

each day's service or attendance, including attendance required for the purpose of being considered for service, reimbursement for mileage expenses at the rate specified in ~~section 70A.9~~ or section 602.1509 for each mile traveled each day to and from their residences to the place of service or attendance, and reimbursement for actual expenses of parking, as determined by the clerk. A juror who is disabled may receive reimbursement for the costs of alternate transportation from the disabled juror's residence to the place of service or attendance. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses.

Sec. 3. Section 622.69, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Witnesses shall receive ten dollars for each full day's attendance, and five dollars for each attendance less than a full day, and mileage expenses ~~at the rate specified in section 70A.9~~ pursuant to section 602.1509 for each mile actually traveled.

Approved April 24, 1996

CHAPTER 1164
CONTROLLED SUBSTANCES
S.F. 2154

† AN ACT relating to certain drug offenses and penalties by increasing the penalties for certain offenses involving methamphetamine, creating new offenses involving ephedrine, and expanding the types of real property within one thousand feet of which a person who unlawfully possesses a substance is subject to an increased penalty.

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

Section 1. Section 124.401, subsection 1, paragraph a, subparagraph (2), subparagraph subdivision (d), Code 1995, is amended to read as follows:

(d) Methamphetamine, its salts, isomers, or salts of isomers.

(e) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) through ~~(e)~~ (d).

Sec. 2. Section 124.401, subsection 1, paragraph b, Code 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) More than five grams but not more than five kilograms of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

Sec. 3. Section 124.401, subsection 1, paragraph c, Code 1995, is amended by adding the following new subparagraph (6) and renumbering the subsequent subparagraph:

NEW SUBPARAGRAPH. (6) Five grams or less of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

Sec. 4. Section 124.401, Code 1995, is amended by adding the following new subsections:

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

NEW SUBSECTION. 2A. It is unlawful for any person to sell, distribute, or make available any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, if the person knows, or should know, that the product may be used as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this subsection commits a serious misdemeanor.

NEW SUBSECTION. 2B. It is unlawful for any person to possess any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, with the intent to use the product as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this subsection commits a class "D" felony.

Sec. 5. Section 124.401A, Code 1995, is amended to read as follows:

124.401A ENHANCED PENALTY FOR DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully distributes or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, ~~or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may, at the judge's discretion,~~ be sentenced up to an additional term of confinement of five years.

Sec. 6. Section 124.401B, Code 1995, is amended to read as follows:

124.401B POSSESSION OF CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY - ADDITIONAL PENALTY.

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, ~~or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus,~~ may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 7. Section 232.22, subsection 1, paragraph e, subparagraph (3), Code Supplement 1995, is amended to read as follows:

(3) A mixture or substance containing methamphetamine, its salts, isomers, ~~and~~ or salts of isomers, or analogs of methamphetamine, and if the act was committed by an adult, it would be a violation of section 124.401, subsection 1, ~~paragraph "c", subparagraph (6).~~

Sec. 8. **EPHEDRINE STUDY.** The board of pharmacy examiners and the department of public safety shall conduct a study of uses not approved by the United States food and drug administration, and uses as a precursor in the production of illegal substances, of ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. The study shall include a review of regulations in other states relating to, but not limited to, inappropriate or illegal uses of ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. The secretary of the

board of pharmacy examiners and the commissioner of public safety shall report the findings and recommendations of the study to the general assembly on or before January 2, 1997.

Approved April 24, 1996

CHAPTER 1165

DEPARTMENT OF CORRECTIONS – MISCELLANEOUS PROVISIONS

S.F. 2289

† AN ACT relating to the department of corrections, including operating while intoxicated violator facilities, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts.

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

Section 1. Section 669.2, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

“Employee of the state” includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation but does not include a contractor doing business with the state. Professional personnel, including physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists, and dentists, nurses, physician assistants, and other medical personnel, who render services to patients and or inmates of state institutions under the jurisdiction of the department of human services, and employees of the commission of veterans affairs, or the Iowa department of corrections are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, are to be considered employees of the state.

Sec. 2. Section 904.513, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

904.513 ASSIGNMENT OF OWI VIOLATORS TO TREATMENT FACILITIES.

1. The department of corrections, in cooperation with the judicial district departments of correctional services, shall establish in each judicial district a continuum of programming for the supervision and treatment of offenders convicted of violating chapter 321J who are sentenced to the custody of the director. The continuum shall include a range of sanctioning options that include, but are not limited to, prisons and residential facilities. The department of corrections shall develop standardized assessment criteria for the assignment of offenders pursuant to this chapter. Assignment shall be for the purposes of risk management and substance abuse treatment and may include education or work programs when the offender is not participating in other program components. Assignment may also be made on the basis of the offender’s treatment program performance, as a disciplinary measure, for medical needs, and for space availability at community residential facilities. If there is insufficient space at a community residential facility the court may order an offender to be released to the supervision of the judicial district department of correctional services or held in jail.

2. Upon request by the director a county shall provide temporary confinement for

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State