

REPRINTED

FILED JAN 23 2002

SENATE FILE 2034  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2002)

Passed Senate, Date <sup>(P. 161)</sup> 1-31-02 Passed House, Date <sup>(P. 1218)</sup> 4-8-02  
Vote: Ayes 42 Nays 0 Vote: Ayes 98 Nays 0  
Approved 4/22/02

A BILL FOR

1 An Act relating to the filing of a criminal indictment or trial  
2 information against a person who is not present in the state.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2034

S-5011

- 1 Amend Senate File 2034 as follows:
  - 2 1. Page 1, line 1, by inserting after the figure
  - 3 "802.6," the following: "subsection 1,".
  - 4 2. Page 1, by striking line 3.
  - 5 3. Page 1, by striking lines 10 through 14.
- By O. GENE MADDOX

S-5011 FILED JANUARY 31, 2002  
ADOPTED

1-31-02 (P. 161)

SF 2034

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1 Section 1. Section 802.6, Code 2001, is amended to read as  
2 follows:

3 802.6 PERIODS EXCLUDED FROM LIMITATION.

- 4 1. When a person leaves the state ~~with-the-intention-of~~  
5 ~~avoiding-prosecution,~~ the indictment or prosecution  
6 information may be found ~~or-commenced~~ within the time herein  
7 limited after the person's coming into the state, and no  
8 period during which the party charged was not publicly  
9 resident within the state is a part of the limitation.
- 10 2. The time within which an indictment or information must  
11 be found or commenced shall not include the time during which  
12 the defendant is a public officer or employee and the offense  
13 arises from misconduct relating to the duties and trust of  
14 that office or employment.

15 EXPLANATION

16 This bill relates to the filing of a criminal indictment or  
17 trial information.

18 The bill provides that when a person leaves the state the  
19 time to file an indictment or information does not begin until  
20 the person returns to the state. The bill and current law  
21 provide that for a person who is a resident of the state and  
22 who maintains a residency in the state the time to file an  
23 indictment or information does not toll, if the person leaves  
24 the state.

25 Current law provides that the time to file an indictment or  
26 trial information only tolls if the person leaves the state  
27 with the intent to avoid prosecution.

28 The Iowa rules of criminal procedure specify that an  
29 indictment or trial information must be found within 45 days  
30 of arrest.

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H- 2/4/02 Judiciary  
H- 3/13/02 Do Pass

SENATE FILE 2034  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2002)  
(AS AMENDED AND PASSED BY THE SENATE JANUARY 31, 2002)

----- - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, <sup>(P. 1212)</sup> Date 4-8-02  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 98 Nays 0  
Approved 4/22/02

**A BILL FOR**

1 An Act relating to the filing of a criminal indictment or trial  
2 information against a person who is not present in the state.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2034

1 Section 1. Section 802.6, subsection 1, Code 2001, is  
2 amended to read as follows:

\* 3 1. When a person leaves the state ~~with-the-intention-of~~  
4 ~~avoiding-prosecution~~, the indictment or ~~prosecution~~  
5 information may be found ~~or-commenced~~ within the time herein  
6 limited after the person's coming into the state, and no  
7 period during which the party charged was not publicly  
8 resident within the state is a part of the limitation.

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## SENATE FILE 2034

H-8338

1 Amend Senate File 2034, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 711.3, Code 2001, is amended  
6 to read as follows:

7 711.3 ROBBERY IN THE SECOND DEGREE.

8 All robbery which is not robbery in the first  
9 degree is robbery in the second degree, except as  
10 provided in section 711.3A. Robbery in the second  
11 degree is a class "C" felony.

12 Sec. 2. NEW SECTION. 711.3A ROBBERY IN THE THIRD  
13 DEGREE.

14 A person commits robbery in the third degree when,  
15 while perpetrating a robbery, the person does not do  
16 any of the following: cause injury, attempt to cause  
17 injury, threaten to cause injury or to commit a  
18 forcible felony, purposefully put another in fear of  
19 injury, possess a firearm or dangerous weapon, commit  
20 a theft of cash or an item with a value greater than  
21 fifty dollars, or commit a robbery of a financial  
22 institution as defined in section 12C.1. Robbery in  
23 the third degree is a class "D" felony."

24 2. Page 1, by inserting after line 8, the  
25 following:

26 "Sec. \_\_\_\_ . 2001 Iowa Acts, chapter 186, section 6,  
27 subsection 6, is amended by striking the subsection.

28 Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this Act  
29 amending 2001 Iowa Acts, chapter 186, section 6,  
30 subsection 6, being deemed of immediate importance,  
31 takes effect upon enactment."

32 3. Title page, by striking lines 1 and 2, and  
33 inserting the following: "An Act relating to criminal  
34 offenses and procedure, including the criminal offense  
35 of robbery, drug courts, and the filing of a criminal  
36 indictment or trial information, and providing for an  
37 effective date."

38 4. By renumbering as necessary.

By GRUNDBERG of Polk

H-8338 FILED MARCH 19, 2002

*w/d*

*4/9/02*

*(P. 1217)*

## SENATE FILE 2034

H-8393

1 Amend the amendment, H-8338, to Senate File 2034,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 5 through 23 and  
5 inserting the following:

6 ""Sec. \_\_\_\_ . Section 124.401, subsection 1,  
7 paragraph a, subparagraph (2), Code 2001, is amended  
8 by adding the following new subparagraph subdivision:

9 NEW SUBPARAGRAPH SUBDIVISION. (g) 3,4-  
10 methylenedioxymethamphetamine (MDMA), its salts,  
11 isomers, or salts of isomers.

12 Sec. \_\_\_\_ . Section 124.401, subsection 1, paragraph  
13 b, Code 2001, is amended by adding the following new  
14 subparagraph:

15 NEW SUBPARAGRAPH. (9) More than ten grams but not  
16 more than five kilograms of 3,4-  
17 methylenedioxymethamphetamine (MDMA), its salts,  
18 isomers, or salts of isomers, or any compound, mixture  
19 or preparation which contains any quantity of  
20 detectable amount of MDMA, its salts, isomers, or  
21 salts of isomers.

22 Sec. \_\_\_\_ . Section 124.401, subsection 1, paragraph  
23 c, Code 2001, is amended by adding the following new  
24 subparagraph:

25 NEW SUBPARAGRAPH. (7A) Ten grams or less of 3,4-  
26 methylenedioxymethamphetamine (MDMA), its salts,  
27 isomers, or salts of isomers, or any compound, mixture  
28 or preparation which contains any quantity of  
29 detectable amount of MDMA, its salts, isomers, or  
30 salts of isomers.

31 Sec. \_\_\_\_ . Section 124.401, subsection 4,  
32 unnumbered paragraph 1, Code 2001, is amended to read  
33 as follows:

34 A person who possesses any product containing any  
35 of the following commits a class "D" felony, if the  
36 person possesses with the intent ~~to use the product~~  
37 that the product be used to manufacture any controlled  
38 substance:

39 Sec. \_\_\_\_ . Section 124.401A, Code 2001, is amended  
40 to read as follows:

41 124.401A ENHANCED PENALTY FOR MANUFACTURE OR  
42 DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

43 In addition to any other penalties provided in this  
44 chapter, a person who is eighteen years of age or  
45 older who unlawfully manufactures with intent to  
46 distribute, distributes, or possesses with intent to  
47 distribute a substance or counterfeit substance listed  
48 in schedule I, II, or III, or a simulated controlled  
49 substance represented to be a controlled substance  
50 classified in schedule I, II, or III, to another

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1 person who is eighteen years of age or older in or on,  
2 or within one thousand feet of the real property  
3 comprising a public or private elementary or secondary  
4 school, public park, public swimming pool, public  
5 recreation center, or on a marked school bus, may be  
6 sentenced up to an additional term of confinement of  
7 five years.

8 Sec. \_\_\_\_\_. Section 124.409, subsection 1, Code  
9 2001, is amended by striking the subsection.

10 Sec. \_\_\_\_\_. Section 321J.2, subsection 3, paragraph  
11 a, subparagraph (3), Code 2001, is amended by striking  
12 the subparagraph.

13 Sec. \_\_\_\_\_. Section 462A.14, subsection 3, paragraph  
14 a, subparagraph (3), Code 2001, is amended by striking  
15 the subparagraph.

16 Sec. \_\_\_\_\_. Section 622.53, Code 2001, is amended to  
17 read as follows:

18 622.53 JUDICIAL RECORD -- STATE OR FEDERAL COURTS.

19 A judicial record of this state, including the  
20 filed certified shorthand notes of the official court  
21 reporter as transcribed or a court of the United  
22 States may be proved by the production of the  
23 original, or a copy of it certified by the clerk or  
24 person having the legal custody of it, authenticated  
25 by the custodian's seal of office, if there is a seal.  
26 ~~That~~ A judicial record of another state may be proved  
27 by the attestation of the clerk and the seal of the  
28 court annexed, if there is a seal, ~~together with a~~  
29 ~~certificate of a judge, chief justice, or presiding~~  
30 ~~magistrate that the attestation is in due form of law.~~

31 Sec. \_\_\_\_\_. Section 711.3, Code 2001, is amended to  
32 read as follows:

33 711.3 ROBBERY IN THE SECOND DEGREE.

34 All robbery which is not robbery in the first  
35 degree is robbery in the second degree, except as  
36 provided in section 711.3A. Robbery in the second  
37 degree is a class "C" felony.

38 Sec. \_\_\_\_\_. NEW SECTION. 711.3A ROBBERY IN THE  
39 THIRD DEGREE.

40 A person commits robbery in the third degree when,  
41 while perpetrating a robbery, the person does not do  
42 any of the following: cause injury, attempt to cause  
43 injury, threaten to cause injury or to commit a  
44 forcible felony, purposefully put another in fear of  
45 injury, possess a firearm or dangerous weapon, commit  
46 a theft of cash or an item with a value greater than  
47 fifty dollars, or commit a robbery of a financial  
48 institution as defined in section 12C.1. Robbery in  
49 the third degree is a class "D" felony.

50 Sec. \_\_\_\_\_. Section 713.6A, subsection 2, Code

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1 Supplement 2001, is amended to read as follows:

2 2. Burglary in the third degree involving a  
3 burglary of an unoccupied motor vehicle or motor truck  
4 as defined in section 321.1, or a vessel defined in  
5 section 462A.2, is an aggravated misdemeanor for a  
6 first offense. ~~A second or subsequent~~ If the person  
7 has a prior conviction under this section chapter, the  
8 offense is punishable under subsection 1.

9 Sec. \_\_\_\_ . Section 713.6B, subsection 2, Code

10 Supplement 2001, is amended to read as follows:

11 2. Attempted burglary in the third degree  
12 involving an attempted burglary of an unoccupied motor  
13 vehicle or motor truck as defined in section 321.1, or  
14 a vessel defined in section 462A.2, is a serious  
15 misdemeanor for a first offense. ~~A second or~~  
16 ~~subsequent~~ If the person has a prior conviction under  
17 this section chapter, the offense is punishable under  
18 subsection 1."

19 2. Page 1, by inserting after line 25 the

20 ""Sec. \_\_\_\_ . Section 901.5, Code 2001, is amended  
21 by adding the following new subsection:

22 NEW SUBSECTION. 13. In addition to any sentence  
23 or other penalty imposed against the defendant, the  
24 court shall sentence the defendant to an additional  
25 term of years if required under section 902.13.

26 Sec. \_\_\_\_ . NEW SECTION. 901.11 DEFERRED JUDGMENTS  
27 -- PREVIOUS OFFENSES FOR PURPOSES OF ENHANCEMENT.

28 In determining if an offense is a second or  
29 subsequent offense for purposes of sentencing, the  
30 following shall apply:

31 1. A deferred judgment entered pursuant to section  
32 907.3 for the same offense shall be counted as a  
33 previous offense.

34 2. A conviction, deferred judgment, or the  
35 equivalent of a deferred judgment for a violation in  
36 any other state under a statute substantially  
37 corresponding to the offense shall be counted as a  
38 previous offense. The courts shall judicially notice  
39 the statutes of other states which define offenses  
40 substantially equivalent to those defined in the Code  
41 and can therefore be considered corresponding  
42 statutes.

43 3. Each previous offense for which conviction or  
44 deferral of judgment was entered prior to the date of  
45 the violation charged shall be considered and counted  
46 as a separate previous offense.

47 Sec. \_\_\_\_ . Section 902.3A, subsection 1, unnumbered  
48 paragraph 1, Code Supplement 2001, is amended to read  
49 as follows:

50 Notwithstanding section 902.3, when a conviction

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1 for a class "D" felony or a class "C" felony under  
2 section 124.401, subsection 1, paragraph "c", is  
3 entered against a person, the court, at its  
4 discretion, in imposing a sentence of confinement  
5 pursuant to section 901.5, may commit the person into  
6 the custody of the director of the Iowa department of  
7 corrections for a determinate term of less than the  
8 maximum length of the sentence prescribed by section  
9 902.9, ~~subsection 5, if mitigating circumstances exist~~  
10 and those circumstances are stated specifically on the  
11 record.

12 Sec. \_\_\_\_\_. Section 902.3A, subsection 1, paragraph  
13 e, Code Supplement 2001, is amended to read as  
14 follows:

15 e. This section does not apply to an offense  
16 classified as a forcible felony, a felony under  
17 section 321J.2, felonies in chapters 707, ~~708~~, and  
18 709, ~~a person sentenced as a habitual offender,~~  
19 ~~felonies listed in section 901A.1, or felonies listed~~  
20 ~~in section 902.12 or 902.13, or a felony committed by~~  
21 ~~a person on parole or work release, or while in the~~  
22 ~~custody of the director of the department of~~  
23 ~~corrections.~~

24 Sec. \_\_\_\_\_. Section 902.3A, subsection 3, Code  
25 Supplement 2001, is amended by striking the  
26 subsection.

27 Sec. \_\_\_\_\_. Section 902.11, unnumbered paragraph 1,  
28 Code 2001, is amended to read as follows:

29 A person serving a sentence for conviction of a  
30 felony, other than a forcible felony under section  
31 902.12 or 902.13, who has a criminal record of one or  
32 more prior convictions for a forcible felony or a  
33 crime of a similar gravity in this or any other state,  
34 shall be denied parole or work release unless the  
35 person has served at least one-half of the maximum  
36 term of the defendant's sentence. However, the  
37 mandatory sentence provided for by this section does  
38 not apply if either of the following apply:

39 Sec. \_\_\_\_\_. Section 902.12, subsection 5, unnumbered  
40 paragraph 1, Code 2001, is amended to read as follows:

41 5. Robbery in the first ~~or second~~ degree in  
42 violation of section 711.2 ~~or 711.3~~.

43 Sec. \_\_\_\_\_. NEW SECTION. 902.13 MINIMUM SENTENCE  
44 -- ROBBERY SECOND.

45 1. Except as otherwise provided in section 903A.2,  
46 a person serving a sentence for conviction of robbery  
47 in the second degree shall serve one hundred percent  
48 of the maximum term of the person's sentence and shall  
49 not be released on parole or work release.

50 2. The person shall also be sentenced to an

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1 additional term of three years. The board of parole  
2 shall determine whether the person should be released  
3 on parole or placed in a work release program. When a  
4 person commences service of the additional term of  
5 years, the person shall initially be released by the  
6 board of parole subject to the terms and conditions  
7 set out in chapter 906. Violations of the terms and  
8 conditions of release shall be subject to the  
9 procedures set out in chapter 905 or 908 or rules  
10 adopted under those chapters. The sentence of an  
11 additional term of years shall be consecutive to the  
12 original term of confinement.

13 Sec. \_\_\_\_\_. Section 903A.2, subsection 1, paragraph  
14 a, Code 2001, is amended to read as follows:

15 a. Category "A" sentences are those sentences  
16 which are not subject to a maximum accumulation of  
17 earned time ~~of fifteen percent of the total sentence~~  
18 ~~of confinement~~ under section 902.12 or 902.13. To the  
19 extent provided in subsection 5, category "A"  
20 sentences also include life sentences imposed under  
21 section 902.1. An inmate of an institution under the  
22 control of the department of corrections who is  
23 serving a category "A" sentence is eligible for a  
24 reduction of sentence equal to one and two-tenths days  
25 for each day the inmate demonstrates good conduct and  
26 satisfactorily participates in any program or  
27 placement status identified by the director to earn  
28 the reduction. The programs include but are not  
29 limited to the following:

30 Sec. \_\_\_\_\_. Section 903A.2, subsection 1, Code 2001,  
31 is amended by adding the following new paragraph:

32 NEW PARAGRAPH. c. Category "C" sentences are  
33 those sentences which are subject to a maximum  
34 accumulation of earned time of thirty percent of the  
35 total sentence of confinement under section 902.13.  
36 An inmate of an institution under the control of the  
37 department of corrections who is serving a category  
38 "C" sentence is eligible for a reduction of sentence  
39 equal to three-sevenths of a day for each day of good  
40 conduct by the inmate.

41 Sec. \_\_\_\_\_. Section 903A.7, Code 2001, is amended to  
42 read as follows:

43 903A.7 SEPARATE SENTENCES.

44 Consecutive multiple sentences that are within the  
45 same category under section 903A.2 shall be construed  
46 as one continuous sentence for purposes of calculating  
47 reductions of sentence for earned time. If a person  
48 is sentenced to serve sentences of ~~both~~ multiple  
49 categories, category "B" sentences shall be served  
50 before category "C" and category "A" sentences are

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1 served, and category "C" sentences shall be served  
2 before category "A" sentences are served, and earned  
3 time accrued against the category "B" sentences shall  
4 not be used to reduce the category "C" or category "A"  
5 sentences, and earned time accrued against category  
6 "C" sentences shall not be used to reduce category "A"  
7 or category "B" sentences. If an inmate serving a  
8 category "A" sentence is sentenced to serve a category  
9 "B" sentence or a category "C" sentence, the category  
10 "A" sentence shall be interrupted, and no further  
11 earned time shall accrue against that sentence until  
12 the category "B" sentence is completed. If an inmate  
13 serving a category "C" sentence is sentenced to serve  
14 a category "B" sentence, the category "C" sentence  
15 shall be interrupted, and no further earned time shall  
16 accrue against that sentence until the category "B"  
17 sentence is completed.

18 Sec. \_\_\_\_\_. Section 906.15, unnumbered paragraph 1,  
19 Code 2001, is amended to read as follows:

20 Unless sooner discharged, a person released on  
21 parole shall be discharged when the person's term of  
22 parole equals the period of imprisonment specified in  
23 the person's sentence, less all time served in  
24 confinement. Discharge from parole may be granted  
25 prior to such time, when an early discharge is  
26 appropriate. The board shall periodically review all  
27 paroles, and when the board determines that any person  
28 on parole is able and willing to fulfill the  
29 obligations of a law-abiding citizen without further  
30 supervision, the board shall discharge the person from  
31 parole. A parole officer shall periodically review  
32 all paroles assigned to the parole officer, and when  
33 the parole officer determines that any person assigned  
34 to the officer is able and willing to fulfill the  
35 obligations of a law-abiding citizen without further  
36 supervision, the officer may discharge the person from  
37 parole after notification and approval of the district  
38 director and notification of the board of parole. In  
39 any event, discharge from parole shall terminate the  
40 person's sentence. However, if a person has been  
41 sentenced to an additional term of years under section  
42 902.13, the person shall not be discharged from the  
43 term until the additional term of years has been  
44 served. However, a person convicted of a violation of  
45 section 709.3, 709.4 or 709.8 committed on or with a  
46 child shall not be discharged from parole until the  
47 person's term of parole equals the period of  
48 imprisonment specified in the person's sentence, less  
49 all time served in confinement.

50 Sec. \_\_\_\_\_. Section 907.3, subsection 1, paragraph

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1 c, Code 2001, is amended to read as follows:

2 c. Prior to the commission of the offense the  
3 defendant had been granted a deferred judgment or  
4 similar relief, ~~two or more times~~ anywhere in the  
5 United States.

6 Sec. \_\_\_\_ . Section 907.3, subsection 1, paragraph  
7 d, Code 2001, is amended by striking the paragraph.

8 Sec. \_\_\_\_ . Section 907.3, subsection 1, paragraph  
9 g, subparagraph (3), Code 2001, is amended by striking  
10 the subparagraph."

11 3. Page 1, by striking lines 33 through 37, and  
12 inserting the following: "inserting the following:  
13 "An Act relating to criminal offenses and procedure,  
14 including the creation of new criminal offenses, the  
15 filing of a criminal indictment or trial information,  
16 providing for enhancements and penalties, and  
17 providing an effective date.""

By TREMMEL of Wapello

H-8393 FILED MARCH 20, 2002

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4/8/02

(P. 1217)

## SENATE FILE 2034

## H-8405

1 Amend Senate File 2034, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 124.401, subsection 1,  
6 paragraph a, subparagraph (2), unnumbered paragraph 1,  
7 Code 2001, is amended to read as follows:

8 More than five kilograms of a any compound, mixture  
9 ~~or, preparation, or substance~~ containing a detectable  
10 amount of any of the following:

11 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
12 a, subparagraph (2), subparagraph divisions (a), (b),  
13 and (c), Code 2001, are amended by striking the  
14 subparagraph subdivisions.

15 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
16 a, subparagraph (2), subparagraph division (f), Code  
17 2001, is amended to read as follows:

18 (f) Any compound, mixture, or preparation which  
19 contains any quantity of any of the substances  
20 referred to in ~~subparagraph subdivisions (a) through~~  
21 ~~(e)~~ this subparagraph (2).

22 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
23 a, subparagraph (3), Code 2001, is amended to read as  
24 follows:

25 (3) More than fifty grams of a any compound,  
26 mixture ~~or, preparation, or substance described in~~  
27 ~~subparagraph (2) which contains~~ containing a  
28 detectable amount of cocaine base.

29 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
30 a, Code 2001, is amended by adding the following new  
31 subparagraph:

32 NEW SUBPARAGRAPH. (3A) More than five hundred  
33 grams of any compound, mixture, preparation, or  
34 substance containing a detectable amount of any of the  
35 following:

36 (a) Coca leaves, except coca leaves and extracts  
37 of coca leaves from which cocaine, ecgonine, and  
38 derivatives of ecgonine or their salts have been  
39 removed.

40 (b) Cocaine, its salts, optical and geometric  
41 isomers, and salts of isomers.

42 (c) Ecgonine, its derivatives, their salts,  
43 isomers, and salts of isomers.

44 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
45 b, subparagraph (2), Code 2001, is amended by striking  
46 the subparagraph.

47 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
48 b, subparagraph (3), Code 2001, is amended to read as  
49 follows:

50 (3) More than five grams but not more than fifty

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1 grams of ~~a~~ any compound, mixture, preparation, or  
2 substance ~~described in subparagraph (2) which contains~~  
3 containing a detectable amount of cocaine base.

4 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
5 b, Code 2001, is amended by adding the following new  
6 subparagraph:

7 NEW SUBPARAGRAPH. (3A) More than fifty grams but  
8 not more than five hundred grams of any compound,  
9 mixture, preparation, or substance containing a  
10 detectable amount of any of the following:

11 (a) Coca leaves, except coca leaves and extracts  
12 of coca leaves from which cocaine, ecgonine, and  
13 derivatives of ecgonine or their salts have been  
14 removed.

15 (b) Cocaine, its salts, optical and geometric  
16 isomers, and salts of isomers.

17 (c) Ecgonine, its derivatives, their salts,  
18 isomers, and salts of isomers.

19 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
20 c, subparagraph (2), Code 2001, is amended by striking  
21 the subparagraph.

22 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
23 c, subparagraph (3), Code 2001, is amended to read as  
24 follows:

25 (3) Five grams or less of ~~a~~ any compound, mixture,  
26 preparation, or substance described in subparagraph  
27 ~~(2) which contains~~ containing a detectable amount of  
28 cocaine base.

29 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
30 c, Code 2001, is amended by adding the following new  
31 subparagraph:

32 NEW SUBPARAGRAPH. (3A) Fifty grams or less of any  
33 compound, mixture, preparation, or substance  
34 containing a detectable amount of any of the  
35 following:

36 (a) Coca leaves, except coca leaves and extracts  
37 of coca leaves from which cocaine, ecgonine, and  
38 derivatives of ecgonine or their salts have been  
39 removed.

40 (b) Cocaine, its salts, optical and geometric  
41 isomers, and salts of isomers.

42 (c) Ecgonine, its derivatives, their salts,  
43 isomers, and salts of isomers.

44 Sec. \_\_\_\_\_. Section 232 2, subsection 1, paragraph  
45 e, subparagraph (2), Code Supplement 2001, is amended  
46 to read as follows:

47 (2) A mixture or substance containing cocaine, its  
48 salts, optical and geometric isomers, and salts of  
49 isomers, and if the act was committed by an adult, it  
50 would be a violation of section 124.401, subsection 1,

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Page 3

- 1 paragraph "a", subparagraph ~~(2)~~ (3A), subparagraph  
2 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3A),  
3 subparagraph subdivision (b), or paragraph "c",  
4 subparagraph ~~(2)~~ (3A), subparagraph subdivision (b)."  
5 2. Page 1, line 1, by striking the word "Section"  
6 and inserting the following: "Sec."  
7 3. Title page, line 1, by inserting after the  
8 word "relating" the following: "to criminal  
9 penalties, and".  
10 4. By renumbering as necessary.

By FORD of Polk

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period during which the party charged was not publicly  
resident within the state is a part of the limitation.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2034, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/22, 2002

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THOMAS J. VILSACK  
Governor

SENATE FILE 2034

AN ACT

RELATING TO THE FILING OF A CRIMINAL INDICTMENT OR TRIAL  
INFORMATION AGAINST A PERSON WHO IS NOT PRESENT IN THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 802.6, subsection 1, Code 2001, is  
amended to read as follows:

1. When a person leaves the state ~~with the intention of~~  
~~avoiding prosecution~~, the indictment or prosecution  
~~information~~ may be found ~~or commenced~~ within the time herein  
limited after the person's coming into the state, and no