8 drainage district which the governing body thereof has, by resolution,  
9 determined to be injurious to such improvement or to interfere with its proper  
10 preservation, operation, or maintenance, and has prohibited, shall be deemed  
11 guilty of a *serious* misdemeanor ~~and punished accordingly~~ and any such  
12 unlawful act as above described is hereby declared to be a nuisance and may be  
13 abated as such.

1 SEC. 370. Section four hundred fifty-five A point thirty-nine (455A.39), Code  
2 1975, is amended to read as follows:

3 **455A.39 Penalties.** Whoever is convicted of erecting, causing or continuing  
4 a common or public nuisance, as provided in this chapter, or whoever diverts or  
5 withdraws water in violation of the provisions of this chapter, upon conviction,  
6 shall be ~~fined not exceeding one hundred dollars or be imprisoned in the county~~  
7 ~~jail not exceeding thirty days guilty of a simple misdemeanor~~ and each day that  
8 such violation continues after conviction shall be considered a separate offense.

1 SEC. 371. Section four hundred fifty-five B point sixty-four (455B.64), Code  
2 1975, is amended to read as follows:

3 **455B.64 Misdemeanor.** Any person, including any firm, corporation,  
4 municipal corporation, or other governmental subdivision or agency, violating  
5 any provisions of this part 2 of division III or the rules adopted thereunder after  
6 written notice thereof by the executive director is guilty of a *simple*  
7 misdemeanor. Each day of operation in such violation of said part or any rules  
8 adopted thereunder shall constitute a separate offense. ~~Upon conviction, such~~

9 persons shall be fined not exceeding one hundred dollars, or be imprisoned in  
 10 the county jail for not more than thirty days, or by both such fine and  
 11 imprisonment. It shall be the duty of the appropriate county attorney to secure  
 12 injunctions of continuing violations of any provisions of said part or the rules  
 13 adopted thereunder.

1 SEC. 372. Section four hundred fifty-five B point ninety-four (455B.94), Code  
 2 1975, is amended to read as follows:

3 **455B.94 Penalty.** Any person who violates any provisions of this part 2 of  
 4 division IV or rules adopted under said part, or any order of the commission or  
 5 executive director issued pursuant to said part, shall be ~~punished by a fine of not~~  
 6 ~~more than five hundred dollars or by imprisonment not to exceed six months or~~  
 7 ~~punished by both such fine and imprisonment~~ *be guilty of a serious misdemeanor*  
 8 and, in addition, ~~he~~ *the person* may be enjoined from continuing such violation.  
 9 Each day of continued violation after notice that a violation is being committed  
 10 shall constitute a separate violation.

1 SEC. 373. Section four hundred fifty-five B point ninety-eight (455B.98),  
 2 Code 1975, is amended to read as follows:

3 **455B.98 Penalty.** Any person violating the provisions of section 455B.97,  
 4 shall be ~~guilty of a misdemeanor and,~~ upon conviction, shall be ~~subject to a fine~~  
 5 ~~of not less than fifteen dollars nor more than one hundred dollars or be~~  
 6 ~~imprisoned in the county jail not to exceed thirty days~~ *guilty of a simple*  
 7 *misdemeanor.* The court, in lieu of or in addition to any other sentence imposed,  
 8 may direct and supervise a labor of litter gathering.

1 SEC. 374. Section four hundred fifty-five B point one hundred five  
 2 (455B.105), Code 1975, is amended to read as follows:

3 **455B.105 Penalty.** Any person violating the provisions of sections 455B.100  
 4 to 455B.103 or the rules adopted by the commission under said sections is guilty  
 5 of a *simple* misdemeanor.

1 SEC. 375. Section four hundred sixty-nine point thirteen (469.13), Code 1975,  
 2 is amended to read as follows:

3 **469.13 Violations.** The construction, maintenance, or operation of a dam  
 4 for the purpose specified herein without a permit first being issued, as in this  
 5 chapter provided, shall constitute a *simple* misdemeanor; ~~and shall be punishable~~  
 6 ~~by a fine of not less than one hundred dollars nor more than five hundred~~  
 7 ~~dollars.~~

1 SEC. 376. Section four hundred sixty-nine A point seven (469A.7), Code  
 2 1975, is amended to read as follows:

3 **469A.7 Penalty.** Any person, firm, association or corporation who shall  
 4 violate the provisions of section 469A.1, shall be guilty of a *serious* misdemeanor  
 5 ~~and upon conviction shall be punished by a fine of not less than one hundred~~  
 6 ~~dollars nor more than one thousand dollars, or shall be imprisoned in the county~~  
 7 ~~jail for not less than thirty days nor more than six months, or by both such fine~~  
 8 ~~and imprisonment.~~ Each separate day that a violation occurs shall constitute a  
 9 separate offense.

1 SEC. 377. Section four hundred seventy-four point twenty-one (474.21), Code  
 2 1975, is amended to read as follows:

3 **474.21 Hindering or obstructing department.** Any person who shall willfully  
 4 obstruct it ~~or its members~~ *the department or board* in the performance of their  
 5 duties, or who shall refuse to give any information within ~~his~~ *the person's*  
 6 possession that may be required by it ~~within the line of its duty~~ *the department or*  
 7 *board for the performance of their duties,* shall be ~~fined not exceeding one~~  
 8 ~~thousand dollars, in the discretion of the court~~ *guilty of a simple misdemeanor.*

1 SEC. 378. Section four hundred seventy-seven point fifteen (477.15), Code  
2 1975, is amended to read as follows:

3 **477.15 Violations.** Any ~~railroad corporation, company, or person~~ operating  
4 a railroad in this state and using a locomotive engine, or running a train of cars,  
5 or using in this state any train, engine, freight, car way, caboose, or other car  
6 contrary to the provisions of sections 477.12 to 477.14 ~~four hundred seventy-seven~~  
7 ~~point thirteen (477.13) of the Code~~ shall be guilty of a *serious* misdemeanor, and  
8 shall be subject to a fine of not less than five hundred nor more than one  
9 thousand dollars for each and every offense; but such penalties shall not apply  
10 to companies hauling cars belonging to railroads other than those of this state  
11 which are engaged in interstate traffic.

1 SEC. 379. Section four hundred seventy-seven point nineteen (477.19), Code  
2 1975, is amended to read as follows:

3 **477.19 Violations.** Any ~~person, railway company, terminal transfer, or~~  
4 ~~other corporation or company~~ who ~~which~~ violates any of the provisions of  
5 section 477.17 shall be deemed guilty of a *serious* misdemeanor and upon  
6 conviction shall be punished by a fine of not less than fifty dollars or more than  
7 five hundred dollars for any such violation, and each day that every such engine  
8 is operated shall constitute a separate and distinct violation of said section.

1 SEC. 380. Section four hundred seventy-seven point twenty-four (477.24),  
2 Code 1975, is amended to read as follows:

3 **477.24 Violations.** Any ~~person, firm, or railroad~~ corporation owning such  
4 line of railway or the equipment operated thereon, ~~who~~ ~~which~~ shall cause or  
5 permit any locomotive, power vehicle, power car, or other equipment used as the  
6 equivalent thereof, to be operated without being equipped with the headlight  
7 required by the provisions of section 477.22 shall be deemed guilty of a *serious*  
8 misdemeanor and, upon conviction, shall be punished by a fine of not less than  
9 one hundred dollars nor more than five hundred dollars for each offense.

1 SEC. 381. Section four hundred seventy-seven point twenty-eight (477.28),  
2 Code 1975, is amended to read as follows:

3 **477.28 Violations.** Any common carrier as provided in section 477.26  
4 violating any of the provisions of section 477.27 shall be deemed guilty of a  
5 *simple* misdemeanor, and upon conviction thereof shall be fined not less than  
6 one hundred dollars nor more than five hundred dollars for each offense.

1 SEC. 382. Section four hundred seventy-seven point forty (477.40), Code  
2 1975, is amended to read as follows:

3 **477.40 Violations.** Any railroad ~~company~~ *corporation* which after receiving  
4 said notice fails to comply, within the time fixed, with the provisions of section  
5 477.37, shall be guilty of a *simple* misdemeanor and upon conviction shall be  
6 fined not exceeding one hundred dollars for each offense and the inspector shall  
7 file information in such a case.

1 SEC. 383. Section four hundred seventy-seven point fifty-four (477.54), Code  
2 1975, is amended to read as follows:

3 **477.54 Violations.** Any failure to comply with the provisions of section  
4 477.53 shall be deemed a *simple* misdemeanor and shall be punished accordingly.

1 SEC. 384. Section four hundred seventy-seven point sixty-two (477.62), Code  
2 1975, is amended to read as follows:

3 **477.62 Penalty.** Any railroad *corporation* found guilty of violating the  
4 provisions of section 477.61 shall be fined not less than twenty-five dollars nor  
5 more than one hundred dollars for each violation *guilty of a simple misdemeanor.*

1 SEC. 385. Section four hundred seventy-seven point sixty-three (477.63),  
2 Code 1975, is amended to read as follows:

3       **477.63 Screen exhaust fire controls.** No locomotive or other rolling stock  
 4 shall be operated unless it is equipped with proper deflector and screen exhaust  
 5 fire controls and uses adequate devices to prevent the escape of blowing or  
 6 burning materials or substances and is maintained in good working order to  
 7 protect against the start and spread of fires along the right of way. A violation of  
 8 this section shall be a *simple* misdemeanor ~~punishable by a fine of not more than~~  
 9 ~~one hundred dollars or thirty days in jail.~~ The railroad corporation, and any  
 10 officers, agent, lessee or independent contractor found guilty of a violation of  
 11 this section shall be ~~punishable by a fine of not more than one hundred dollars~~  
 12 ~~or thirty days in jail~~ *guilty of a simple misdemeanor.*

1       SEC. 386. Section four hundred seventy-eight point ten (478.10), Code 1975,  
 2 is amended to read as follows:

3       **478.10 Failure to fence—general penalty.** If the *railroad* corporation ;  
 4 officer thereof or lessee owning or engaged in the operation of any railroad in  
 5 the state refuses or neglects to comply with any provision of this chapter relating  
 6 to the fencing of the tracts\*, such *railroad* corporation, officer, or lessee shall be  
 7 guilty of a *simple* misdemeanor ; and upon conviction fined in a sum not  
 8 exceeding five hundred dollars for each offense, and every thirty days'  
 9 continuance of such refusal or neglect shall constitute a separate and distinct  
 10 offense.

1       SEC. 387. Section four hundred seventy-eight point twenty (478.20), Code  
 2 1975, is amended to read as follows:

3       **478.20 Violations.** Any officer or employee of any railway company  
 4 corporation violating any of the provisions of section 478.19 shall be ~~punished by~~  
 5 ~~a fine not exceeding one hundred dollars for each offense~~ *guilty of a simple*  
 6 *misdemeanor.*

1       SEC. 388. Section four hundred seventy-nine point twenty-nine (479.29),  
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975  
 3 Session, chapter one hundred seventy (170), section twenty-seven (27) is  
 4 amended to read as follows:

5       **479.29 Penalty for discrimination.** Any such corporation guilty of extortion,  
 6 or of making any unjust discrimination as to freight rates, or the rates for the use  
 7 and transportation of railway cars, or in receiving, handling, or delivering  
 8 freights, shall; ~~upon conviction thereof, be fined in any sum not less than one~~  
 9 ~~thousand dollars nor more than five thousand dollars for the first offense, and~~  
 10 ~~for each subsequent offense not less than five thousand nor more than ten~~  
 11 ~~thousand dollars such fine to be imposed in a criminal prosecution by~~  
 12 ~~indictment be guilty of an aggravated misdemeanor;~~ or shall be subject to the  
 13 liability prescribed in section 479.30, to be recovered as therein provided.

1       SEC. 389. Section four hundred seventy-nine point thirty (479.30), Code  
 2 1975, is amended to read as follows:

3       **479.30 Civil forfeiture.** Any such railway corporation ~~guilty of extortion, or~~  
 4 ~~of making any unjust discrimination as to passenger or freight rates, or the rates~~  
 5 ~~for the use and transportation of railway cars, or in receiving, handling, or~~  
 6 ~~delivering freights, shall forfeit and pay to the state not less than one thousand~~  
 7 ~~nor more than five thousand dollars for the first offense, and not less than five~~  
 8 ~~thousand nor more than ten thousand dollars for each subsequent offense, to be~~  
 9 ~~recovered in a civil action in the name of the state; and the release from liability~~  
 10 ~~or penalty provided for in this chapter shall not apply to a criminal prosecution~~  
 11 ~~under section 479.29, or to a civil action under this section be guilty of a~~  
 12 ~~fraudulent practice.~~

1       SEC. 390. Section four hundred seventy-nine point one hundred eight  
 2 (479.108), Code 1975, is amended to read as follows:

\*According to enrolled Act



3       **479.108 Violation—penalty.** Any common carrier operating in this state  
4 violating any of the provisions of sections 479.103 to 479.107 by neglecting or  
5 refusing to weigh cars or to furnish certificates of weights as therein provided  
6 shall be guilty of a *simple* misdemeanor and shall be, upon conviction thereof,  
7 ~~fin~~ed in the sum of not more than one hundred twenty-five dollars for each and  
8 every violation.

1       SEC. 391. Section four hundred eighty-eight point six (488.6), Code 1975, is  
2 amended to read as follows:

3       **488.6 Delay—willful error—revealing contents.** Any person employed in  
4 transmitting messages by telegraph or telephone must do so with fidelity and  
5 without unreasonable delay, and if anyone willfully fails thus to transmit them,  
6 or intentionally transmits a message erroneously, or makes known the contents  
7 of any message sent or received to any person except ~~him~~ *the person* to whom it  
8 is addressed, or ~~his~~ *such person's* agent or attorney, or willfully and wrongfully  
9 takes or receives any telegraph or telephone message, ~~he~~ *the person* is guilty of a  
10 *simple* misdemeanor.

1       SEC. 392. Section four hundred eighty-nine point twenty-four (489.24), Code  
2 1975, is amended to read as follows:

3       **489.24 Violations.** Any person, company, or corporation constructing or  
4 undertaking to construct or maintain any electric transmission line, without first  
5 procuring a franchise for such purpose in accordance with the provisions of this  
6 chapter, shall be ~~fin~~ed in the sum of not less than one hundred dollars nor more  
7 ~~than one thousand dollars~~ *guilty of a serious misdemeanor*; and for violating any  
8 of the other provisions of this chapter relating to electric transmission lines or  
9 disobeying any order or rule made by the state commerce commission in  
10 relation thereto, shall be ~~fin~~ed not exceeding one hundred dollars *guilty of a*  
11 *simple misdemeanor*.

1       SEC. 393. Section four hundred ninety-one point forty (491.40), Code 1975, is  
2 amended to read as follows:

3       **491.40 Fraud—penalty for.** Intentional fraud in failing to comply  
4 substantially with the articles of incorporation, or in deceiving the public or  
5 individuals in relation to their means or their liabilities, shall be a ~~misdemeanor,~~  
6 ~~and shall subject those guilty thereof to fine and imprisonment, or both, at the~~  
7 ~~discretion of the court~~ *fraudulent practice*. Any person who has sustained injury  
8 from such fraud may also recover damages therefor against those guilty of  
9 participating in such fraud.

1       SEC. 394. Section four hundred ninety-one point forty-three (491.43), Code  
2 1975, is amended to read as follows:

3       **491.43 Keeping false accounts.** The intentional keeping of false books or  
4 accounts shall be a ~~misdemeanor~~ *fraudulent practice* on the part of any officer,  
5 agent, or employee of the corporation guilty thereof, or of anyone whose duty it  
6 is to see that such books or accounts are correctly kept.

1       SEC. 395. Section four hundred ninety-one point sixty-eight (491.68), Code  
2 1975, is amended to read as follows:

3       **491.68 False statements or pretenses.** Every director, officer, or agent of  
4 any corporation or joint-stock association, who knowingly concurs in making,  
5 publishing, or posting, either generally or privately to the stockholders or other  
6 persons, any written report, exhibit, or statement of its affairs or pecuniary  
7 condition, or book or notice containing any material statement which is false, or  
8 any untrue or willfully or fraudulently exaggerated report, prospectus, account,  
9 statement of operations, values, business, profits, expenditures, or prospects, or  
10 any other paper or document intended to produce or give, or having a tendency  
11 to produce or give, the shares of stock in such corporation a greater value or a  
12 less apparent or market value than they really possess, is guilty of a ~~felony, and~~

13 upon conviction thereof shall be punished by imprisonment in the penitentiary  
 14 not to exceed one year, or by imprisonment in the county jail not to exceed six  
 15 months or a fine not exceeding five hundred dollars *fraudulent practice*.

1 SEC. 396. Section four hundred ninety-two point three (492.3), Code 1975, is  
 2 amended to read as follows:

3 **492.3 Penalties.** Any person violating the provisions of sections 492.1 and  
 4 492.2, or knowingly making a false statement on such certificate, shall be fined  
 5 not less than one hundred dollars nor more than five hundred dollars, and shall  
 6 stand committed to the county jail until such fine and costs are paid *guilty of a*  
 7 *fraudulent practice*.

1 SEC. 397. Section four hundred ninety-two point twelve (492.12), Code 1975,  
 2 is amended to read as follows:

3 **492.12 Violations.** Any officer, agent or representative of a corporation  
 4 who violates any of the provisions of sections 492.5 to 492.8 shall, upon  
 5 conviction, be fined not less than two hundred dollars nor more than ten  
 6 hundred dollars, and be imprisoned in the county jail for not less than thirty  
 7 days nor more than six months *be guilty of a simple misdemeanor*.

1 SEC. 398. Section four hundred ninety-four point thirteen (494.13), Code  
 2 1975, is amended to read as follows:

3 **494.13 Violations by officers.** Any agent, officer, or employee who shall  
 4 knowingly act or transact such business for such corporation, when it has no  
 5 valid permit as provided herein, shall be guilty of a *simple* misdemeanor, and for  
 6 such offense shall be fined not to exceed one hundred dollars, or be imprisoned  
 7 in the county jail not to exceed thirty days, or be punished by both such fine  
 8 and imprisonment, and pay all costs of prosecution.

1 SEC. 399. Section four hundred ninety-six A point one hundred thirty-one  
 2 (496A.131), Code 1975, is amended to read as follows:

3 **496A.131 Penalties imposed upon officers and directors.** Each officer and  
 4 director of a corporation, domestic or foreign, who willfully fails or refuses  
 5 within the time prescribed by this chapter to answer truthfully and fully  
 6 reasonable and proper interrogatories propounded to ~~him~~ *the officer or director*  
 7 by the secretary of state in accordance with the provisions of this chapter, or  
 8 who signs any articles, statement, report, application or other document filed  
 9 with the secretary of state which is known to such officer or director to be false  
 10 in any material respect, shall be deemed to be guilty of a *misdemeanor*, and  
 11 upon conviction thereof may be fined in any amount not exceeding five hundred  
 12 dollars *fraudulent practice*.

1 SEC. 400. Section four hundred ninety-six A point one hundred forty-five  
 2 (496A.145), unnumbered paragraph three (3), Code 1975, is amended to read as  
 3 follows:

4 Any person convicted of a violation of any of the provisions of this section  
 5 shall be punished by imprisonment in the county jail not less than six months or  
 6 more than one year and, in the discretion of the court, by a fine not exceeding  
 7 ten hundred dollars *guilty of a serious misdemeanor*.

1 SEC. 401. Section five hundred one point six (501.6), Code 1975, is amended  
 2 to read as follows:

3 **501.6 Unauthorized companies—penalty.** Any member or representative of  
 4 any association who shall attempt to issue or sell any stock as contemplated by  
 5 this chapter or to transact any business whatsoever in the name of or on behalf  
 6 of such association, not authorized to do business within this state, or which has  
 7 failed or refused to comply with the provisions of this chapter, or has violated  
 8 any of its provisions shall be deemed guilty of a *serious* misdemeanor and on  
 9 conviction thereof shall be punished by imprisonment in the county jail not to  
 10 exceed one year, or by a fine of not less than one hundred nor more than ten

11 ~~hundred dollars or by both such fine and imprisonment in the discretion of the~~  
12 ~~court.~~

1 SEC. 402. Section five hundred two point twenty-six (502.26), Code 1975, is  
2 amended to read as follows:

3 **502.26 False statements, entries, and representations.** Any person, firm,  
4 association, company, or corporation subject to the provisions of this chapter,  
5 that shall subscribe or cause to be made any false statement or false entry in any  
6 book required to be kept or relating to any business to be transacted in this state  
7 pursuant to the provisions of this chapter, or make or subscribe to any false  
8 statement, exhibit or paper filed with the commissioner of insurance, or shall  
9 make to the commissioner of insurance, ~~his the commissioner's~~ superintendent,  
10 agent, or representative any false or fraudulent statement concerning the  
11 proposed plan of business to be transacted, or the nature, value or character of  
12 securities to be sold in this state, or shall make to said commissioner of  
13 insurance, ~~his the commissioner's~~ superintendent, agent or representative any  
14 false statement as to the financial condition of such person, firm, association,  
15 company, or corporation shall be deemed guilty of a felony, and upon  
16 conviction shall be fined in the sum of not more than five thousand dollars, or  
17 imprisoned not to exceed five years in the penitentiary or reformatory, or by  
18 both such fine and imprisonment in the discretion of the court *fraudulent practice.*

1 SEC. 403. Section five hundred two point twenty-seven (502.27), Code 1975,  
2 is amended to read as follows:

3 **502.27 General violations.** Any person, firm, association, company, or  
4 corporation subject to the provisions of this chapter that shall sell or negotiate  
5 for the sale of any securities within this state without complying with the  
6 provisions of this chapter, or that continues to sell, offer for sale, or negotiates  
7 for the sale of securities in this state after his *or her* registration has been  
8 revoked or canceled by the commissioner of insurance, or that shall otherwise  
9 neglect or refuse to comply with any of the provisions of this chapter, shall be  
10 guilty of a *serious* misdemeanor and upon conviction thereof shall be punished  
11 by a fine not to exceed one thousand dollars or by imprisonment in the county  
12 jail not to exceed six months or by both such fine and imprisonment in the  
13 discretion of the court, and if it shall be found that any such person is guilty of  
14 such a violation with the intent to defraud ~~he the person~~ shall be guilty of a class  
15 "D" felony and upon conviction thereof shall be fined not to exceed five  
16 thousand dollars or be imprisoned not to exceed five years in the penitentiary or  
17 reformatory or by both such fine and imprisonment in the discretion of the  
18 court.

1 SEC. 404. Section five hundred two point twenty-eight (502.28), Code 1975, is  
2 amended to read as follows:

3 **502.28 False representations.** Any person, firm, association, company, or  
4 corporation, or any agent or representative thereof, whether subject to the  
5 provisions of this chapter or otherwise, that sells, offers for sale, or negotiates for  
6 the sale of any securities within this state, and knowingly makes any false  
7 representations or statements as to the nature, character, or value of such  
8 security, or the amount of the earning power of such security whether in the  
9 nature of interest, dividends, or otherwise, or knowingly makes any other false  
10 or fraudulent representation to any person for the purpose of inducing said  
11 person to purchase said security, or conceals any material fact in the  
12 advertisement or prospectus of such security for the purpose of defrauding the  
13 purchaser, shall be deemed guilty of a felony and upon conviction thereof shall  
14 be punished by a fine of not less than five hundred dollars nor more than five  
15 thousand dollars or by imprisonment in the penitentiary or reformatory for not  
16 more than five years or by both such fine and imprisonment *fraudulent practice.*

1 SEC. 405. Section five hundred two point twenty-nine (502.29), Code 1975, is  
2 amended to read as follows:

3 **502.29 Promotion by state officials and employees.** No state official or  
4 employee of the state shall use his *or her* name in his *or her* official capacity in  
5 connection with the endorsement or recommendation of the organization or the  
6 promotion of any company or in the disposal of the public of its securities, nor  
7 shall anyone use the stationery of the state or of any official thereof in  
8 connection with any such transaction. Whoever violates the aforesaid provision  
9 shall, upon conviction by any court of competent jurisdiction, be deemed guilty  
10 of a *serious* misdemeanor ~~and fined in any sum not to exceed five hundred~~  
11 ~~dollars or be punished by confinement in a county jail for not more than ninety~~  
12 ~~days or by both such fine and imprisonment.~~

1 SEC. 406. Section five hundred two point thirty (502.30), Code 1975, is  
2 amended to read as follows:

3 **502.30 Secret agents—failure to disclose interest.** Any individual, not  
4 licensed as a dealer or salesman, who, with intent to secure financial gain for  
5 himself *or herself*, advises and procures or assists in procuring any person to  
6 purchase any securities contemplated by this chapter and who receives for such  
7 service any commission or reward, without disclosing to the purchaser the fact  
8 of his *or her* interest shall, in addition to any other penalty, be guilty of a *simple*  
9 misdemeanor.

1 SEC. 407. Section five hundred three point thirteen (503.13), Code 1975, is  
2 amended to read as follows:

3 **503.13 Misdemeanor.** Any member, salesman, agent, or representative of  
4 any association, who shall attempt to issue any membership as contemplated by  
5 this chapter, or to transact any business whatsoever, in the name of or on behalf  
6 of such association not authorized to do business in this state, or which has  
7 failed or refused to comply with the provisions of this chapter, or has violated  
8 any of its provisions, shall be deemed guilty of a *an aggravated* misdemeanor;  
9 ~~and on conviction thereof shall be punished by imprisonment in the penitentiary~~  
10 ~~not to exceed five years, or fined not less than one thousand dollars nor more~~  
11 ~~than five thousand dollars, or by both such fine and imprisonment.~~

1 SEC. 408. Section five hundred four point thirteen (504.13), Code 1975, is  
2 amended to read as follows:

3 **504.13 Penalty.** A violation of section 504.12 by a corporation shall be  
4 ~~punished by a fine of not more than one thousand dollars a fraudulent practice.~~  
5 A violation of section 504.12 by an individual conducting an academic course or  
6 by an officer or managing head of a corporation shall be ~~punished by~~  
7 ~~imprisonment in the penitentiary or men's or women's reformatory not more~~  
8 ~~than seven years; or by fine not exceeding five hundred dollars or by~~  
9 ~~imprisonment in the county jail not exceeding one year, or by both such fine~~  
10 ~~and imprisonment a fraudulent practice.~~

1 SEC. 409. Section five hundred four A point eighty-seven (504A.87),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Each corporation, domestic or foreign, that fails or refuses to answer  
4 truthfully and fully within the time prescribed by this chapter reasonable and  
5 proper interrogatories propounded by the secretary of state in accordance with  
6 the provisions of this chapter, shall be deemed to be guilty of a *simple*  
7 misdemeanor ~~and upon conviction thereof may be fined in an amount not~~  
8 ~~exceeding five hundred dollars.~~

1 SEC. 410. Section five hundred four A point eighty-eight (504A.88), Code  
2 1975, is amended to read as follows:

3 **504A.88 Penalties imposed upon officers and directors.** Each director and  
4 officer of a corporation, domestic or foreign, who willfully fails or refuses within

5 the time prescribed by this chapter to answer truthfully and fully reasonable and  
6 proper interrogatories propounded to ~~him~~ *the director or officer* by the secretary  
7 of state in accordance with the provisions of this chapter, or who signs any  
8 articles, statement, report, application or other document filed with the secretary  
9 of state which is known to such officer or director to be false in any material  
10 respect, shall be deemed to be guilty of a *simple* misdemeanor, and upon  
11 conviction thereof may be fined in any amount not exceeding five hundred  
12 dollars.

1 SEC. 411. Section five hundred six point seven (506.7), Code 1975, is  
2 amended to read as follows:

3 **506.7 Penalty.** Any person who violates any of the provisions of the  
4 preceding sections of this chapter, or who violates any order of the  
5 commissioner of insurance made by authority thereof, shall be guilty of a *simple*  
6 misdemeanor, and upon conviction thereof shall be punished by fine not to  
7 exceed one thousand dollars, and by imprisonment in the county jail not to  
8 exceed six months.

1 SEC. 412. Section five hundred seven point sixteen (507.16), Code 1975, is  
2 amended to read as follows:

3 **507.16 Unlawful solicitation of business.** Any officer, manager, agent, or  
4 representative of any insurance company contemplated by this chapter, who,  
5 with knowledge that its certificate of authority has been suspended or revoked,  
6 or that it is insolvent, or is doing an unlawful or unauthorized business, solicits  
7 insurance for said company, or receives applications therefor, or does any other  
8 act or thing toward receiving or procuring any new business for said company,  
9 shall be deemed guilty of a *serious* misdemeanor and shall be subject to the  
10 penalties provided in sections 511.16 and 511.17, and the provisions of said  
11 sections are hereby extended to all companies contemplated by this chapter.

1 SEC. 413. Section five hundred seven A point ten (507A.10), Code 1975, is  
2 amended to read as follows:

3 **507A.10 Penalties.** Any unauthorized foreign or alien insurer who does any  
4 unauthorized act of an insurance business as set forth in this chapter shall be  
5 fined not more than five thousand dollars. In addition to any other penalty  
6 provided for in this chapter or otherwise provided by law, any person or insurer  
7 violating this chapter shall forfeit to the state the sum of five hundred dollars for  
8 each offense and an additional sum of five hundred dollars for each month  
9 during which any such person or insurer continues such violation *guilty of a*  
10 *fraudulent practice.*

1 SEC. 414. Section five hundred eight point twenty-seven (508.27), Code 1975,  
2 is amended to read as follows:

3 **508.27 Violations.** Any company violating any of the provisions of section  
4 508.25 shall, upon conviction thereof, be fined in a sum not less than one  
5 hundred nor more than one thousand dollars for each such offense *guilty of a*  
6 *simple misdemeanor*, and the court may also revoke its authority to do business  
7 within this state.

1 SEC. 415. Section five hundred nine point eighteen (509.18), Code 1975, is  
2 amended to read as follows:

3 **509.18 Prohibited deposit in financial institution.** A company or its agent  
4 licensed to sell a policy of credit life or credit accident and health insurance or  
5 certificate under a policy of group credit life or credit accident and health  
6 insurance shall not deposit or offer to deposit funds in a financial institution of  
7 this state in exchange for the privilege of selling such insurance to or on behalf  
8 of the financial institution. Any person violating the provisions of this section  
9 shall be guilty of a *simple* misdemeanor.

1 SEC. 416. Section five hundred eleven point sixteen (511.16), Code 1975, is  
2 amended to read as follows:

3 **511.16 Illegal business.** Any officer, manager, or agent of any life insurance  
4 company or association who, with knowledge that it is doing business in an  
5 unlawful manner or is insolvent, solicits insurance with said company or  
6 association, or receives applications therefor, or does any other act or thing  
7 towards procuring or receiving any new business for such company or  
8 association, shall be guilty of a *an aggravated* misdemeanor, ~~and for every such~~  
9 ~~act, on conviction thereof, shall be adjudged to pay a fine of not less than one~~  
10 ~~hundred nor more than one thousand dollars, or be imprisoned in the county jail~~  
11 ~~not exceeding one year, or be punished by both such fine and imprisonment.~~

1 SEC. 417. Section five hundred eleven point eighteen (511.18), Code 1975, is  
2 amended to read as follows:

3 **511.18 Fraud in procuring insurance.** Any agent, physician, or other person  
4 who shall knowingly, by means of concealment of facts or false statements,  
5 procure or assist in procuring from any life insurance organization any policy or  
6 certificate of insurance, shall be ~~punished by a fine of not to exceed one~~  
7 ~~thousand dollars or by imprisonment in the county jail not to exceed one year,~~  
8 ~~or by both, in the discretion of the court guilty of a fraudulent practice.~~

1 SEC. 418. Section five hundred twelve point thirty-nine (512.39), Code 1975,  
2 is amended to read as follows:

3 **512.39 Violations.** Any officer, agent, or person acting for any such  
4 association or subordinate body thereof within this state, while such association  
5 shall be so enjoined or prohibited from doing business pursuant to this chapter,  
6 shall be deemed guilty of a *serious* misdemeanor; ~~and, on conviction thereof,~~  
7 ~~shall be punished by a fine of not less than twenty-five dollars, nor more than~~  
8 ~~two hundred dollars, or by imprisonment in the county jail not less than thirty~~  
9 ~~days nor more than one year, or by both such fine and imprisonment, in the~~  
10 ~~discretion of the court.~~

1 SEC. 419. Section five hundred twelve point forty (512.40), Code 1975, is  
2 amended to read as follows:

3 **512.40 Illegal business—agents.** Any person who shall act within this state  
4 as an officer, agent, or otherwise for any such association which has failed,  
5 neglected, or refused to comply with, or which has violated any of the provisions  
6 of this chapter, or shall have failed or neglected to procure from the  
7 commissioner of insurance proper certificate of authority to transact business as  
8 provided for by this chapter, shall be ~~subject to the penalty provided in section~~  
9 ~~512.39 for the guilty of a serious misdemeanor therein specified.~~

1 SEC. 420. Section five hundred twelve point forty-one (512.41), Code 1975, is  
2 amended to read as follows:

3 **512.41 False representations.** Any officer, agent, or member of such  
4 association, who shall obtain any money or property belonging thereto by any  
5 false or fraudulent representation, shall be ~~fined not more than five hundred~~  
6 ~~dollars and costs, and stand committed until such fine and costs are paid, or~~  
7 ~~may be imprisoned in the county jail not more than six months guilty of a~~  
8 ~~fraudulent practice.~~

1 SEC. 421. Section five hundred twelve point eighty (512.80), Code 1975, is  
2 amended to read as follows:

3 **512.80 Violations.** Any officer, director, or manager of any association  
4 violating or consenting to the violation of any of the provisions of sections  
5 512.73 to 512.78 shall be ~~punished by a fine of not less than ten hundred dollars,~~  
6 ~~or by imprisonment in the county jail not less than one year, or by both such~~  
7 ~~fine and imprisonment in the discretion of the court guilty of a serious~~  
8 ~~misdemeanor.~~

1 SEC. 422. Section five hundred twelve point one hundred three (512.103),  
2 Code 1975, is amended to read as follows:

3 **512.103 Illegal business.** Any officer, manager, agent, or representative of  
4 any association who with knowledge that its certificate of authority has been  
5 suspended or revoked, or that it is doing an illegal, unauthorized, or fraudulent  
6 business solicits insurance for said association, or receives applications therefor,  
7 or does any other act or thing toward receiving or procuring any new business  
8 for said association, shall be deemed guilty of a *an aggravated* misdemeanor and  
9 ~~for every such act, on conviction thereof, shall pay a fine of not less than one~~  
10 ~~hundred nor more than ten hundred dollars, or be imprisoned in the county jail~~  
11 ~~not more than one year, or be punished by both such fine and imprisonment.~~

1 SEC. 423. Section five hundred twelve A point eight (512A.8), Code 1975, is  
2 amended to read as follows:

3 **512A.8 Penalties.** Except as otherwise provided by law, it shall be unlawful  
4 for any person or corporation to operate a benevolent association in this state  
5 except as provided for in this chapter. Any person violating the provisions of this  
6 chapter shall be ~~subject to a fine not exceeding one thousand dollars or~~  
7 ~~imprisonment in the county jail not exceeding thirty days, or both such fine and~~  
8 ~~imprisonment guilty of a serious misdemeanor.~~

1 SEC. 424. Section five hundred fourteen B point twenty-nine (514B.29), Code  
2 1975, is amended to read as follows:

3 **514B.29 Penalties—indictable misdemeanor Penalty.** Where no other penalty is  
4 provided for in this chapter, any person who violates any of the provisions of  
5 this chapter shall be guilty of a *simple* misdemeanor and ~~upon conviction shall~~  
6 ~~be punished by a fine not to exceed one hundred dollars or by imprisonment for~~  
7 ~~a period not to exceed thirty days or be punished by both such fine and~~  
8 ~~imprisonment.~~

1 SEC. 425. Section five hundred fifteen point sixty (515.60), Code 1975, is  
2 amended to read as follows:

3 **515.60 Penalty.** Any employee, representative, or agent of an insurance  
4 company violating any of the provisions of sections 515.52 to 515.59 shall be  
5 guilty of a *simple* misdemeanor, and ~~upon conviction shall be liable to~~  
6 ~~imprisonment for a term of not to exceed thirty days or for a fine not to exceed~~  
7 ~~one hundred dollars or for both such fine and imprisonment.~~

1 SEC. 426. Section five hundred fifteen point one hundred twenty (515.120),  
2 Code 1975, is amended to read as follows:

3 **515.120 Violations.** Any officer, manager, or agent of any insurance  
4 company or association who, with knowledge that it is doing business in an  
5 unlawful manner, or is insolvent, solicits insurance with said company or  
6 association, or receives applications therefor, or does any other act or thing  
7 towards procuring or receiving any new business for such company or  
8 association, shall be guilty of a ~~misdemeanor, and for every such act, on~~  
9 ~~conviction thereof, shall be adjudged to pay a fine of not less than one hundred~~  
10 ~~nor more than one thousand dollars, or be imprisoned in the county jail not~~  
11 ~~exceeding one year, or be punished by both such fine and imprisonment~~  
12 ~~fraudulent practice.~~

1 SEC. 427. Section five hundred fifteen point one hundred twenty-one  
2 (515.121), Code 1975, is amended to read as follows:

3 **515.121 Officers punished.** Any president, secretary, or other officer of any  
4 company organized under the laws of this state, or any officer or person doing  
5 or attempting to do business in this state for any insurance company organized  
6 either within or without this state, failing to comply with any of the requirements  
7 of this chapter, or violating any of the provisions thereof, shall be guilty of a  
8 *simple* misdemeanor; and upon conviction thereof shall be fined in a sum not

9 exceeding one thousand dollars, and be imprisoned in the county jail for a  
10 period not less than thirty days nor more than six months.

1 SEC. 428. Section five hundred fifteen point one hundred thirty-two  
2 (515.132), Code 1975, is amended to read as follows:

3 **515.132 Violations.** Any such company, officer, agent, or employee  
4 violating the above provision shall be guilty of a *simple* misdemeanor, and on  
5 conviction thereof shall pay a penalty of not less than one hundred dollars nor  
6 more than five hundred dollars for each offense, to be recovered in the name of  
7 the state for the use of the permanent school fund.

1 SEC. 429. Section five hundred fifteen point one hundred forty (515.140),  
2 Code 1975, is amended to read as follows:

3 **515.140 Violations—status of policy.** Any insurance company, its officers or  
4 agents, or either of them, violating any of the provisions of section 515.138, by  
5 issuing, delivering, or offering to issue or deliver any policy of fire insurance on  
6 property in this state other or different from the standard form, herein provided  
7 for, shall be guilty of a *simple* misdemeanor, and upon complaint made by the  
8 commissioner of insurance, or by any citizen of this state, shall, upon conviction  
9 thereof, be punished by a fine of not less than fifty dollars nor more than one  
10 hundred dollars for the first offense, and not less than one hundred dollars nor  
11 more than two hundred dollars for each subsequent offense; but any policy so  
12 issued or delivered shall, nevertheless, be binding upon the company issuing or  
13 delivering the same, and such company shall, until the payment of such fine, be  
14 disqualified from doing any insurance business in this state; but any policy so  
15 issued or delivered shall, nevertheless, be binding upon the company issuing or  
16 delivering the same.

1 SEC. 430. Section five hundred fifteen point one hundred forty-five (515.145),  
2 Code 1975, is amended to read as follows:

3 **515.145 Violations.** Any violation of section 515.142 shall be punished by a  
4 fine of not exceeding five hundred dollars constitute a *simple* misdemeanor.

1 SEC. 431. Section five hundred eighteen A point forty-one (518A.41), Code  
2 1975, is amended to read as follows:

3 **518A.41 Agents to be licensed.** No person or corporation shall solicit any  
4 application for insurance for any association in this state without having  
5 procured from the commissioner of insurance a license authorizing him to act as  
6 agent. Violation of this provision shall be punished by a fine not exceeding  
7 twenty-five dollars per day constitute a *serious* misdemeanor.

1 SEC. 432. Section five hundred twenty point fourteen (520.14), Code 1975, is  
2 amended to read as follows:

3 **520.14 Violations—exceptions.** Any attorney who shall exchange any  
4 contracts of insurance of the kind and character specified in this chapter, or any  
5 attorney or representative of such attorney, who shall solicit or negotiate any  
6 applications for the same without the attorney having first complied with the  
7 foregoing provisions, shall be deemed guilty of a *simple* misdemeanor and, upon  
8 conviction, shall be subject to a fine of not less than one hundred dollars nor  
9 more than five hundred dollars. For the purpose of organization and upon  
10 issuance of permit by the commissioner of insurance, powers of attorney and  
11 applications for such contracts may be solicited without compliance with the  
12 provisions of this chapter, but no attorney, agent, or other person shall make any  
13 such contracts of indemnity until all of the provisions of this chapter shall have  
14 been complied with.

1 SEC. 433. Section five hundred twenty-one point fifteen (521.15), Code 1975,  
2 is amended to read as follows:



3 **521.15 Violations.** Any officer, director or stockholder of any company or  
 4 companies, as defined in section 521.1, violating or consenting to the violation of  
 5 any of the provisions of sections 521.2 to 521.13 shall be ~~punished by a fine of~~  
 6 ~~not less than one thousand dollars, or by imprisonment in the county jail for not~~  
 7 ~~less than one year, or by both such fine and imprisonment in the discretion of~~  
 8 ~~the court guilty of a serious misdemeanor.~~

1 SEC. 434. Section five hundred twenty-one A point ten (521A.10), Code  
 2 1975, is amended to read as follows:

3 **521A.10 Criminal proceedings.** Whenever it appears to the commissioner  
 4 that any insurer or any director, officer, employee or agent thereof has  
 5 committed a willful violation of this chapter, the commissioner may cause  
 6 criminal proceedings to be instituted by the district court for the county in  
 7 which the principal office of the insurer is located or if such insurer has no such  
 8 office in the state, then by the district court of Polk county against such insurer  
 9 or the responsible director, officer, employee or agent thereof. Any insurer which  
 10 willfully violates this chapter ~~may be fined not more than one hundred dollars~~  
 11 ~~commits a serious misdemeanor.~~ Any individual who willfully violates this chapter  
 12 ~~may be fined not more than one thousand dollars or, if such willful violation~~  
 13 ~~involves the deliberate perpetration of a fraud upon the commissioner,~~  
 14 ~~imprisoned not more than two years or both commits a serious misdemeanor.~~

1 SEC. 435. Section five hundred twenty-two point five (522.5), Code 1975, is  
 2 amended to read as follows:

3 **522.5 Violations.** Any person acting as agent or otherwise representing any  
 4 insurance company or association, in violation of the provisions of section 522.1,  
 5 shall be ~~liable to a fine of twenty-five dollars for each day he shall so act guilty~~  
 6 ~~of a serious misdemeanor.~~

1 SEC. 436. Section five hundred twenty-three point two (523.2), Code 1975, is  
 2 amended to read as follows:

3 **523.2 Conditions.** The commissioner of insurance shall promulgate such  
 4 rules with respect to the solicitation and voting of proxies as will in ~~his the~~  
 5 ~~commissioner's~~ opinion best protect the interests of all stockholders or  
 6 policyholders from whom they are solicited. Any violation of any rule  
 7 promulgated hereunder shall be deemed a *simple* misdemeanor ~~and punishable~~  
 8 ~~accordingly.~~

1 SEC. 437. Section five hundred twenty-three A point four (523A.4), Code  
 2 1975, is amended to read as follows: **523A.4 Penalty.** Any person, firm or  
 3 corporation, or any agent or representative thereof, who shall violate any of the  
 4 provisions of sections 523A.1 and 523A.2, or who shall aid and abet in such  
 5 violation, shall be deemed guilty of a *an aggravated* misdemeanor.

1 SEC. 438. Section five hundred twenty-four point one thousand six hundred  
 2 one (524.1601), subsection one (1), Code 1975, is amended to read as follows:

3 1. A director, officer or employee of a state bank who willfully violates any of  
 4 the provisions of subsection 4 of section 524.612, section 524.613, subsection 2 of  
 5 section 524.706, insofar as such subsection incorporates subsection 4 of section  
 6 524.612, or section 524.710, shall be guilty of a *serious* misdemeanor ~~and, upon~~  
 7 ~~conviction thereof, shall be subject to imprisonment in the county jail for a~~  
 8 ~~period not exceeding one year or a fine not exceeding one thousand dollars, or~~  
 9 ~~both,~~ plus, in the following circumstances, an additional fine or fines equal to:

1 SEC. 439. Section five hundred twenty-four point one thousand six hundred  
 2 one (524.1601), subsections two (2), three (3), and four (4), Code 1975, are  
 3 amended to read as follows:

4 2. A director or officer who willfully makes or receives a loan in violation of  
 5 subsection 1 of section 524.612, or subsection 1 of section 524.706, shall be guilty  
 6 of a *serious* misdemeanor ~~and, upon conviction thereof, shall be subject to~~

7 imprisonment in the county jail for a period not exceeding one year or a fine not  
 8 exceeding one thousand dollars, or both, plus an additional fine equal to that  
 9 amount of the loan in excess of the limitation imposed by such subsections, and  
 10 shall be forever disqualified from acting as a director or officer of any state  
 11 bank. For the purpose of this subsection, amounts which are treated as  
 12 obligations of an officer or director pursuant to subsection 5 of section 524.612,  
 13 shall be considered in determining whether the loan or extension of credit is in  
 14 violation of subsection 1 of section 524.612 and subsection 1 of section 524.706.

15 3. A director, officer or employee of a state bank who willfully makes or  
 16 receives a loan or extension of credit of funds held by the state bank as  
 17 fiduciary, in violation of subsection 4 of section 524.1002, shall be guilty of a  
 18 *serious* misdemeanor and, upon conviction thereof shall be subject to  
 19 imprisonment in the county jail for a period not exceeding one year or a fine not  
 20 exceeding one thousand dollars, or both, plus a further fine equal to the amount  
 21 of the loan or extension of credit made in violation of subsection 4 of section  
 22 524.1002, and shall be forever disqualified from acting as a director, officer or  
 23 employee of any state bank.

24 4. A director, officer or employee of a state bank who willfully violates, or  
 25 participates in the violation of, section 524.814, or section 524.819, shall be guilty  
 26 of a *serious* misdemeanor and, upon conviction thereof, shall be subject to  
 27 imprisonment in the county jail for a period not exceeding one year or a fine not  
 28 exceeding one thousand dollars, or both.

1 SEC. 440. Section five hundred twenty-four point one thousand six hundred  
 2 three (524.1603), subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person who willfully engages in the business of receiving money for  
 4 deposit or transacts the business generally done by banks, or who willfully  
 5 establishes a place of business for such purposes, in violation of subsection 1 of  
 6 section 524.107, shall be guilty of a *serious* misdemeanor and, upon conviction  
 7 thereof, shall be subject to:

8 a. In the case of an individual, imprisonment in the county jail for a period  
 9 not exceeding one year, or a fine not exceeding one thousand dollars, or both.

10 —b. In the case of any other person, to a fine not exceeding five thousand  
 11 dollars.

1 SEC. 441. Section five hundred twenty-four point one thousand six hundred  
 2 four (524.1604), subsections one (1) and three (3), Code 1975, are amended to  
 3 read as follows:

4 1. Any person whose duty it is to make statements or file reports as may be  
 5 required by this chapter, and who willfully neglects or refuses to perform such  
 6 duty, shall be guilty of a *simple* misdemeanor and, upon conviction thereof, shall  
 7 be subject to imprisonment in the county jail for a period not exceeding one  
 8 year or a fine not exceeding one thousand dollars.

9 3. Any officer or employee who violates section 524.709 shall be guilty of a  
 10 *simple* misdemeanor and shall, upon conviction thereof, be subject to  
 11 imprisonment in the county jail for a period not to exceed one year or a fine not  
 12 exceeding one thousand dollars, or both.

1 SEC. 442. Section five hundred twenty-four point one thousand six hundred  
 2 five (524.1605), Code 1975, is amended to read as follows:

3 **524.1605 False statements, reports and fraudulent acts.**

4 1. Any director, officer or employee of a state bank who shall knowingly  
 5 subscribe or make any false statements or false entries in the books, records, or  
 6 memoranda of a state bank, or knowingly subscribe or exhibit false papers with  
 7 intent to deceive any person authorized to examine its condition, or shall  
 8 knowingly subscribe or make false reports, or shall knowingly divert the funds of  
 9 the state bank to other purposes than those authorized by law, or who commits  
 10 any other act with intent to defraud the state bank or any other person shall,

11 upon conviction thereof, be subject to imprisonment in the penitentiary for a  
 12 period not exceeding five years or a fine not exceeding ten thousand dollars, or  
 13 ~~both be guilty of a class "C" felony~~, and shall be forever disqualified from acting  
 14 as a director, officer or employee of any state bank.

15 2. Any officer or employee of a state bank who, with intent to defraud the  
 16 state bank or any other person, certifies any check when there are not sufficient  
 17 funds on hand available to the credit of the drawer of said check to pay the  
 18 same, or who issues any certificate of deposit when funds have not been  
 19 deposited equal to the amount of such certificate, or who, with intent to defraud  
 20 the state bank or any other person, draws any draft or bill of exchange, makes  
 21 any acceptance, or issues, puts forth or assigns any note, debenture, bond or  
 22 other obligation or instrument, or participates in, or receives directly or  
 23 indirectly any money, property or other benefit from any transaction, loan,  
 24 contract or other act of a state bank shall; ~~upon conviction thereof, be subject to~~  
 25 ~~imprisonment in the penitentiary for a period not exceeding five years, or a fine~~  
 26 ~~not exceeding ten thousand dollars, or both, or be subject to imprisonment in~~  
 27 ~~the county jail for a period not exceeding one year, or a fine not exceeding one~~  
 28 ~~thousand dollars, or both be guilty of a class "C" felony~~, and shall, in either event  
 29 be forever disqualified from acting as an officer or employee of any state bank.

1 SEC. 443. Section five hundred twenty-four point one thousand six hundred  
 2 six (524.1606), Code 1975, is amended to read as follows:

3 **524.1606 Fraudulent advertising or notice.** A state bank shall not publish,  
 4 disseminate or distribute any advertising or notice containing any false,  
 5 misleading or deceptive statements concerning the rates, terms or conditions on  
 6 which loans are made or deposits are received, any charge which the state bank  
 7 is authorized to impose pursuant to this chapter, or the financial condition of the  
 8 state bank. Any officer or employee of a state bank who willfully violates the  
 9 provisions of this section shall be guilty of a ~~misdemeanor and, upon conviction~~  
 10 ~~thereof, shall be subject to imprisonment in the county jail for a period not~~  
 11 ~~exceeding one year, or a fine not exceeding one thousand dollars, or both~~  
 12 ~~fraudulent practice.~~

1 SEC. 444. Section five hundred twenty-four point one thousand six hundred  
 2 seven (524.1607), Code 1975, is amended to read as follows:

3 **524.1607 False statement for credit.** Any person who knowingly makes or  
 4 causes to be made, directly or indirectly, any false statement in writing, or who  
 5 procures, knowing that a false statement in writing has been made concerning  
 6 the financial condition or means or ability to pay of such person, or any other  
 7 person in which such person is interested or for whom such person is acting,  
 8 with the intent that such statement shall be relied upon by a bank for the  
 9 purpose of procuring the delivery of property, the payment of cash or the receipt  
 10 of credit in any form, for the benefit of such person or of any other person in  
 11 which such person is interested or for whom such person is acting, shall be guilty  
 12 of a ~~misdemeanor and, upon conviction thereof, shall be subject to~~  
 13 ~~imprisonment in the county jail for a period not exceeding one year or a fine not~~  
 14 ~~exceeding one thousand dollars, or both fraudulent practice.~~

1 SEC. 445. Section five hundred twenty-four point one thousand six hundred  
 2 eight (524.1608), Code 1975, is amended to read as follows:

3 **524.1608 Penalty for accepting deposits while insolvent.** If a state bank shall  
 4 accept any deposit or renew any certificate of deposit in violation of subsection  
 5 5 of section 524.805, any officer or employee knowing of such insolvency who  
 6 willfully receives, accepts or renews or is accessory to or otherwise knowingly  
 7 permits such acceptance shall; ~~upon conviction thereof, be subject to~~  
 8 ~~imprisonment in the penitentiary for a period not exceeding ten years or a fine~~  
 9 ~~not exceeding ten thousand dollars, or both, or subject to imprisonment in the~~  
 10 ~~county jail for a period not exceeding one year or a fine not exceeding one~~

11 ~~thousand dollars, or both, be guilty of a fraudulent practice~~ and shall, in either  
 12 event be forever disqualified from acting as an officer or employee of any state  
 13 bank.

1 SEC. 446. Section five hundred twenty-four point one thousand six hundred  
 2 nine (524.1609), Code 1975, is amended to read as follows:

3 **524.1609 False statements concerning state banks.** Whoever maliciously or  
 4 with intent to deceive makes, publishes, utters, repeats, or circulates any false  
 5 statement concerning any state bank which imputes, or tends to impute,  
 6 insolvency, unsound financial condition or financial embarrassment, or which  
 7 may tend to cause or provoke, or aid in causing or provoking, a general  
 8 withdrawal of deposits from such state bank, or which may otherwise injure or  
 9 tend to injure the business or good will of such state bank, shall be guilty of a  
 10 ~~misdemeanor and, upon conviction thereof, shall be subject to imprisonment in~~  
 11 ~~the county jail for a period not exceeding one year or a fine not exceeding one~~  
 12 ~~thousand dollars, or both simple misdemeanor.~~

1 SEC. 447. Section five hundred twenty-four point one thousand six hundred  
 2 ten (524.1610), Code 1975, is amended to read as follows:

3 **524.1610 Violation of prohibition against receiving a commission for**  
 4 **organizing a state bank.** Any person violating the provisions of section 524.311  
 5 shall be guilty of a *simple* misdemeanor ~~and shall upon conviction thereof be~~  
 6 ~~subject to imprisonment in the county jail for a period not exceeding one year or~~  
 7 ~~a fine not exceeding one thousand dollars, or both, plus an additional fine equal~~  
 8 ~~to twice the amount of such commission or bonus.~~

1 SEC. 448. Section five hundred twenty-four point one thousand six hundred  
 2 eleven (524.1611), Code 1975, is amended to read as follows:

3 **524.1611 Offenses involving employees of department of banking.**  
 4 1. Any person violating the provisions of subsection 1 of section 524.211 shall  
 5 be guilty of a *misdemeanor* ~~and shall, upon conviction thereof, be subject to~~  
 6 ~~imprisonment in the county jail for a period not exceeding one year or a fine not~~  
 7 ~~exceeding one thousand dollars, or both *fraudulent practice*, and shall be subject to~~  
 8 a further fine of a sum equal to the amount of the value of the property given  
 9 or received or the money so loaned or borrowed. The deputy superintendent, an  
 10 assistant or examiner convicted of a violation of such subsection shall be  
 11 immediately discharged from employment and shall be forever disqualified from  
 12 holding any position in the department of banking.  
 13 2. Any examiner violating the provision of section 524.212 shall be guilty of a  
 14 *serious* misdemeanor ~~and, upon conviction thereof, shall be subject to~~  
 15 ~~imprisonment in the county jail for a period not exceeding one year or a fine not~~  
 16 ~~exceeding one thousand dollars, or both.~~ Any examiner convicted of a violation  
 17 of section 524.212 shall be immediately discharged from employment and shall  
 18 be forever disqualified from holding any position in the department of banking.

1 SEC. 449. Section five hundred twenty-four point one thousand eight  
 2 hundred seven (524.1807), Code 1975, is amended to read as follows:

3 **524.1807 Penalties.** Any bank holding company which willfully violates  
 4 any provision of sections 524.1801 to 524.1806 shall, upon conviction, be fined  
 5 not less than one hundred dollars nor more than one thousand dollars for each  
 6 day during which the violation continues. Any individual who willfully  
 7 participates in a violation of any provisions of sections 524.1801 to 524.1806  
 8 shall be guilty of a *serious* misdemeanor ~~and, upon conviction thereof, shall be~~  
 9 ~~subject to imprisonment in the county jail for a period not exceeding one year or~~  
 10 ~~a fine not exceeding one thousand dollars, or both.~~

1 SEC. 450. Section five hundred thirty-three point three (533.3), unnumbered  
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person, firm, corporation, copartnership, or association, upon conviction  
 4 of the violation of the provisions of this section shall be ~~fined not more than five~~  
 5 ~~hundred dollars or imprisoned not more than one year or both guilty of a serious~~  
 6 ~~misdemeanor~~; and may be enjoined from such continued use of said words,  
 7 advertising or other representation.

1 SEC. 451. Section five hundred thirty-three point thirty-one (533.31), Code  
 2 1975, is amended to read as follows:

3 **533.31 Penalty for falsification.** Any director, officer, agent, employee, or  
 4 clerk of any credit union who shall knowingly subscribe or make any false  
 5 statements or false entries in the books thereof, or knowingly subscribe or  
 6 exhibit false papers with intent to deceive any person authorized to examine its  
 7 condition, or shall knowingly subscribe and make false reports, or shall  
 8 knowingly divert the funds of the credit union to other objects than those  
 9 authorized by law, shall be ~~punished by imprisonment in the penitentiary not~~  
 10 ~~more than five years, or in the county jail not more than one year, or by fine of~~  
 11 ~~not more than one thousand dollars or by both such fine and imprisonment~~  
 12 ~~guilty of a fraudulent practice~~ and be forever after barred from holding any office  
 13 created by this chapter.

1 SEC. 452. Section five hundred thirty-three A point thirteen (533A.13), Code  
 2 1975, is amended to read as follows:

3 **533A.13 License mandatory to business.** It shall be unlawful for an  
 4 individual, partnership, unincorporated association, agency or corporation to  
 5 engage in the business of debt management without first obtaining a license as  
 6 required by this chapter. Any individual, partnership, unincorporated  
 7 association, agency, corporation or any other group of individuals, however  
 8 organized, or any owner, partner, member, officer, director, employee, agent or  
 9 representative thereof who shall willfully or knowingly engage in the business of  
 10 debt management without the license required by this chapter, shall be guilty of  
 11 a *serious* misdemeanor and upon conviction thereof shall be ~~fined not more than~~  
 12 ~~one thousand dollars for each violation or imprisoned in the county jail for not~~  
 13 ~~more than six months, or by both such fine and imprisonment.~~

1 SEC. 453. Section five hundred thirty-three B point five (533B.5), Code 1975,  
 2 is amended to read as follows:

3 **533B.5 Penalty.** Any person violating any provision of this chapter shall be  
 4 guilty of a *serious* misdemeanor and shall be ~~fined not more than one thousand~~  
 5 ~~dollars.~~ Each transaction in violation of this chapter and each day that a  
 6 violation continues shall be a separate offense.

1 SEC. 454. Section five hundred thirty-four point thirteen (534.13), Code 1975,  
 2 is amended to read as follows:

3 **534.13 Defamation of institutions prohibited—malicious circulation of reports.**  
 4 Whoever maliciously or with intent to deceive makes, publishes, utters, repeats,  
 5 or circulates any false report concerning any building and loan or savings and  
 6 loan association which imputes or tends to impute, insolvency or unsound  
 7 financial condition or financial embarrassment, or which may tend to cause or  
 8 provoke or aid in causing or provoking a general withdrawal of funds from such  
 9 association, or which may otherwise injure or tend to injure the business or good  
 10 will of such building and loan or savings and loan association, shall be guilty of  
 11 a felony and shall be ~~fined not more than five thousand dollars or be imprisoned~~  
 12 ~~for not more than five years in the penitentiary or be punished by both such fine~~  
 13 ~~and imprisonment serious misdemeanor.~~

1 SEC. 455. Section five hundred thirty-four point fifty-seven (534.57), Code  
 2 1975, is amended to read as follows:

3 **534.57 Sale of stock if unauthorized foreign company.** It shall be unlawful  
 4 for an agent, solicitor or other person to sell stock or solicit share accounts or

5 solicit persons to subscribe for same in any association named in section 534.50  
 6 which has not been authorized to do business in this state, and any person  
 7 convicted of so doing shall be ~~punished by a fine of not less than fifty nor more~~  
 8 ~~than two hundred dollars and shall be committed to the county jail until the fine~~  
 9 ~~and costs are paid~~ *guilty of a serious misdemeanor.*

1 SEC. 456. Section five hundred thirty-four point sixty-four (534.64), Code  
 2 1975, is amended to read as follows:

3 **534.64 Criminal offenses.** If any officer, director, or agent of any building  
 4 and loan or savings and loan association shall knowingly and willfully swear  
 5 falsely to any statement in regard to any matter in this chapter required to be  
 6 made under oath, he *or she* shall be guilty of perjury. If any director of any such  
 7 association shall vote to declare a dividend greater than has been earned; or if  
 8 any officer or director or any agent or employee of any such association shall  
 9 issue, utter, or offer to utter, any warrant, check, order, or promise to pay of  
 10 such association, or shall sign, transfer, cancel, or surrender any note, bond,  
 11 draft, mortgage, or other evidence of indebtedness belonging to such association,  
 12 or shall demand, collect, or receive any money from any member or other  
 13 person in the name of such association without being authorized to do so by the  
 14 board of directors in pursuance of its lawful power, *he or she shall be guilty of a*  
 15 *fraudulent practice*; or if any such officer, director, agent, or employee shall  
 16 embezzle or convert to his *or her* own use, or shall use or pledge for his *or her*  
 17 own benefit or purpose, any moneys, securities, credits, or other property  
 18 belonging to the association, *he or she shall be guilty of theft*; or if *he or she* shall  
 19 knowingly do or attempt to do business for such association that has not  
 20 procured and does not hold the certificate of authority therefor as in this chapter  
 21 provided, *he or she shall be guilty of a serious misdemeanor*; or if *he or she* shall  
 22 knowingly make or cause to be made any false entries in the books of the  
 23 association, or shall, with the intent to deceive any person making an  
 24 examination in this chapter required to be made, exhibit to the person making  
 25 the examination any false entry, paper, or statement, *the person shall be guilty of*  
 26 *a fraudulent practice*; or if *he or she* shall knowingly do or solicit business for any  
 27 building and loan or savings and loan association which has not procured the  
 28 required certificate therefor, *he or she shall be fined in any sum not exceeding*  
 29 *ten thousand dollars, or imprisoned in the penitentiary not exceeding ten years,*  
 30 *or punished by both such fine and imprisonment guilty of a serious misdemeanor.*

1 SEC. 457. Section five hundred thirty-four point sixty-six (534.66), subsection  
 2 twelve (12), Code 1975, is amended to read as follows:

3 12. Criminal offenses. If any officer or agent of any such building and loan  
 4 association, or any person conducting the business thereof, shall knowingly and  
 5 willfully swear falsely to any statement in regard to any matter in this chapter  
 6 required to be made under oath, he *or she* shall be guilty of perjury and  
 7 punished accordingly. And if any officer, agent or employee of any such  
 8 association, or any person transacting the business thereof, shall issue, utter, or  
 9 offer to utter, any warrant, check, order, or promise to pay of such association,  
 10 or shall sign, transfer, cancel, or surrender any note, bond, draft, mortgage, or  
 11 other evidence of indebtedness belonging to such association, or shall demand,  
 12 collect, or receive any money from any member or other person in the name of  
 13 such association without being authorized so to do, *he or she shall be guilty of a*  
 14 *fraudulent practice*; or if any such officer, agent, or employee of such association,  
 15 or any person transacting the business thereof, shall embezzle, convert to his *or*  
 16 *her* own use, or shall use or pledge for his *or her* own benefit or purpose, any  
 17 moneys, securities, credits, or other property belonging to the association, ~~or~~ *he*  
 18 *or she shall be guilty of theft*; or if *the person* shall knowingly solicit, transact, or  
 19 attempt to transact any business for any such association which has not  
 20 procured and does not hold the certificate of authority from the auditor of state  
 21 to transact business in this state as provided herein, *he or she shall be guilty of a*

22 *serious misdemeanor*; or if he or she shall knowingly make, or cause to be made,  
 23 any false entries in the books of the association, or shall, with intent to deceive  
 24 any person making an examination of such association, as herein provided,  
 25 exhibit to the person making the examination any false entry, paper, or  
 26 statement, ~~he the person shall be fined in a sum not exceeding ten thousand~~  
 27 ~~dollars or imprisoned in the penitentiary not exceeding ten years or punished by~~  
 28 ~~both such fine and imprisonment guilty of a fraudulent practice.~~

1 SEC. 458. Section five hundred thirty-five point six (535.6), Code 1975, is  
 2 amended to read as follows:

3 **535.6 Interest in excess of two percent per month.** Every person or persons,  
 4 company, corporation, or firm, and every agent of any person, persons,  
 5 company, corporation, or firm, who shall take or receive, or agree to take or  
 6 receive, directly or indirectly, by means of commissions or brokerage charges, or  
 7 otherwise, for the forbearance or use of money in the sum or amount of more  
 8 than five hundred dollars a rate greater than two percent per month, shall be  
 9 deemed guilty of a *serious misdemeanor*; and, ~~on conviction thereof, shall be~~  
 10 ~~punished by a fine of not less than twenty-five dollars, nor more than five~~  
 11 ~~hundred dollars, or by imprisonment in the county jail for a period of not less~~  
 12 ~~than thirty days nor more than ninety days.~~ Nothing herein contained shall be  
 13 construed as authorizing a higher rate of interest than is now provided by law.  
 14 Provided, however, this section shall not apply to lawful loans under chapter  
 15 536.

1 SEC. 459. Section five hundred thirty-six point nineteen (536.19), Code 1975,  
 2 is amended to read as follows:

3 **536.19 Violations.** Any person, copartnership, association, or corporation  
 4 and the several members, officers, directors, agents, and employees thereof, who  
 5 shall violate or participate in the violation of any of the provisions of sections  
 6 536.1, 536.12, 536.13 or 536.14, which are not also violations of article 5, part 3,  
 7 of the Iowa consumer credit code, shall be guilty of a *serious misdemeanor*; and  
 8 ~~upon conviction thereof, shall be punishable by a fine of not more than five~~  
 9 ~~hundred dollars or by imprisonment of not more than six months, or by both~~  
 10 ~~such fine and imprisonment, in the discretion of the court.~~ Violations of the  
 11 Iowa consumer credit code shall be subject to the penalties provided therein.

1 SEC. 460. Section five hundred thirty-six A point twenty-seven (536A.27),  
 2 Code 1975, is amended to read as follows:

3 **536A.27 Penalty.** If any officer, director or agent of any corporation  
 4 engaged in the business of operating an industrial loan company shall violate  
 5 any of the provisions of this chapter which are not also violations of the Iowa  
 6 consumer credit code; or if any person individually or as a partner, or officer,  
 7 director or agent of any corporation shall engage in the business of operating an  
 8 industrial loan company without obtaining the license required by section  
 9 536A.3, when that person is not required by section 537.2301 to have a license,  
 10 he or she shall be guilty of a *serious misdemeanor* and ~~upon conviction thereof~~  
 11 ~~shall be punishable by a fine of not more than five hundred dollars or by~~  
 12 ~~imprisonment in the county jail for not more than six months, or by both such~~  
 13 ~~fine and imprisonment.~~ Violation of the Iowa consumer credit code shall be  
 14 subject to the penalties provided therein.

1 SEC. 461. Section five hundred thirty-seven point five thousand three  
 2 hundred one (537.5301), subsections one (1) and two (2), Code 1975, are  
 3 amended to read as follows:

4 1. A person who willfully and knowingly makes charges in excess of those  
 5 permitted by the provisions of article 2, part 4, applying to supervised loans, is  
 6 guilty of a *serious misdemeanor* and ~~upon conviction may be sentenced to pay a~~  
 7 ~~fine not exceeding one thousand dollars, or to imprisonment not exceeding one~~  
 8 ~~year, or both.~~

9       2. A person who, in violation of the provisions of this Act applying to  
10 authority to make supervised loans under section 537.2301, willfully and  
11 knowingly engages without a license in the business of making supervised loans,  
12 or of taking assignments of and undertaking direct collection of payments from  
13 and enforcement of rights against consumers arising from supervised loans, is  
14 guilty of a *serious* misdemeanor and upon conviction may be sentenced to pay a  
15 fine not exceeding one thousand dollars, or to imprisonment not exceeding one  
16 year, or both.

1       SEC. 462. Section five hundred thirty-seven point five thousand three  
2 hundred two (537.5302), unnumbered paragraph one (1), Code 1975, is amended  
3 to read as follows:

4       A person is guilty of a *serious* misdemeanor and upon conviction may be  
5 sentenced to pay a fine not exceeding five thousand dollars, or to imprisonment  
6 not exceeding one year, or both, if he the person willfully and knowingly does  
7 any of the following:

1       SEC. 463. Section five hundred forty-two point eleven (542.11), Code 1975, is  
2 amended to read as follows:

3       **542.11 Penalties—misdemeanor.** Any person who engages in business as a  
4 grain dealer without obtaining a license or any person in violation of any other  
5 provision of this chapter, or any grain dealer who refuses to permit inspection of  
6 his or her premises, books, accounts or records as provided in this chapter, shall  
7 be guilty of a *simple* misdemeanor and, upon conviction, be punished by a fine  
8 of not less than fifty dollars nor more than five hundred dollars, or by  
9 imprisonment in the county jail for not more than six months, or by both such  
10 fine and imprisonment for each offense. Each day that any violation continues  
11 shall constitute a separate offense. Any person violating the provisions of this  
12 chapter may be restrained by an injunction.

1       SEC. 464. Section five hundred forty-three point thirty-six (543.36), Code  
2 1975, is amended to read as follows:

3       **543.36 Penalties—misdemeanor.** Every person who violates or fails to  
4 comply with any of the provisions of this chapter or to comply with any lawfully  
5 authorized order, direction, demand, or rule or regulation of the commission  
6 shall be guilty of a *simple* misdemeanor and upon conviction shall be punished  
7 by a fine not exceeding one hundred dollars or by imprisonment in the county  
8 jail for a period of not to exceed thirty days or by both such fine and  
9 imprisonment.

1       SEC. 465. Section five hundred forty-six A point nine (546A.9), Code 1975, is  
2 amended to read as follows:

3       **546A.9 Penalties.** Any person who shall offer new merchandise for sale at  
4 public auction without first securing a license as herein provided, or who shall  
5 offer for sale new merchandise different from that shown by, or in excess of the  
6 amount and value of, the inventories filed with the application for license, shall  
7 be guilty of a *serious* misdemeanor and may be punished by a fine not to exceed  
8 three hundred dollars or by imprisonment in the county jail not to exceed ninety  
9 days.

1       SEC. 466. Section five hundred forty-seven point four (547.4), Code 1975, is  
2 amended to read as follows:

3       **547.4 Penalty.** Any person violating the provisions of this chapter shall,  
4 upon conviction, be punishable by a fine of not less than twenty-five dollars nor  
5 more than one hundred dollars, or by imprisonment in the county jail for a term  
6 not exceeding thirty days guilty of a *simple* misdemeanor.

1       SEC. 467. Section five hundred fifty-one point four (551.4), Code 1975, is  
2 amended to read as follows:



3 **551.4 Penalty.** Any person, firm, company, association, or corporation  
4 violating any of the provisions of sections 551.1 and 551.2, and any officer,  
5 agent, or receiver of any firm, company, association, or corporation, or any  
6 member of the same, or any individual, ~~found guilty of a violation thereof,~~  
7 *violating any of such provisions* shall be ~~fin~~ed not less than five hundred dollars  
8 nor more than five thousand dollars, or be imprisoned in the county jail not to  
9 exceed one year, or suffer both penalties *guilty of a serious misdemeanor.*

1 SEC. 468. Section five hundred fifty-one A point three (551A.3), subsection  
2 one (1), Code 1975, is amended to read as follows:

3 1. It shall be unlawful for any wholesaler or retailer to offer to sell, or sell, at  
4 wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as  
5 the case may be, as defined in this chapter. Any wholesaler or retailer who  
6 violates the provisions of this section shall be guilty of a *simple* misdemeanor  
7 and be punishable by fine of not less than one hundred dollars, nor more than  
8 five hundred dollars.

1 SEC. 469. Section five hundred fifty-two point two (552.2), Code 1975, is  
2 amended to read as follows:

3 **552.2 Unlawful acts.** It shall be a public offense for any corporation,  
4 association, copartnership, person or persons, or agent to conduct, keep,  
5 maintain or cause to be conducted, kept or maintained, within this state, any  
6 bucket shop. Any corporation, person or persons, or agent whether acting  
7 individually or as a member, or as an officer, agent, or employee of any  
8 corporation, association, or copartnership, who shall conduct, keep, maintain, or  
9 assist in the conducting, keeping or maintaining of any bucket shop within this  
10 state shall, upon conviction thereof, be fined in a sum not to exceed one  
11 thousand dollars or be imprisoned in the penitentiary not exceeding two years  
12 *guilty of a fraudulent practice.*

1 SEC. 470. Section five hundred fifty-three point three (553.3), Code 1975, is  
2 amended to read as follows:

3 **553.3 Penalty.** Any corporation, company, firm, or association violating  
4 any of the provisions of sections 553.1 and 553.2 shall be ~~fin~~ed not less than five  
5 hundred nor more than five thousand dollars *guilty of an aggravated misdemeanor,*  
6 and any president, manager, director, officer, agent, or receiver of any  
7 corporation, company, firm, or association, or any member of any corporation,  
8 company, firm, or association, or any individual, found guilty of a violation  
9 thereof, shall be ~~fin~~ed not less than five hundred nor more than five thousand  
10 dollars, or be imprisoned in the county jail not to exceed one year, or both  
11 *punished accordingly.*

1 SEC. 471. Section five hundred fifty-three point thirteen (553.13), Code 1975,  
2 is amended to read as follows:

3 **553.13 Violation—penalty.** Any person, partnership, company, association,  
4 or corporation subject to the provisions of sections 553.10 to 553.12, inclusive, or  
5 any person, trust, combination, pool, or association, or any director, officer,  
6 lessee, receiver, trustee, employee, clerk, agent, or any person acting for or  
7 employed by them, who shall violate any of the provisions of section 553.10, or  
8 who shall aid and abet in such violation, shall be deemed guilty of a *an*  
9 *aggravated* misdemeanor; and shall upon conviction thereof be fined any sum  
10 not less than five hundred dollars and not exceeding two thousand dollars or  
11 imprisoned in the county jail for a period not exceeding six months, or both, at  
12 the discretion of the court.

1 SEC. 472. Section five hundred fifty-three point seventeen (553.17), Code  
2 1975, is amended to read as follows:

3 **553.17 Violation.** Any person who engages in a gift enterprise such as is  
4 defined in section 553.16 or who advertises the same in any manner or who in

5 furtherance of such scheme, as an inducement to purchasers, issues in  
 6 connection with the sale of any merchandise or other property any such ticket or  
 7 stamp purporting to be redeemable in some indefinite article not described  
 8 thereon, only when presented with a collection of other stamps or tickets of like  
 9 kind by some other party to such scheme, and which unless presented in the  
 10 manner aforesaid is not redeemable at all, shall each and all be guilty of a *simple*  
 11 misdemeanor.

1 SEC. 473. Section five hundred fifty-three point twenty-one (553.21), Code  
 2 1975, is amended to read as follows:

3 **553.21 Violation—penalty.** Any person, partnership, company, association,  
 4 or corporation subject to the provisions of sections 553.19 and 553.20, or any  
 5 person, trust, combination, pool, or association, or any director, officer, lessee,  
 6 receiver, trustee, employee, clerk, agent, or any person acting for or employed by  
 7 them or either of them, who shall violate any of the provisions of section 553.19,  
 8 or who shall aid and abet in such violation, shall be deemed guilty of a *an*  
 9 *aggravated* misdemeanor; and shall upon conviction thereof be fined any sum  
 10 not less than five hundred dollars and not exceeding two thousand dollars, or  
 11 imprisoned in the county jail for a period not exceeding six months; or both, at  
 12 the discretion of the court.

1 SEC. 474. Section five hundred fifty-six point twenty-five (556.25), Code  
 2 1975, is amended to read as follows:

3 **556.25 Penalties.**

4 1. Any person who willfully fails to render any report or perform other duties  
 5 required under this chapter, shall be punished by a fine of twenty-five dollars for  
 6 each day such report is withheld; but not more than five hundred dollars guilty  
 7 of a *simple* misdemeanor.

8 2. Any person who willfully refuses to pay or deliver abandoned property to  
 9 the treasurer of state as required under this chapter shall be punished by a fine  
 10 of not less than five hundred dollars nor more than one thousand dollars, or  
 11 imprisonment for not more than six months; or both, in the discretion of the  
 12 court guilty of a *serious* misdemeanor.

1 SEC. 475. Section five hundred fifty-eight point forty (558.40), Code 1975, is  
 2 amended to read as follows:

3 **558.40 Liability of officer.** Any officer, who knowingly misstates a material  
 4 fact in either of the certificates mentioned in this chapter, shall be liable for all  
 5 damages caused thereby, and shall be guilty of a *serious* misdemeanor; and fined  
 6 any sum not exceeding the value of the property conveyed or otherwise affected  
 7 by the instrument on which such certificate is endorsed.

1 SEC. 476. Section five hundred sixty-six A point nine (566A.9), Code 1975, is  
 2 amended to read as follows:

3 **566A.9 Penalty.** Any person, firm or corporation violating any of the  
 4 provisions of this chapter, shall, upon conviction, be punishable by a fine of not  
 5 less than twenty-five dollars nor more than one hundred dollars guilty of a *simple*  
 6 misdemeanor.

1 SEC. 477. Section five hundred seventy point nine (570.9), Code 1975, is  
 2 amended to read as follows:

3 **570.9 Sale of crops held by landlord's lien.** If any tenant of farm lands, with  
 4 intent to defraud, shall sell, conceal, or in any manner dispose of any of the  
 5 grain, or other annual products thereof upon which there is a landlord's lien for  
 6 unpaid rent, without the written consent of the landlord, ~~he~~ *the tenant* shall be  
 7 guilty of larceny and punished accordingly theft.

1 SEC. 478. Section five hundred eighty point three (580.3), Code 1975, is  
 2 amended to read as follows:

3       **580.3 Sale or removal prohibited—penalty.** It shall be unlawful to sell,  
4 exchange, or remove permanently from the county any animal subject to the lien  
5 herein provided for, without the written consent of the holder of such lien, and  
6 any person violating this provision, shall, ~~on conviction be punished by a fine of~~  
7 ~~not less than twenty-five dollars nor more than fifty dollars guilty of a simple~~  
8 ~~misdemeanor.~~

1       SEC. 479. Section five hundred ninety-five point nine (595.9), Code 1975, as  
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
3 two hundred forty-four (244), section three (3), is amended to read as follows:

4       **595.9 Violations.** If a marriage is solemnized without procuring a license,  
5 the parties married, and all persons aiding them, are guilty of a *simple*  
6 misdemeanor and shall be punished by a fine not exceeding one hundred  
7 dollars, or by imprisonment in the county jail not exceeding thirty days.

1       SEC. 480. Section five hundred ninety-six point six (596.6), Code 1975, is  
2 amended to read as follows:

3       **596.6 Penalty.** Any clerk of the district court who shall unlawfully issue a  
4 license to marry to any person who fails to present and file the certificate as  
5 required in this chapter, and any person or persons who shall disclose or falsify  
6 any matter relating or pertaining to the examination of or certificate about any  
7 applicant for license to marry or clinical and laboratory tests taken by any party  
8 to a proposed marriage, except as may be required by law, and any person who  
9 shall obtain a license to marry contrary to the provisions of this chapter, shall be  
10 guilty of a *simple* misdemeanor and upon conviction thereof shall be punished  
11 by a fine not to exceed one hundred dollars or by imprisonment in the county  
12 jail not to exceed thirty days.

1       SEC. 481. Section five hundred ninety-eight point twenty-three (598.23),  
2 unnumbered paragraph three (3), Code 1975, is amended to read as follows:

3       Any employer who dismisses an employee due to the entry of an assignment  
4 order commits a public offense and upon conviction shall be fined not more  
5 than one hundred dollars *simple misdemeanor*.

1       SEC. 482. Section five hundred ninety-eight point twenty-six (598.26), Code  
2 1975, is amended to read as follows:

3       **598.26 Record—impounding—violation indictable.** The record and evidence  
4 in all cases where a marriage dissolution is sought shall be closed to all but the  
5 court and its officers, and access thereto shall be refused until a decree of  
6 dissolution has been entered. If the action is dismissed judgment for costs shall  
7 be entered in the judgment docket and lien index. The clerk shall maintain a  
8 separate docket for dissolution of marriage actions. No officer or other person  
9 shall permit a copy of any of the testimony, or pleading, or the substance  
10 thereof, to be made available to any person other than a party or attorney to the  
11 action. Nothing in this section shall be construed to prohibit publication of the  
12 original notice as provided by the rules of civil procedure. Violation of the  
13 provisions of this section shall be a public offense, punishable by a fine of not  
14 more than one hundred dollars, or imprisonment in the county jail not more  
15 than thirty days, or by both such fine and imprisonment *serious misdemeanor*.

1       SEC. 483. Section five hundred ninety-eight point twenty-seven (598.27),  
2 Code 1975, is amended to read as follows:

3       **598.27 Remarriage.** In every case in which a marriage dissolution is  
4 decreed, neither party shall marry again within a year from the date of the filing  
5 of said decree unless permission to do so is granted by the court. Nothing herein  
6 contained shall prevent the persons whose marriage has been dissolved from  
7 remarrying each other. Any person marrying contrary to the provisions of this  
8 section shall be deemed guilty of a *simple* misdemeanor and upon conviction  
9 shall be punished accordingly.

1 SEC. 484. Section six hundred point ten (600.10), Code 1975, is amended to  
2 read as follows:

3 **600.10 Disclosure—penal provisions.** Every person, excepting adopting  
4 parents or adopted child, who discloses any information contained in any  
5 adoption papers or proceedings except as may be authorized by order of court  
6 and every person who violates any of the provisions of this chapter or who  
7 intentionally shall make any false statements with reference to the matters  
8 contained herein, shall be guilty of a *simple* misdemeanor ~~and upon conviction~~  
9 ~~shall be punished accordingly.~~

1 SEC. 485. Section six hundred one D point seven (601D.7), Code 1975, is  
2 amended to read as follows:

3 **601D.7 Penalty for denying rights.** Any person, firm, or corporation, or the  
4 agent of any person, firm, or corporation, who denies or interferes with the  
5 rights of any person under this chapter shall be guilty of a *simple* misdemeanor  
6 ~~and upon conviction shall be punished by a fine of not more than two hundred~~  
7 ~~dollars.~~

1 SEC. 486. Section six hundred one E point five (601E.5), Code 1975, is  
2 amended to read as follows:

3 **601E.5 Penalty.** Any person who is not qualified as a handicapped or  
4 paraplegic person and uses a distress flag as provided in this chapter or for any  
5 other purpose is guilty of a *simple* misdemeanor ~~and punishable by a fine of not~~  
6 ~~more than one hundred dollars or thirty days in jail.~~

1 SEC. 487. Section six hundred one G point twenty-two (601G.22), Code 1975,  
2 is amended to read as follows:

3 **601G.22 Penalties.** A person who willfully obstructs or hinders the lawful  
4 actions of the citizens' aide or ~~his~~ *the citizens' aide's* staff, or who willfully  
5 misleads or attempts to mislead the citizens' aide in his *or her* inquires\* shall be  
6 ~~subject to a fine of not more than one thousand dollars guilty of a simple~~  
7 ~~misdemeanor.~~

1 SEC. 488. Section six hundred two point sixty (602.60), unnumbered  
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Judicial magistrates shall have jurisdiction of ~~nonindictable~~ *simple*  
4 misdemeanors, including traffic and ordinance violations, preliminary hearings,  
5 search warrant proceedings, and small claims. They shall also have jurisdiction  
6 to exercise the powers specified in sections ~~748.2, 644.2 and 644.12~~ *and the power*  
7 *to hear complaints, or preliminary informations, issue warrants, order arrests, make*  
8 *commitments and take bail.* They shall have power to act any place within the  
9 district as directed, and venue shall be the same as in other district court  
10 proceedings. In addition, judicial magistrates appointed pursuant to section  
11 602.51 shall have jurisdiction of indictable misdemeanors, the jurisdiction  
12 provided for in section 231.3 when designated a judge of the juvenile court, and  
13 jurisdiction in civil actions for money judgments where the amount in  
14 controversy does not exceed three thousand dollars and while exercising that  
15 jurisdiction, judicial magistrates shall employ district judges' practice and  
16 procedure.

1 SEC. 489. Section six hundred two point sixty-two (602.62), Code 1975, is  
2 amended to read as follows:

3 **602.62 Procedure.** The criminal procedure before judicial magistrates shall  
4 be as provided in ~~chapters 751, 754 to 763, 765, 766, and 768~~ *chapter one (1),*  
5 *divisions four (IV), six (VI), eight (VIII), eleven (XI) of this Act, rules two (2) and*  
6 *thirty-two (32) through forty-six (46), rules of criminal procedure, and chapter seven*  
7 *hundred fifty-nine (759) of the Code.* The civil procedure before judicial  
8 magistrates shall be as provided in chapters 631 and 648.

\*According to enrolled Act

1 SEC. 490. Section six hundred seven point two (607.2), subsection two (2),  
2 Code 1975, is amended to read as follows:

3 2. Practicing attorneys; physicians; licensed embalmers; registered nurses;  
4 chiropractors; osteopaths; veterinarians; registered pharmacists; dentists; and  
5 clergymen; including Christian Science practitioners and readers.

1 SEC. 491. Section six hundred seven point two (607.2), Code 1975, is  
2 amended by striking subsections three (3), four (4), five (5), and six (6).

1 SEC. 492. Section six hundred seven point four (607.4), Code 1975, is  
2 amended to read as follows:

3 **607.4 False excuse—prohibited requests.** Any person who knowingly makes  
4 any false affidavit, statement, or claim, for the purpose of relieving himself or  
5 another from serving as a juror, or any person who requests the judges of  
6 election to return his *the person's* name as such juror, shall be punished by a fine  
7 not exceeding one hundred dollars; or by imprisonment in the county jail not  
8 more than thirty days; or the court may punish such person as for contempt  
9 guilty of a fraudulent practice.

1 SEC. 493. Section six hundred nine point twenty-six (609.26), Code 1975, is  
2 amended to read as follows:

3 **609.26 Maximum service permitted.** ~~No~~ Except as provided in rule three (3),  
4 subsection three (3), paragraph a of the rules of criminal procedure, no person on  
5 the list of grand jurors shall be eligible to serve as a grand juror except for one  
6 calendar year of the biennial period for which the list is made.

1 SEC. 494. Section six hundred ten point twenty-one (610.21), Code 1975, is  
2 amended to read as follows:

3 **610.21 Unlawful retention of money.** An attorney who receives the money  
4 or property of his *or her* client in the course of his *or her* professional business,  
5 and refuses to pay or deliver it in a reasonable time, after demand, is guilty of a  
6 misdemeanor ~~theft and punished accordingly.~~

1 SEC. 495. Section six hundred ten point forty-nine (610.49), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate  
4 such information, and any person who willfully requests, obtains, or seeks to  
5 obtain such information, is guilty of a public offense which is punishable by a  
6 fine not exceeding one hundred dollars or by imprisonment in the county jail for  
7 not more than thirty days *simple misdemeanor.*

1 SEC. 496. Section six hundred seventeen point two (617.2), unnumbered  
2 paragraph one (1), Code 1975, is amended to read as follows:

3 If a notice is not filed or returned by the sheriff to the person from whom it  
4 was received, or if the return thereon is defective, the officer making the same  
5 may be fined by the court not exceeding ten dollars *shall be guilty of a simple*  
6 *misdemeanor*, and he *or she* shall be liable to an action for damages by any  
7 person aggrieved thereby. The court may, before or after judgment is entered,  
8 permit an amendment according to the truth of the case.

1 SEC. 497. Section six hundred eighteen point two (618.2), Code 1975, is  
2 amended to read as follows:

3 **618.2 Violation.** Any public official who violates the provisions of section  
4 618.1 or who willfully fails to make publication as now required of ~~him~~ *the public*  
5 *official* by law of any notice, report of proceedings or other matter whatsoever,  
6 shall be guilty of a *simple* misdemeanor and upon conviction thereof shall be  
7 punished by a fine of not more than one hundred dollars or by imprisonment in  
8 the county jail for not more than thirty days.

1 SEC. 498. Section six hundred twenty-two A point three (622A.3), subsection  
2 two (2), unnumbered paragraph two (2), Code 1975, is amended to read as  
3 follows:

4 In civil cases, every court shall tax the cost of an interpreter the same as other  
5 court costs. In criminal cases, where the defendant is indigent, the interpreter  
6 shall be considered as a defendant's witness under ~~chapter 784~~ *rule fourteen (14)*,  
7 *rules of criminal procedure* for the purpose of receiving fees, except that  
8 subpoenas shall not be required. If the proceeding is before an administrative  
9 agency, that agency shall provide such interpreter but may require that a party  
10 to the proceeding pay the expense thereof.

1 SEC. 499. Section six hundred twenty-four point fourteen (624.14), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **624.14 Juror as witness—grounds to set aside verdict.** If a juror has personal  
5 knowledge respecting a fact in controversy in a cause, ~~he~~ *the juror* must declare  
6 the same in open court during the trial, and if, during the retirement of the jury,  
7 a juror declares any fact which could be evidence in the cause, as of ~~his~~ *the*  
8 *juror's* own knowledge, the jury must return into court, and the juror must be  
9 sworn as a witness and examined in the presence of the parties, if ~~his~~ *the juror's*  
10 evidence be admissible; and in support of a motion to set aside a verdict, proof  
11 of such declaration may be made by any juror.

1 SEC. 500. Section six hundred twenty-seven point seventeen (627.17), Code  
2 1975, is amended to read as follows:

3 **627.17 Sending claims out of state.** Whoever, whether as principal, agent, or  
4 attorney, with intent to deprive a resident in good faith of the state of the benefit  
5 of the exemption laws thereof, sends a claim against such resident and belonging  
6 to a resident, to another state for action, or causes action to be brought on such  
7 claim in another state, or assigns or transfers such claim to a nonresident of the  
8 state, with intent that action thereon be brought in the courts of another state,  
9 the action in either case being one which might have been brought in this state,  
10 and the property or debt sought to be reached by such action being such as  
11 might, but for the exemptions laws of this state, have been reached by action in  
12 the courts of this state, shall be guilty of a *simple* misdemeanor; ~~and punished by~~  
13 ~~a fine of not less than ten nor more than fifty dollars.~~

1 SEC. 501. Section six hundred fifty-seven point three (657.3), Code 1975, is  
2 amended to read as follows:

3 **657.3 Penalty—abatement.** Whoever is convicted of erecting, causing, or  
4 continuing a public or common nuisance as provided in this chapter, or at  
5 common law when the same has not been modified or repealed by statute, where  
6 no other punishment therefor is specially provided, shall be ~~fin~~ ~~ed~~ ~~not~~ ~~exceeding~~  
7 ~~one thousand dollars, or be imprisoned in the county jail not exceeding one~~  
8 ~~year, guilty of an aggravated misdemeanor~~ and the court, ~~with or without such~~  
9 ~~fine,~~ may order such nuisance abated, and issue a warrant as hereinafter  
10 provided.

1 SEC. 502. Section six hundred sixty point eleven (660.11), Code 1975, is  
2 amended to read as follows:

3 **660.11 Penalty for refusing to obey order.** Any person who without good  
4 reason refuses to obey an order of the court, as herein provided, shall be guilty  
5 of contempt, and ~~fin~~ ~~ed~~ ~~in~~ ~~any~~ ~~sum~~ ~~not~~ ~~exceeding~~ ~~five~~ ~~thousand~~ ~~dollars,~~ ~~and~~  
6 ~~imprisoned in the county jail until he complies therewith~~ ~~shall be punished~~  
7 ~~accordingly,~~ and shall be further liable for the damages resulting to any person  
8 on account of his disobedience.

1 SEC. 503. Section six hundred sixty-three point twenty (663.20), Code 1975, is  
2 amended to read as follows:

3 **663.20 Penalty for eluding writ.** If the defendant attempts to elude the  
 4 service of the writ, or to avoid the effect thereof by transferring the plaintiff to  
 5 another, or by concealing ~~him the plaintiff, he the defendant~~ shall, ~~on conviction,~~  
 6 ~~be imprisoned in the penitentiary or county jail not more than one year, and~~  
 7 ~~fined not exceeding one thousand dollars be guilty of a serious misdemeanor,~~ and  
 8 any person knowingly aiding or abetting in any such act shall be subject to like  
 9 punishment.

1 SEC. 504. Section six hundred sixty-six point six (666.6), unnumbered  
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Such report must be full, true, and complete with reference to the matters  
 4 therein contained, and of all things required by this section to be reported, and  
 5 be under oath, and any officer failing to make such report shall be guilty of a  
 6 *simple* misdemeanor.

1 SEC. 505. Section seven hundred thirteen B point six (713B.6), Code 1975, is  
 2 amended to read as follows:

3 **713B.6 Penalty.** Any seller who violates the provisions of this chapter shall  
 4 be guilty of a *simple* misdemeanor.

1 SEC. 506. Section seven hundred twenty-six point four (726.4), Code 1975, is  
 2 amended to read as follows:

3 **726.4 Wagers—forfeiture.** Property, whether real or personal, offered as a  
 4 stake, or any moneys, property, or other thing of value staked, paid, bet,  
 5 wagered, laid, or deposited in connection with or as a part of any game of  
 6 chance, lottery, gambling scheme or device, gift enterprise, or other trade scheme  
 7 unlawful under the laws of this state shall be forfeited to the state and said  
 8 personal property may be seized and disposed of under ~~chapter 751~~ *division nine*  
 9 *(IX) of chapter two (2) of this Act.*

1 SEC. 507. Section seven hundred forty point eighteen (740.18), Code 1975, is  
 2 amended to read as follows:

3 **740.18 Penalty.** Any person who violates any provision of sections 740.13  
 4 to 740.17, inclusive, shall be guilty of a *serious* misdemeanor ~~and shall be~~  
 5 ~~punished accordingly.~~

1 SEC. 508. Section seven hundred forty-nine B point seven (749B.7),  
 2 subsections one (1) and two (2), Code 1975, are amended to read as follows:

3 1. Any person who willfully requests, obtains, or seeks to obtain criminal  
 4 history data under false pretenses, or who willfully communicates or seeks to  
 5 communicate criminal history data to any agency or person except in  
 6 accordance with this chapter, or any person connected with any research  
 7 program authorized pursuant to this chapter who willfully falsifies criminal  
 8 history data or any records relating thereto, shall, upon conviction, for each such  
 9 offense be ~~punished by a fine of not more than one thousand dollars or by~~  
 10 ~~imprisonment in the state penitentiary for not more than two years, or by both~~  
 11 ~~fine and imprisonment guilty of an aggravated misdemeanor.~~ Any person who  
 12 knowingly, but without criminal purposes, communicates or seeks to  
 13 communicate criminal history data except in accordance with this chapter shall  
 14 ~~for each such offense be fined not more than one hundred dollars or be~~  
 15 ~~imprisoned not more than ten days be guilty of a simple misdemeanor.~~

16 2. Any person who willfully requests, obtains, or seeks to obtain intelligence  
 17 data under false pretenses, or who willfully communicates or seeks to  
 18 communicate intelligence data to any agency or person except in accordance  
 19 with this chapter, shall for each such offense be ~~punished by a fine of not more~~  
 20 ~~than five thousand dollars or by imprisonment in the state penitentiary for not~~  
 21 ~~more than three years, or by both fine and imprisonment guilty of a class "D"~~  
 22 ~~felony.~~ Any person who knowingly, but without criminal purposes,  
 23 communicates or seeks to communicate intelligence data except in accordance

24 with this chapter shall for each such offense be ~~fined not more than five hundred~~  
 25 ~~dollars or be imprisoned not more than six months, or both guilty of a serious~~  
 26 ~~misdemeanor.~~

1 SEC. 509. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 ninety-nine (99), section twenty-three (23), is amended to read as follows:

3 Sec. 23. Chapter seven hundred twenty-six (726), Code 1975, is amended by  
 4 adding the following new section:

5 **NEW SECTION. Penalty.** A person who commits an offense declared in this  
 6 chapter or chapter ninety-nine B (99B) of the Code to be a misdemeanor shall  
 7 be ~~subject to imprisonment in the county jail for a period not exceeding one~~  
 8 ~~year, or to a fine not exceeding one thousand dollars, or to both fine and~~  
 9 ~~imprisonment guilty of a serious misdemeanor.~~

1 SEC. 510. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 ninety-nine (99), section twenty-four (24), is amended to read as follows:

3 Sec. 24. Chapter seven hundred twenty-six (726), Code 1975, is amended by  
 4 adding the following new sections:

5 **NEW SECTION. Protection money prohibited.** Any officer or employee of  
 6 this state, or of a county, city, or judicial district who asks for, receives or  
 7 collects any money or other consideration for and with the understanding that  
 8 the officer or employee will aid, exempt, or otherwise protect another person  
 9 from detection, arrest or conviction of any violation of this chapter or chapter  
 10 ninety-nine B (99B) of the Code commits a ~~felony punishable by a fine not to~~  
 11 ~~exceed five thousand dollars or by imprisonment for a term not to exceed two~~  
 12 ~~years, or by both fine and imprisonment an aggravated misdemeanor.~~

13 **NEW SECTION. Collection service prohibited.** Any person who knowingly  
 14 offers, gives or sells his or her services for use in collecting or enforcing any debt  
 15 arising from gambling, whether or not lawful gambling, commits a ~~felony,~~  
 16 ~~punishable by a fine not to exceed five thousand dollars or by imprisonment for~~  
 17 ~~a term not to exceed two years, or by both fine and imprisonment an aggravated~~  
 18 ~~misdemeanor.~~

1 SEC. 511. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 one hundred (100), section one (1), unnumbered paragraph three (3), is amended  
 3 to read as follows:

4 Any person violating the provisions of this Act is guilty of a *simple*  
 5 ~~misdemeanor and shall, upon conviction, be subject to a fine not to exceed one~~  
 6 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~  
 7 ~~days, or be subject to both such fine and imprisonment.~~

1 SEC. 512. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 one hundred thirteen (113), section four (4), is amended to read as follows:

3 Sec. 4. Chapter one hundred ten B (110B), Code 1975, is amended by adding  
 4 the following new section:

5 **NEW SECTION. Penalty.** Any person violating any of the provisions of this  
 6 chapter shall be guilty of a *serious* misdemeanor ~~and, upon conviction, shall be~~  
 7 ~~fined not less than ten dollars nor more than one hundred dollars or imprisoned~~  
 8 ~~in the county jail for not more than thirty days.~~

1 SEC. 513. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 one hundred thirty-two (132), section six (6), is amended to read as follows:

3 Sec. 6. **NEW SECTION. Offenses and penalties.**

4 1. A person who is convicted of violating section two (2) of this Act ~~may be~~  
 5 ~~sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the~~  
 6 ~~county jail for a period not to exceed thirty days, or both the fine and~~  
 7 ~~imprisonment is guilty of a simple misdemeanor.~~

8 2. A person who makes or utters a transportation certificate with knowledge  
 9 that some or all of the information contained in the certificate is false, or a



10 person who alters, forges, or counterfeits a transportation certificate, or the  
 11 receipt prescribed in section four (4) of this Act, ~~commits a public offense and~~  
 12 ~~upon conviction may be sentenced to a term in the state penitentiary not to~~  
 13 ~~exceed ten years, to a fine not to exceed five thousand dollars, or to both the~~  
 14 ~~fine and imprisonment is guilty of a class C felony.~~

1 SEC. 514. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 one hundred forty-four (144), section ten (10), unnumbered paragraph one (1), is  
 3 amended to read as follows:

4 A person who establishes, conducts, manages, or operates a center without a  
 5 license shall be guilty of a *serious* misdemeanor. Each day of continuing  
 6 violation after conviction, or notice from the department by certified mail of the  
 7 violation, shall be considered a separate offense.

1 SEC. 515. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 two hundred fifty (250), section two (2), subsection four (4), is amended to read  
 3 as follows:

4 4. A person who violates the provisions of this section is guilty of a *serious*  
 5 misdemeanor.

1 SEC. 516. Section seven hundred fifty-three point thirteen (753.13), Code  
 2 1975, and the division title immediately preceding that section are amended to  
 3 read as follows:

#### 4 **TRAFFIC SCHEDULED VIOLATIONS**

##### 5 **753.13 Uniform citation and complaint.**

6 1. The commissioner of public safety *and the state conservation director, acting*  
 7 *jointly*, shall adopt a uniform, combined ~~traffic~~ citation and complaint, which  
 8 shall be used for charging all traffic violations in Iowa under state law or  
 9 municipal ordinance, unless the defendant is charged by information or unless  
 10 section 321.236, subsection 1, is applicable, *and which shall be used for charging*  
 11 *all other violations of state law which are designated by section seven hundred fifty-*  
 12 *three point fifteen (753.15) of the Code to be scheduled violations.* Each citation and  
 13 complaint shall be serially numbered and shall be in ~~quadruplicate~~ *quintuplicate*,  
 14 and the officer shall deliver the original and a copy to the court where the  
 15 defendant is to appear, ~~a copy~~ *two copies* to the defendant, and a copy to the law  
 16 enforcement agency of the officer. The court shall forward the copy of the  
 17 citation and complaint in accordance with section 321.207, *when applicable.* The  
 18 citation and complaint shall contain, among other things, spaces for the parties'  
 19 names and for the information required by ~~section~~ *sections* 321.485, subsection 2  
 20 *of the Code and five hundred two (502) of chapter two (2) of this Act*; a place where  
 21 the defendant may sign the promise to appear referred to in ~~section~~ *sections*  
 22 *321.486 and five hundred three (503) of chapter two (2) of this Act*; a list of the  
 23 ~~minimum~~ *scheduled* fines prescribed by section 753.15, either separately or by  
 24 groups; a brief explanation of sections 753.16 and 753.17; and a space where the  
 25 defendant may sign an admission of the violation when such section 753.16 is  
 26 applicable. Every citation and complaint shall require the defendant to appear  
 27 before a court at a specified time and place. Notwithstanding section 321.485,  
 28 subsection 2, the officer may arrest the defendant although a citation and  
 29 complaint is used to charge the violation, if authorized by section ~~755.4~~ *four*  
 30 *hundred seven (407) of chapter two (2) of this Act.*

31 2. Supplies of the uniform ~~traffic~~ citation and complaint for municipal  
 32 corporations and county agencies shall be paid for out of the court expense fund  
 33 of the county. Supplies of the uniform ~~traffic~~ citation and complaint for all other  
 34 agencies shall be paid for out of the budget of the agency concerned.

35 3. The uniform citation and complaint shall contain a place for the  
 36 verification of the officer issuing the citation. The complaint may be verified  
 37 before the chief officer of the law enforcement agency or his designee, and the  
 38 chief officer of each law enforcement agency of the state is authorized to

39 designate specific individuals to administer oaths and certify verifications.  
 40 Nothing in this section shall be deemed to invalidate forms of uniform citation  
 41 and complaint in existence prior to ~~July~~ January 1, 1974 1978, and existing forms  
 42 may be used until supplies are exhausted.

43 4. *The commissioner of public safety and the state conservation director, acting*  
 44 *jointly, shall design and publish a compendium of scheduled violations and scheduled*  
 45 *finest and costs, containing other information which they deem appropriate, and shall*  
 46 *distribute copies to all courts and law enforcement officers and agencies of the state*  
 47 *upon request. The cost of the publication shall be paid out of the budget of the*  
 48 *department of public safety and out of the budget of the conservation commission,*  
 49 *each budget being liable for half of those costs. Copies shall be made available to*  
 50 *individuals upon request and a charge may be collected which does not exceed the*  
 51 *cost of printing.*

1 SEC. 517. Section seven hundred fifty-three point fourteen (753.14), Code  
 2 1975, is amended to read as follows:

3 **753.14 Traffic and scheduled violations offices—fine collection boxes.**

4 1. Offices. Each district court clerk's office shall constitute a traffic *and*  
 5 *scheduled* violations office of the district court. Additional ~~traffic violations~~  
 6 offices may be established at other locations, as needed, if authorized by the  
 7 chief judge of the district.

8 2. Collection boxes. The chief judge of the district may permit the  
 9 maintenance of locked collection boxes to be used at weigh stations. Such boxes  
 10 shall be used solely for the deposit of fines and costs received upon written  
 11 admissions of *those* scheduled violations ~~respecting weight and other nonmoving~~  
 12 ~~scheduled~~ violations applicable to commercial carriers. The collection boxes  
 13 shall remain locked at all times and shall be opened only by the clerk of the  
 14 district court or his designee. The chief judge of the district may prescribe  
 15 procedures for the system and may discontinue its use if necessary.

1 SEC. 518. Section seven hundred fifty-three point fifteen (753.15), Code 1975,  
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 3 sixty-seven (67), section fifty-six (56), is amended by striking the section and  
 4 inserting in lieu thereof the following:

5 **753.15 Scheduled violations.**

6 1. Except as otherwise indicated, violations of sections of the Code specified  
 7 in this section shall be scheduled violations, and the scheduled fine for each of  
 8 those violations shall be as provided in this section, whether the violation is of  
 9 state law or of county or city ordinance.

10 2. Traffic violations.

11 a. For parking violations under sections three hundred twenty-one point two  
 12 hundred thirty-six (321.236), three hundred twenty-one point two hundred thirty-  
 13 nine (321.239), three hundred twenty-one point three hundred fifty-eight  
 14 (321.358), three hundred twenty-one point three hundred sixty (321.360), and  
 15 three hundred twenty-one point three hundred sixty-one (321.361) of the Code,  
 16 the scheduled fine is five dollars: However, violations charged by a city upon  
 17 simple notice of a fine instead of a uniform citation and complaint as permitted  
 18 by paragraph a of subsection one (1) of section three hundred twenty-one point  
 19 two hundred thirty-six (321.236) of the Code are not scheduled violations, and  
 20 this section shall not apply to any offense charged in that manner. For a parking  
 21 violation under sections one hundred eleven point thirty-eight (111.38) or three  
 22 hundred twenty-one point three hundred sixty-two (321.362) of the Code the  
 23 scheduled fine is ten dollars.

24 b. For registration violations under sections three hundred twenty-one point  
 25 seventeen (321.17), three hundred twenty-one point thirty-two (321.32), three  
 26 hundred twenty-one point thirty-four (321.34), three hundred twenty-one point  
 27 thirty-seven (321.37), three hundred twenty-one point thirty-eight (321.38), three  
 28 hundred twenty-one point forty-one (321.41), three hundred twenty-one point

29 ninety-eight (321.98) and three hundred twenty-one point one hundred ninety  
30 (321.190) of the Code, the scheduled fine is five dollars. For violations of section  
31 three hundred twenty-one point one hundred ninety (321.190) of the Code, the  
32 case shall be dismissed without imposition of fine or costs if a license valid at  
33 the time of the issuance of the citation is presented by the defendant to the  
34 magistrate or scheduled violations office.

35 c. For improperly used or nonused, or defective or improper equipment, other  
36 than brakes, driving lights and brakelights, under sections three hundred twenty-  
37 one point three hundred seventeen (321.317), three hundred twenty-one point  
38 three hundred eighty-seven (321.387), three hundred twenty-one point three  
39 hundred eighty-eight (321.388), three hundred twenty-one point three hundred  
40 eighty-nine (321.389), three hundred twenty-one point three hundred ninety  
41 (321.390), three hundred twenty-one point three hundred ninety-one (321.391),  
42 three hundred twenty-one point three hundred ninety-two (321.392), three  
43 hundred twenty-one point three hundred ninety-nine (321.399), three hundred  
44 twenty-one point four hundred twenty-two (321.422), three hundred twenty-one  
45 point four hundred thirty-two (321.432), three hundred twenty-one point four  
46 hundred thirty-five (321.435), three hundred twenty-one point four hundred  
47 thirty-six (321.436), three hundred twenty-one point four hundred thirty-seven  
48 (321.437), three hundred twenty-one point four hundred thirty-eight (321.438),  
49 three hundred twenty-one point four hundred thirty-nine (321.439), three  
50 hundred twenty-one point four hundred forty (321.440), three hundred twenty-  
51 one point four hundred forty-one (321.441), three hundred twenty-one point four  
52 hundred forty-two (321.442), three hundred twenty-one point four hundred  
53 forty-four (321.444), three hundred twenty-one point four hundred forty-five  
54 (321.445), and three hundred twenty-one point four hundred forty-seven  
55 (321.447) of the Code, the scheduled fine is ten dollars.

56 d. For improperly used or nonused or defective or improper equipment under  
57 sections three hundred twenty-one point three hundred eighty-three (321.383),  
58 three hundred twenty-one point three hundred eighty-four (321.384), three  
59 hundred twenty-one point three hundred eighty-five (321.385), three hundred  
60 twenty-one point three hundred eighty-six (321.386), three hundred twenty-one  
61 point three hundred ninety-eight (321.398), three hundred twenty-one point four  
62 hundred (321.400), three hundred twenty-one point four hundred two (321.402),  
63 three hundred twenty-one point four hundred three (321.403), three hundred  
64 twenty-one point four hundred four (321.404), three hundred twenty-one point  
65 four hundred nine (321.409), three hundred twenty-one point four hundred  
66 nineteen (321.419), three hundred twenty-one point four hundred twenty  
67 (321.420), three hundred twenty-one point four hundred twenty-three (321.423),  
68 three hundred twenty-one point four hundred thirty (321.430), three hundred  
69 twenty-one point four hundred thirty-three (321.433), three hundred twenty-one  
70 point four hundred forty-eight (321.448), three hundred twenty-one point four  
71 hundred forty-nine (321.449), and three hundred twenty-one point four hundred  
72 fifty (321.450) of the Code the scheduled fine is twenty dollars.

73 e. For violations of a restricted license under sections three hundred twenty-  
74 one point one hundred eighty (321.180), three hundred twenty-one point one  
75 hundred ninety-three (321.193), and three hundred twenty-one point one  
76 hundred ninety-four (321.194) of the Code the scheduled fine is twenty dollars.

77 f. For excessive speed violations when not more than ten miles per hour in  
78 excess of the limit under sections one hundred eleven point thirty-six (111.36),  
79 three hundred twenty-one point two hundred thirty-six (321.236), subsections  
80 five (5) and eleven (11), three hundred twenty-one point two hundred eighty-five  
81 (321.285), three hundred twenty-one point two hundred eighty-six (321.286), and  
82 three hundred twenty-one point two hundred eighty-seven (321.287) of the Code,  
83 the scheduled fine is ten dollars.

84 Excessive speed in conjunction with a violation of section three hundred  
85 twenty-one point two hundred seventy-eight (321.278) of the Code is not a  
86 scheduled violation, whatever the amount of excess speed.

87 For excessive speed violations when in excess of ten but not more than twenty  
88 miles per hour in excess of the limit under those sections, the scheduled fine is  
89 thirty dollars. Excessive speed more than twenty miles per hour in excess of the  
90 limit is not a scheduled violation.

91 Excessive speed in whatever amount by a school bus is not a scheduled  
92 violation under any section listed in a subparagraph of this paragraph f.

93 g. For operating, passing, turning and standing violations under sections three  
94 hundred twenty-one point two hundred twenty-five (321.225), three hundred  
95 twenty-one point two hundred thirty-six (321.236), subsections three (3), four (4),  
96 nine (9) and twelve (12), three hundred twenty-one point two hundred seventy-  
97 five (321.275), three hundred twenty-one point two hundred ninety-five  
98 (321.295), three hundred twenty-one point two hundred ninety-seven (321.297),  
99 three hundred twenty-one point two hundred ninety-nine (321.299), three  
100 hundred twenty-one point three hundred three (321.303), three hundred twenty-  
101 one point three hundred four (321.304), subsections one (1) and two (2), three  
102 hundred twenty-one point three hundred five (321.305), three hundred twenty-  
103 one point three hundred six (321.306), three hundred twenty-one point three  
104 hundred eleven (321.311), three hundred twenty-one point three hundred twelve  
105 (321.312), three hundred twenty-one point three hundred fourteen (321.314),  
106 three hundred twenty-one point three hundred fifteen (321.315), three hundred  
107 twenty-one point three hundred sixteen (321.316), three hundred twenty-one  
108 point three hundred eighteen (321.318), three hundred twenty-one point three  
109 hundred twenty-three (321.323), three hundred twenty-one point three hundred  
110 thirty-five (321.335), three hundred twenty-one point three hundred thirty-six  
111 (321.336), three hundred twenty-one point three hundred thirty-seven (321.337),  
112 three hundred twenty-one point three hundred thirty-eight (321.338), three  
113 hundred twenty-one point three hundred forty (321.340), three hundred twenty-  
114 one point three hundred forty-four (321.344), three hundred twenty-one point  
115 three hundred fifty-three (321.353), three hundred twenty-one point three  
116 hundred fifty-four (321.354), three hundred twenty-one point three hundred  
117 sixty-three (321.363), three hundred twenty-one point three hundred sixty-four  
118 (321.364), three hundred twenty-one point three hundred sixty-five (321.365),  
119 three hundred twenty-one point three hundred sixty-six (321.366), three hundred  
120 twenty-one point three hundred sixty-eight (321.368), three hundred twenty-one  
121 point three hundred eighty-two (321.382), and three hundred twenty-one point  
122 three hundred ninety-five (321.395) of the Code, the scheduled fine is fifteen  
123 dollars.

124 h. For violations involving failures to yield or to observe pedestrians and other  
125 vehicles under sections three hundred twenty-one point two hundred fifty-seven  
126 (321.257), subsections one (1) and four (4), three hundred twenty-one point two  
127 hundred eighty-eight (321.288), three hundred twenty-one point two hundred  
128 ninety-eight (321.298), three hundred twenty-one point three hundred (321.300),  
129 three hundred twenty-one point three hundred seven (321.307), three hundred  
130 twenty-one point three hundred eight (321.308), three hundred twenty-one point  
131 three hundred thirteen (321.313), three hundred twenty-one point three hundred  
132 nineteen (321.319), three hundred twenty-one point three hundred twenty  
133 (321.320), three hundred twenty-one point three hundred twenty-one (321.321),  
134 three hundred twenty-one point three hundred twenty-nine (321.329), three  
135 hundred twenty-one point three hundred thirty-three (321.333), three hundred  
136 twenty-one point three hundred thirty-nine (321.339), and three hundred twenty-  
137 one point three hundred sixty-seven (321.367) of the Code, the scheduled fine is  
138 twenty dollars.

139 i. For violations by pedestrians and bicyclists under sections three hundred  
140 twenty-one point two hundred thirty-six (321.236), subsection ten (10), three  
141 hundred twenty-one point three hundred twenty-five (321.325), three hundred  
142 twenty-one point three hundred twenty-six (321.326), three hundred twenty-one  
143 point three hundred twenty-eight (321.328), three hundred twenty-one point  
144 three hundred thirty-one (321.331), three hundred twenty-one point three  
145 hundred thirty-two (321.332), three hundred twenty-one point three hundred  
146 ninety-seven (321.397), and three hundred twenty-one point four hundred thirty-  
147 four (321.434) of the Code, the scheduled fine is ten dollars.

148 j. For violations by operators of school buses and emergency vehicles, and for  
149 violations by other motor vehicle operators when in vicinity, under sections three  
150 hundred twenty-one point two hundred thirty-one (321.231), three hundred  
151 twenty-one point three hundred twenty-four (321.324), three hundred twenty-one  
152 point three hundred seventy-two (321.372), and three hundred twenty-one point  
153 three hundred seventy-seven (321.377) of the Code, the scheduled fine is twenty-  
154 five dollars: However, excessive speed by a school bus in excess of ten miles  
155 over the limit is not a scheduled violation.

156 k. For violations of traffic signs and signals, and for failure to obey an officer  
157 under sections three hundred twenty-one point two hundred twenty-nine  
158 (321.229), three hundred twenty-one point two hundred thirty-six (321.236),  
159 subsections two (2), and six (6), three hundred twenty-one point two hundred  
160 fifty-seven (321.257), subsections two (2) and three (3), three hundred twenty-  
161 one point two hundred fifty-eight (321.258), three hundred twenty-one point two  
162 hundred ninety-four (321.294), three hundred twenty-one point three hundred  
163 four (321.304), subsection three (3), three hundred twenty-one point three  
164 hundred twenty-two (321.322), three hundred twenty-one point three hundred  
165 forty-one (321.341), three hundred twenty-one point three hundred forty-two  
166 (321.342), three hundred twenty-one point three hundred forty-three (321.343),  
167 and three hundred twenty-one point three hundred forty-five (321.345) of the  
168 Code, the scheduled fine is twenty dollars.

169 l. For height, weight and load violations and towed vehicle violations under  
170 sections three hundred twenty-one point three hundred nine (321.309), three  
171 hundred twenty-one point three hundred ten (321.310), three hundred twenty-  
172 one point three hundred eighty-one (321.381), three hundred twenty-one point  
173 three hundred ninety-four (321.394), three hundred twenty-one point four  
174 hundred thirty-seven (321.437), three hundred twenty-one point four hundred  
175 fifty-five (321.455), three hundred twenty-one point four hundred fifty-six  
176 (321.456), three hundred twenty-one point four hundred fifty-seven (321.457),  
177 three hundred twenty-one point four hundred fifty-eight (321.458), three  
178 hundred twenty-one point four hundred sixty-one (321.461), three hundred  
179 twenty-one point four hundred sixty-two (321.462), and three hundred twenty-  
180 one point four hundred seventy-four (321.474) of the Code, the scheduled fine is  
181 twenty-five dollars. For weight violations under sections three hundred twenty-  
182 one point four hundred fifty-nine (321.459) and three hundred twenty-one point  
183 four hundred sixty-six (321.466) of the Code the scheduled fine is twenty dollars  
184 for each two thousand pounds or fraction thereof of overweight.

185 m. For violation of display of identification required by section three hundred  
186 twenty-six point twenty-two (326.22) of the Code and violation of trip permits as  
187 prescribed by section three hundred twenty-six point twenty-three (326.23) of the  
188 Code, the scheduled fine is twenty dollars.

189 n. For violation of intrastate hauling on foreign registration under sections  
190 three hundred twenty-one point fifty-four (321.54) and three hundred twenty-  
191 one point fifty-five (321.55) of the Code; use of registration under section three  
192 hundred twenty-one point ninety-nine (321.99) of the Code; and display of  
193 registration or plates under section three hundred twenty-one point ninety-eight  
194 (321.98) of the Code, the scheduled fine is twenty dollars.

195 o. For violations of sections three hundred twenty-four point fourteen  
196 (324.14), three hundred twenty-four point fifty-two (324.52) or three hundred  
197 twenty-four point seventy-four (324.74), subsections two (2) and six (6), of the  
198 Code, the scheduled fine is ten dollars.

199 p. Violations of the schedule of axle and tandem axle and gross or group of  
200 axle weight violations in section three hundred twenty-one point four hundred  
201 sixty-three (321.463) of the Code shall be scheduled violations subject to the  
202 provisions, procedures and exceptions contained in sections seven hundred fifty-  
203 three point thirteen (753.13) to seven hundred fifty-three point eighteen (753.18)  
204 of the Code, irrespective of the amount of the fine under that schedule.  
205 Violations of the schedule of weight violations shall be chargeable, where the  
206 fine charged does not exceed one hundred dollars, only by uniform citation and  
207 complaint. Violations of the schedule of weight violations, where the fine  
208 charged exceeds one hundred dollars: (1) Shall, when the violation is admitted  
209 and section seven hundred fifty-three point sixteen (753.16) of the Code applies,  
210 be chargeable upon uniform citation and complaint, indictment, or county  
211 attorney's information, (2) but otherwise, shall be chargeable only upon  
212 indictment or county attorney's information. In all cases of charges under the  
213 schedule of weight violations, the charge shall specify the amount of fine  
214 charged under the schedule. Where a defendant is convicted and the fine under  
215 the foregoing schedule of weight violations exceeds one hundred dollars, the  
216 conviction shall be of an indictable offense although section seven hundred fifty-  
217 three point sixteen (753.16) of the Code is employed and whether the violation is  
218 charged upon uniform citation and complaint, indictment, or county attorney's  
219 information.

220 3. Violations of navigation laws.

221 a. For violations of registration, inspection, identification and record  
222 provisions under sections one hundred six point four (106.4), one hundred six  
223 point five (106.5), one hundred six point ten (106.10), one hundred six point  
224 thirty-five (106.35), and one hundred six point thirty-seven (106.37) of the Code,  
225 the scheduled fine is five dollars.

226 b. For unused or improper or defective lights and warning devices under  
227 sections one hundred six point nine (106.9), subsections two (2), four (4), five (5),  
228 nine (9), ten (10) and thirteen (13), and one hundred six point eleven (106.11) of  
229 the Code, the scheduled fine is ten dollars.

230 c. For unused or improper or defective equipment under section one hundred  
231 six point nine (106.9), subsections six (6), seven (7) and eight (8), the scheduled  
232 fine is twenty dollars.

233 d. For operating violations under sections one hundred six point twelve  
234 (106.12), one hundred six point twenty-six (106.26), one hundred six point thirty-  
235 one (106.31), whether of state law or local ordinance, and one hundred six point  
236 thirty-three (106.33) of the Code, the scheduled fine is twenty dollars: However,  
237 violation of section one hundred six point twelve (106.12), subsection two (2) of  
238 the Code, is not a scheduled violation.

239 e. For operating violations under sections one hundred six point fifteen  
240 (106.15), subsection one (1), one hundred six point twenty-four (106.24) and one  
241 hundred six point thirty-four (106.34) of the Code, the scheduled fine is twenty-  
242 five dollars.

243 f. For violations of use, location and storage of vessels, devices and structures  
244 under sections one hundred six point twenty-seven (106.27), one hundred six  
245 point twenty-eight (106.28), and one hundred six point thirty-two (106.32) of the  
246 Code, the scheduled fine is fifteen dollars.

247 g. For violations of all subdivision ordinances under section one hundred six  
248 point seventeen (106.17), subsection two (2) of the Code, except those relating to  
249 matters subject to regulation by authority of subsection five (5) of section one  
250 hundred six point thirty-one (106.31) of the Code, the scheduled fine is ten  
251 dollars, whether or not a different scheduled fine is prescribed elsewhere in this

252 subsection.

253 4. Snowmobile violations.

254 a. For registration and identification violations under sections three hundred  
255 twenty-one G point three (321G.3) and three hundred twenty-one G point five  
256 (321G.5) of the Code, the scheduled fine is five dollars.

257 b. For operating violations under sections three hundred twenty-one G point  
258 nine (321G.9), subsections one (1), two (2), three (3), four (4), five (5), and seven  
259 (7), three hundred twenty-one G point eleven (321G.11), and three hundred  
260 twenty-one G point thirteen (321G.13), subsections four (4) and nine (9) of the  
261 Code, the scheduled fine is twenty dollars.

262 c. For improper or defective equipment under section three hundred twenty-  
263 one G point twelve (321G.12) of the Code, the scheduled fine is ten dollars.

264 d. For violations of section three hundred twenty-one G point nineteen  
265 (321G.19) of the Code, the scheduled fine is fifteen dollars.

266 5. Fish and game law violations.

267 a. For violations of section one hundred ten point one (110.1) of the Code, the  
268 scheduled fine is ten dollars: However, engaging without a license in any activity  
269 the license fee for which is greater than ten dollars is not a scheduled violation.

270 b. For violations of sections one hundred nine point fifty-four (109.54), one  
271 hundred nine point eighty (109.80), unnumbered paragraph one (1), one hundred  
272 nine point eighty-two (109.82), one hundred nine point ninety-one (109.91), one  
273 hundred nine point one hundred twenty-two (109.122), one hundred ten point  
274 twelve (110.12), of the Code, and Acts of the Sixty-sixth General Assembly, 1975  
275 Session, chapter one hundred seven (107), section one (1), the scheduled fine is  
276 twenty dollars.

277 6. Violations relating to the use and misuse of parks and preserves.

278 a. For violations under sections one hundred eleven point thirty-nine (111.39),  
279 one hundred eleven point forty-five (111.45) and one hundred eleven point fifty  
280 (111.50) of the Code, the scheduled fine is ten dollars.

281 b. For violations under sections one hundred eleven point forty (111.40), one  
282 hundred eleven point forty-three (111.43), one hundred eleven point forty-six  
283 (111.46) and one hundred eleven point forty-nine (111.49) of the Code, the  
284 scheduled fine is fifteen dollars.

285 7. Description of violations. The descriptions of offenses used in this section  
286 are for convenience only and shall not be construed to define any offense or to  
287 include or exclude any offense other than those specifically included or excluded  
288 by reference to the Code. A reference to a section or subsection of the Code  
289 without further limitation includes every offense defined by that section or  
290 subsection.

1 SEC. 519. Section seven hundred fifty-three point sixteen (753.16),  
2 subsections one (1) and two (2), and subsection three (3), paragraph a, Code  
3 1975, are amended to read as follows:

4 1. In cases of scheduled violations, the defendant, before the time specified in  
5 the citation and complaint for appearance before the court, may sign the  
6 admission of violation on the citation and complaint and deliver or mail the  
7 citation and complaint, together with the minimum fine for the violation, plus  
8 five dollars cost, to a ~~traffic~~ *scheduled* violations office in the county. The office  
9 shall, if the offense is a moving violation *under chapter three hundred twenty-one*  
10 *(321) of the Code*, forward a copy of the citation and complaint and admission to  
11 the ~~commissioner of public safety~~ *department of transportation* as required by  
12 section 321.207. Thereupon the defendant shall not be required to appear before  
13 the court. The admission shall constitute a conviction.

14 2. A defendant charged with a scheduled violation by information may obtain  
15 two copies of the information from the court and, before the time he is required  
16 to appear before the court, deliver or mail such copies, together with his *or her*  
17 admission, fine, and five dollars cost, to the ~~traffic~~ *scheduled* violations office in

18 the county. The procedure, fine and costs shall be the same as when the charge  
 19 is by citation and complaint, with the admission and the number of the  
 20 defendant's operator's or chauffeur's license placed upon the information, *when*  
 21 *the violation involves the use of a motor vehicle.*

22 a. If the defendant wishes to admit the violation, the officer may release the  
 23 defendant upon observing him mail the citation and complaint, admission, and  
 24 minimum fine, together with five dollars costs, to a ~~traffic~~ *scheduled* violations  
 25 office in the county, in an envelope furnished by the officer. The officer may  
 26 allow the defendant to mail a check in the proper amount in lieu of cash. If the  
 27 check is not paid by the drawee for any reason, the defendant may be held in  
 28 contempt of court. The officer shall advise the defendant of the penalty for  
 29 nonpayment of the check.

1 SEC. 520. Section seven hundred fifty-three point sixteen (753.16), Code  
 2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION . The five dollars in costs imposed by this section shall be  
 4 the total costs collectible from any defendant upon either an admission of a  
 5 violation without hearing, or upon a hearing pursuant to subsection four (4) of  
 6 this section. Fees shall not be imposed upon or collected from any defendant for  
 7 the purposes specified in subsections nine (9), ten (10) or twenty (20) of section  
 8 six hundred six point fifteen (606.15) of the Code.

1 SEC. 521. Section seven hundred fifty-three point seventeen (753.17), Code  
 2 1975, is amended to read as follows:

3 **753.17 Required court appearance.** Section 753.16 shall not apply to a  
 4 scheduled violation *in any of the following circumstances:*

5 1. When the violation charged involved *or resulted in* an accident or injury to  
 6 *person or property.*

7 2. When *the violation involved the use of a motor vehicle and* the officer believed  
 8 the defendant did not have in force a valid operator's or chauffeur's license or  
 9 permit.

10 3. When ~~the officer believed~~ the violation ~~was hazardous or aggravated~~  
 11 *created an immediate threat to the safety of other persons or property* because of  
 12 highway conditions, visibility, traffic, repetition, or other circumstances.

13 In such cases, the defendant shall appear before the court and regular  
 14 procedure shall apply. If an information is used the officer shall endorse  
 15 thereon, "Court appearance required." If a citation and complaint is used, the  
 16 officer shall strike out the space in which the defendant may admit the violation  
 17 before a ~~traffic~~ *scheduled* violations office and shall endorse thereon "Court  
 18 appearance required". ~~A and~~ the defendant shall appear before the court ~~for any~~  
 19 ~~nonscheduled violation~~ either in person or by attorney.

1 SEC. 522. Section seven hundred fifty-three point eighteen (753.18), Code  
 2 1975, is amended to read as follows:

3 **753.18 Other penalties.** If the defendant is convicted of a scheduled  
 4 violation, the penalty shall be the scheduled fine, without suspension of the fine  
 5 prescribed in section 753.15 together with costs assessed and distributed as  
 6 prescribed by section 602.63, unless it appears from the evidence that the  
 7 violation was of the type set forth in section 753.17, ~~subsection subsections one~~  
 8 ~~(1) or 3,~~ in which event the ~~punishment shall be increased accordingly within the~~  
 9 ~~limits of law~~ *scheduled fine shall not apply and the penalty shall be increased within*  
 10 *the limits provided by law for the offense.*

11 *Upon the conviction of a defendant of a violation specified in sections seven*  
 12 *hundred fifty-three point fifteen (753.15) or seven hundred fifty-three point seventeen*  
 13 *(753.17) of the Code, fees shall not be imposed or collected for the purposes specified*  
 14 *in subsections nine (9), ten (10), or twenty (20) of section six hundred six point*  
 15 *fifteen (606.15) of the Code.*



1 SEC. 523. Section seven hundred fifty-three point nineteen (753.19), Code  
2 1975, is amended to read as follows:

3 **753.19 Disposition of traffic fines and costs.** Fines, forfeiture of bail, fees,  
4 and costs collected for all traffic violations, whether or not scheduled, and for all  
5 other scheduled violations shall be remitted in accordance with section 602.55.

1 SEC. 524. Section seven hundred fifty-three point twenty (753.20), Code  
2 1975, is amended to read as follows:

3 **753.20 Venue.**

4 1. Traffic violations, whether or not scheduled, and all other scheduled violations  
5 may be tried before the nearest magistrate in the judicial district in which the  
6 offense is committed.

7 2. Upon written consent of the defendant and the officer who apprehended  
8 him issuing the citation, traffic violations, whether or not scheduled, and any other  
9 scheduled violations, other than those for which a court appearance is required  
10 under section seven hundred fifty-three point seventeen (753.17) of the Code, may be  
11 prosecuted in any county in the state irrespective of where committed, and in  
12 such event the documents in the case shall be sent to the court or traffic and  
13 scheduled violations office designated by the defendant and the officer.

1 SEC. 525. Sections one hundred point thirty-seven (100.37), two hundred  
2 forty-five point fourteen (245.14), two hundred forty-six point nine (246.9), two  
3 hundred forty-six point ten (246.10), two hundred forty-six point twenty-three  
4 (246.23), two hundred forty-six point forty-four (246.44), two hundred forty-  
5 seven point one (247.1), two hundred forty-seven point two (247.2), two hundred  
6 forty-seven point three (247.3), two hundred forty-seven point four (247.4), two  
7 hundred forty-seven point five (247.5), two hundred forty-seven point six (247.6),  
8 two hundred forty-seven point seven (247.7), two hundred forty-seven point  
9 eight (247.8), two hundred forty-seven point nine (247.9), two hundred forty-  
10 seven point ten (247.10), two hundred forty-seven point eleven (247.11), two  
11 hundred forty-seven point twelve (247.12), two hundred forty-seven point  
12 thirteen (247.13), two hundred forty-seven point fourteen (247.14), two hundred  
13 forty-seven point fifteen (247.15), two hundred forty-seven point sixteen (247.16),  
14 two hundred forty-seven point seventeen (247.17), two hundred forty-seven point  
15 eighteen (247.18), two hundred forty-seven point nineteen (247.19), two hundred  
16 forty-seven point twenty-four (247.24), two hundred forty-seven point twenty-  
17 five (247.25), two hundred forty-seven point twenty-six (247.26), two hundred  
18 forty-seven point twenty-seven (247.27), two hundred forty-seven point twenty-  
19 eight (247.28), two hundred forty-seven point thirty-three (247.33), two hundred  
20 forty-seven A point six (247A.6), two hundred fifty-two point nineteen (252.19),  
21 two hundred eighty-seven point four (287.4), two hundred ninety-nine point  
22 twelve (299.12), three hundred twenty-one point seventy-six (321.76), three  
23 hundred twenty-one point seventy-seven (321.77), three hundred twenty-one  
24 point eighty (321.80), three hundred twenty-one point eighty-two (321.82), three  
25 hundred twenty-one point eighty-three (321.83), three hundred thirty-four point  
26 four (334.4), three hundred thirty-eight point ten (338.10), three hundred forty-  
27 three point six (343.6), three hundred fifty-six point thirty-six (356.36), four  
28 hundred forty-one point fifty-three (441.53), four hundred fifty-four point  
29 twenty-seven (454.27), four hundred seventy-four point forty-one (474.41), four  
30 hundred seventy-seven point fifty-eight (477.58), four hundred seventy-seven  
31 point fifty-nine (477.59), four hundred seventy-seven point sixty (477.60), four  
32 hundred seventy-nine point nineteen (479.19), four hundred seventy-nine point  
33 one hundred nine (479.109), four hundred seventy-nine point one hundred ten  
34 (479.110), four hundred seventy-nine point one hundred eleven (479.111), four  
35 hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-  
36 nine point one hundred thirteen (479.113), four hundred seventy-nine point one  
37 hundred fourteen (479.114), four hundred seventy-nine point one hundred  
38 fifteen (479.115), five hundred eleven point nineteen (511.19), five hundred fifty-

39 two point three (552.3), six hundred two point fifteen (602.15), seven hundred  
 40 thirteen point one (713.1), seven hundred thirteen point two (713.2), seven  
 41 hundred thirteen point three (713.3), seven hundred thirteen point four (713.4),  
 42 seven hundred thirteen point five (713.5), seven hundred thirteen point six  
 43 (713.6), seven hundred thirteen point seven (713.7), seven hundred thirteen point  
 44 eight (713.8), seven hundred thirteen point nine (713.9), seven hundred thirteen  
 45 point ten (713.10), seven hundred thirteen point eleven (713.11), seven hundred  
 46 thirteen point twelve (713.12), seven hundred thirteen point thirteen (713.13),  
 47 seven hundred thirteen point fourteen (713.14), seven hundred thirteen point  
 48 fifteen (713.15), seven hundred thirteen point sixteen (713.16), seven hundred  
 49 thirteen point twenty-two (713.22), seven hundred thirteen point twenty-three  
 50 (713.23), seven hundred thirteen point twenty-six (713.26), seven hundred  
 51 thirteen point twenty-seven (713.27), seven hundred thirteen point twenty-eight  
 52 (713.28), seven hundred thirteen point twenty-nine (713.29), seven hundred  
 53 thirteen point thirty (713.30), seven hundred thirteen point thirty-one (713.31),  
 54 seven hundred thirteen point thirty-two (713.32), seven hundred thirteen point  
 55 thirty-three (713.33), seven hundred thirteen point thirty-four (713.34), seven  
 56 hundred thirteen point thirty-five (713.35), seven hundred thirteen point thirty-  
 57 six (713.36), seven hundred thirteen point thirty-seven (713.37), seven hundred  
 58 thirteen point thirty-eight (713.38), seven hundred thirteen point thirty-nine  
 59 (713.39), seven hundred thirteen point forty (713.40), seven hundred thirteen  
 60 point forty-one (713.41), seven hundred thirteen point forty-two (713.42), seven  
 61 hundred thirteen point forty-three (713.43), seven hundred forty point one  
 62 (740.1), seven hundred forty point two (740.2), seven hundred forty point three  
 63 (740.3), seven hundred forty point four (740.4), seven hundred forty point five  
 64 (740.5), seven hundred forty point six (740.6), seven hundred forty point seven  
 65 (740.7), seven hundred forty point eight (740.8), seven hundred forty point nine  
 66 (740.9), seven hundred forty point ten (740.10), seven hundred forty point eleven  
 67 (740.11), seven hundred forty point twelve (740.12), seven hundred forty point  
 68 nineteen (740.19), seven hundred forty point twenty (740.20), seven hundred  
 69 fifty-three point one (753.1), seven hundred fifty-three point two (753.2), seven  
 70 hundred fifty-three point three (753.3), seven hundred fifty-three point four  
 71 (753.4), seven hundred fifty-three point five (753.5), seven hundred fifty-three  
 72 point six (753.6), seven hundred fifty-three point seven (753.7), seven hundred  
 73 fifty-three point eight (753.8), and seven hundred fifty-three point nine (753.9),  
 74 Code 1975, are repealed.

1 SEC. 526. Chapters thirty-eight (38), one hundred twenty-one (121), two  
 2 hundred sixteen (216), two hundred twenty-five A (225A), six hundred forty-five  
 3 (645), six hundred eighty-seven (687), six hundred eighty-eight (688), six hundred  
 4 eighty-nine (689), six hundred ninety (690), six hundred ninety-one (691), six  
 5 hundred ninety-two (692), six hundred ninety-three (693), six hundred ninety-  
 6 four (694), six hundred ninety-five (695), six hundred ninety-six (696), six  
 7 hundred ninety-seven (697), six hundred ninety-eight (698), six hundred ninety-  
 8 nine (699), seven hundred (700), seven hundred one (701), seven hundred two  
 9 (702), seven hundred three (703), seven hundred four (704), seven hundred five  
 10 (705), seven hundred six (706), seven hundred seven (707), seven hundred eight  
 11 (708), seven hundred nine (709), seven hundred ten (710), seven hundred eleven  
 12 (711), seven hundred twelve (712), seven hundred fourteen (714), seven hundred  
 13 fifteen (715), seven hundred sixteen (716), seven hundred seventeen (717), seven  
 14 hundred eighteen (718), seven hundred nineteen (719), seven hundred twenty  
 15 (720), seven hundred twenty-one (721), seven hundred twenty-two (722), seven  
 16 hundred twenty-three (723), seven hundred twenty-four (724), seven hundred  
 17 twenty-five (725), seven hundred twenty-seven (727), seven hundred twenty-eight  
 18 (728), seven hundred twenty-nine (729), seven hundred thirty-one (731), seven  
 19 hundred thirty-one A (731A), seven hundred thirty-two (732), seven hundred  
 20 thirty-four (734), seven hundred thirty-seven (737), seven hundred thirty-eight

21 (738), seven hundred thirty-nine (739), seven hundred forty-one (741), seven  
 22 hundred forty-two (742), seven hundred forty-three (743), seven hundred forty-  
 23 four (744), seven hundred forty-five (745), seven hundred forty-six (746), seven  
 24 hundred forty-seven (747), seven hundred forty-eight (748), seven hundred fifty-  
 25 one (751), seven hundred fifty-two (752), seven hundred fifty-four (754), seven  
 26 hundred fifty-five (755), seven hundred fifty-six (756), seven hundred fifty-seven  
 27 (757), seven hundred fifty-eight (758), seven hundred sixty (760), seven hundred  
 28 sixty-one (761), seven hundred sixty-two (762), seven hundred sixty-three (763),  
 29 seven hundred sixty-four (764), seven hundred sixty-five (765), seven hundred  
 30 sixty-six (766), seven hundred sixty-seven (767), seven hundred sixty-eight (768),  
 31 seven hundred sixty-nine (769), seven hundred seventy (770), seven hundred  
 32 seventy-one (771), seven hundred seventy-two (772), seven hundred seventy-  
 33 three (773), seven hundred seventy-four (774), seven hundred seventy-five (775),  
 34 seven hundred seventy-six (776), seven hundred seventy-seven (777), seven  
 35 hundred seventy-eight (778), seven hundred seventy-nine (779), seven hundred  
 36 eighty (780), seven hundred eighty-one (781), seven hundred eighty-two (782),  
 37 seven hundred eighty-three (783), seven hundred eighty-four (784), seven  
 38 hundred eighty-five (785), seven hundred eighty-six (786), seven hundred eighty-  
 39 seven (787), seven hundred eighty-eight (788), seven hundred eighty-nine (789),  
 40 seven hundred eighty-nine A (789A), seven hundred ninety (790), seven hundred  
 41 ninety-one (791), seven hundred ninety-three (793), seven hundred ninety-four  
 42 (794), and seven hundred ninety-five (795), Code 1975, are repealed.

1 SEC. 527. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
 2 one hundred eighty-three (183), is repealed. The provisions of this section shall  
 3 take effect July 1, 1976.

1 SEC. 528. **Applicability to offenses committed before the effective date.**

2 1. Except as provided in subsections two (2) and three (3) of this section, this  
 3 Act does not apply to offenses committed before its effective date. Prosecutions  
 4 for offenses committed before the effective date are governed by the prior law,  
 5 which is continued in effect for that purpose, as if this Act were not in force. For  
 6 purposes of this section, an offense is committed before the effective date if any  
 7 of the elements of the offense occurred before that date.

8 2. In any case pending on or commenced after the effective date of this Act,  
 9 involving an offense committed before that date:

10 a. Upon the request of the defendant a defense or mitigation under this Act,  
 11 whether specifically provided for herein or based upon the failure of the Act to  
 12 define an applicable\* offense, shall apply; and

13 b. Upon the request of the defendant and the approval of the court:

14 (1) Procedural provision of this Act shall apply insofar as they are justly  
 15 applicable; and

16 (2) The court may impose a sentence or suspend imposition of a sentence  
 17 under the provisions of this Act applicable to the offense and the offender.

18 3. Provisions of this Act governing the release or discharge of prisoners,  
 19 probationers, and parolees shall apply to persons under sentence for offenses  
 20 committed before the effective date of this Act, except that the minimum or  
 21 maximum period of their detention or supervision shall in no case be increased,  
 22 nor shall the provisions of this Act affect the substantive or procedural validity  
 23 of any judgment of conviction entered before the effective date of this Act,  
 24 regardless of the fact that appeal time has not run or that an appeal is pending.

1 SEC. 529. Except as otherwise specifically provided\*\*, the provisions of this  
 2 Act shall take effect January 1, 1978.

1 SEC. 530. The supreme court is authorized to propose changes in the rules of  
 2 criminal procedure for consideration by the First Session of the Sixty-seventh

\*According to enrolled Act

\*\*See §527 hereof

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3 Session of the General Assembly. This section shall be effective July 1, 1976.  
4 Any rules promulgated under the authority of this section shall become effective  
5 January 1, 1978.

1 SEC. 531. Notwithstanding any other provision of the Code of Iowa, this Act  
2 shall, insofar as possible, be included in the Code of Iowa with the chapters,  
3 divisions and sections of this Act as the chapters, divisions and sections of the  
4 Code and with the descriptive word titles of the Act retained. No editorial  
5 modification of this Act shall be incorporated into the Code without prior  
6 approval of the director of the legislative service bureau.

Approved June 28, 1976