

CHAPTER 19

ELECTRONIC CONTRABAND IN JAILS, MUNICIPAL HOLDING FACILITIES, AND CORRECTIONAL FACILITIES

S.F. 124

AN ACT relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

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

Section 1. NEW SECTION. **719.7A Electronic contraband — criminal penalties.**

1. As used in this section, unless the context otherwise requires:

a. “*Electronic contraband*” means a mobile telephone or other hand-held electronic communication device.

b. “*Facility*” means a county jail, municipal holding facility, or institution under the management of the department of corrections.

2. A person commits the offense of possessing electronic contraband under this section if the person, not authorized by law, does any of the following:

a. Knowingly supplies or attempts to supply electronic contraband to any person confined in a facility, or to any person confined in a facility while the person is being transported or moved incidental to the confinement.

b. Knowingly makes, obtains, or possesses electronic contraband while confined in a facility, or while being transported or moved incidental to confinement.

3. A person who possesses electronic contraband commits a class “D” felony.

4. a. A person commits the offense of failing to report electronic contraband when the person fails to report a known violation or attempted violation of this section to an official or officer at a facility.

b. A person who violates this subsection commits an aggravated misdemeanor.

5. The sheriff may x-ray a person committed to the jail, the supervising law enforcement agency may x-ray a person confined in the municipal holding facility, or the department of corrections may x-ray a person under the control of the department, if there is reason to believe that the person is in possession of electronic contraband. A licensed physician or x-ray technician under the supervision of a licensed physician must x-ray the person.

6. Nothing in this section is intended to limit the authority of the administrator of any facility to prescribe or enforce rules concerning the definition of electronic contraband, and the supplying, making, obtaining, or possession of electronic contraband.

Approved April 5, 2011