

procured and does not hold the certificate of authority therefor as in this chapter provided, the person shall be guilty of a serious misdemeanor; or if the person shall knowingly make or cause to be made any false entries in the books of the association, or shall, with the intent to deceive any person making an examination in this chapter required to be made, exhibit to the person making the examination any false entry, paper, or statement, the person shall be guilty of a fraudulent practice; or if the person shall knowingly do or solicit business for any ~~building and loan~~ or savings and loan association which has not procured the required certificate therefor, the person shall be guilty of a serious misdemeanor.

Sec. 44. Section 546.2, subsection 3, paragraph c, Code 2007, is amended by striking the paragraph.

Sec. 45. Section 546.3, subsection 1, Code 2007, is amended to read as follows:

1. The banking division shall regulate and supervise banks under chapter 524, debt management licensees under chapter 533A, money services under chapter 533C, delayed deposit services under chapter 533D, savings and loan associations under chapter 534, mortgage bankers and brokers under chapter 535B, regulated loan companies under chapter 536, and industrial loan companies under chapter 536A, and shall perform other duties assigned to the division by law. The division is headed by the superintendent of banking who is appointed pursuant to section 524.201. The state banking council shall render advice within the division when requested by the superintendent.

Sec. 46. Section 534.109, Code 2007, is repealed.

Sec. 47. Section 534.113, Code 2007, is repealed.

Sec. 48. Section 534.515, Code 2007, is repealed.

Sec. 49. Section 534.519, Code 2007, is repealed.

Sec. 50. Section 546.5, Code 2007, is repealed.

Approved April 20, 2007

CHAPTER 89

SECURE CRIMINAL OR JUVENILE FACILITIES — POSSESSION OF CONTRABAND

S.F. 529

AN ACT expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

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

Section 1. Section 719.7, Code 2007, is amended to read as follows:
719.7 POSSESSING CONTRABAND.

1. "Contraband" includes but is not limited to any of the following:

- a. A controlled substance or a simulated or counterfeit controlled substance, hypodermic syringe, or intoxicating beverage.
 - b. A dangerous weapon, offensive weapon, pneumatic gun, stun gun, firearm ammunition, knife of any length or any other cutting device, explosive or incendiary material, instrument, device, or other material fashioned in such a manner as to be capable of inflicting death or injury.
 - c. Rope, ladder components, key or key pattern, metal file, instrument, device, or other material designed or intended to facilitate escape of an inmate.
2. The ~~sheriff may x-ray a person committed to the jail, 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 contraband. A licensed physician or x-ray technician under the supervision of a licensed physician must x-ray the person.
 3. A person commits the offense of possessing contraband if the person, not authorized by law, does any of the following:
 - a. Knowingly introduces contraband into, or onto, the grounds of a ~~secure facility for the detention or custody of juveniles, detention facility, jail,~~ correctional institution, or institution under the management of the department of corrections.
 - b. Knowingly conveys contraband to any person confined in a ~~secure facility for the detention or custody of juveniles, detention facility, jail,~~ correctional institution, or institution under the management of the department of corrections.
 - c. Knowingly makes, obtains, or possesses contraband while confined in a ~~secure facility for the detention or custody of juveniles, detention facility, jail,~~ correctional institution, or institution under the management of the department of corrections, or while being transported or moved incidental to confinement.
 4. A person who possesses contraband or fails to report an offense of possessing contraband commits the following:
 - a. A class "C" felony for the possession of contraband if the contraband is of the type described in subsection 1, paragraph "b".
 - b. A class "D" felony for the possession of contraband if the contraband is any other type of contraband.
 - c. An aggravated misdemeanor for failing to report a known violation or attempted violation of this section to an official or officer at a ~~secure facility for the detention or custody of juveniles, detention facility, jail,~~ correctional institution, or institution under the management of the department of corrections.
 5. Nothing in this section is intended to limit the authority of the administrator of any ~~secure facility for the detention or custody of juveniles, detention facility, jail,~~ correctional institution, or institution under the management of the department of corrections to prescribe or enforce rules concerning the definition of contraband, and the transportation, making, or possession of substances, devices, instruments, materials, or other items ~~in the institutions.~~

Sec. 2. Section 911.3, subsection 1, paragraph b, Code 2007, is amended to read as follows:

- b. Section ~~719.7,~~ 719.8, 725.1, 725.2, or 725.3.

Approved April 20, 2007