

## CHAPTER 701

### GENERAL CRIMINAL LAW PROVISIONS

Referred to in [§331.307](#), [364.22](#)

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#### **701.1 Short title.**

[Chapters 701 through 728](#) shall be known and may be cited as the “*Iowa Criminal Code*”.

[C79, 81, §701.1]

[2020 Acts, ch 1063, §373](#)

#### **701.2 Public offense.**

A public offense is that which is prohibited by statute and is punishable by fine or imprisonment.

[C51, §2816 – 2818; R60, §4428 – 4430; C73, §4103 – 4105; C97, §5092 – 5094; C24, 27, 31, 35, 39, §12889 – 12891; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §687.1, 687.2, 687.4; C79, 81, §701.2]

Referred to in [§664A.1](#), [671A.1](#), [671A.2](#)

#### **701.3 Presumption of innocence.**

Every person is presumed innocent until proved guilty. No person shall be convicted of any offense unless the person’s guilt thereof is proved beyond a reasonable doubt.

[C51, §2819; R60, §4431, 4807; C73, §4106, 4428; C97, §5095, 5376; C24, 27, 31, 35, 39, §12892, 13917; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §687.5, 785.3; C79, 81, §701.3]

See [R.Cr.P. 2.22\(2\)](#)

#### **701.4 Insanity.**

A person shall not be convicted of a crime if at the time the crime is committed the person suffers from such a diseased or deranged condition of the mind as to render the person incapable of knowing the nature and quality of the act the person is committing or incapable of distinguishing between right and wrong in relation to that act. Insanity need not exist for any specific length of time before or after the commission of the alleged criminal act. If the defense of insanity is raised, the defendant must prove by a preponderance of the evidence that the defendant at the time of the crime suffered from such a deranged condition of the mind as to render the defendant incapable of knowing the nature and quality of the act the defendant was committing or was incapable of distinguishing between right and wrong in relation to the act.

[C79, 81, §701.4]

[84 Acts, ch 1320, §1](#)

#### **701.5 Intoxicants or drugs.**

The fact that a person is under the influence of intoxicants or drugs neither excuses the person’s act nor aggravates the person’s guilt, but may be shown where it is relevant in proving the person’s specific intent or recklessness at the time of the person’s alleged criminal act or in proving any element of the public offense with which the person is charged.

[C79, 81, §701.5]

**701.6 Ignorance or mistake.**

All persons are presumed to know the law. Evidence of an accused person's ignorance or mistake as to a matter of either fact or law shall be admissible in any case where it shall tend to prove the existence or nonexistence of some element of the crime with which the person is charged.

[C79, 81, §701.6]

**701.7 Felony defined and classified.**

A public offense is a felony of a particular class when the statute defining the crime declares it to be a felony. Felonies are class "A" felonies, class "B" felonies, class "C" felonies, and class "D" felonies. Where the statute defining the offense declares it to be a felony but does not state what class of felony it is or provide for a specific penalty, that felony shall be a class "D" felony.

[C51, §2817; R60, §4429; C73, §4104; C97, §5093; C24, 27, 31, 35, 39, §12890; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §687.2; C79, 81, §701.7]

Referred to in §39.3, 48A.6, 48A.30, 57.1, 135B.34, 135C.33, 152.5A, 277.29  
See §902.9; see also §724.25

**701.8 Misdemeanor defined and classified.**

All public offenses which are not felonies are misdemeanors. Misdemeanors are aggravated misdemeanors, serious misdemeanors, or simple misdemeanors. Where an act is declared to be a public offense, crime or misdemeanor, but no other designation is given, such act shall be a simple misdemeanor.

[C51, §2675, 2818; R60, §4302, 4430; C73, §3966, 4105; C97, §4905, 5094; C24, 27, 31, 35, 39, §12891, 12893; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §687.4, 687.6; C79, 81, §701.8]

See also §903.1

**701.9 Merger of lesser included offenses.**

No person shall be convicted of a public offense which is necessarily included in another public offense of which the person is convicted. If the jury returns a verdict of guilty of more than one offense and such verdict conflicts with [this section](#), the court shall enter judgment of guilty of the greater of the offenses only.

[C79, 81, §701.9]

See [R.Cr.P. 2.6\(1\)](#)

**701.10 Civil remedies preserved.**

The fact that one may be subjected to a criminal prosecution in no way limits the right which anyone may have to a civil remedy.

[C79, 81, §701.10]

**701.11 Evidence of similar offenses — sexual abuse.**

1. In a criminal prosecution in which a defendant has been charged with sexual abuse, evidence of the defendant's commission of another sexual abuse is admissible and may be considered for its bearing on any matter for which the evidence is relevant. This evidence, though relevant, may be excluded if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. This evidence is not admissible unless the state presents clear proof of the commission of the prior act of sexual abuse.

2. If the prosecution intends to offer evidence pursuant to [this section](#), the prosecution shall disclose such evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, ten days prior to the scheduled date of trial. The court may for good cause shown permit disclosure less than ten days prior to the scheduled date of trial.

3. For purposes of [this section](#), "sexual abuse" means any commission of or conviction for a crime defined in [chapter 709](#). "Sexual abuse" also means any commission of or conviction

for a crime in another jurisdiction under a statute that is substantially similar to any crime defined in [chapter 709](#).

[2003 Acts, ch 132, §1](#)

**701.12 Persons under the age of twenty-one seeking emergency assistance for overdose — immunity.**

1. A person under the age of twenty-one years shall not be charged or prosecuted for the violation of any of the following offenses if the evidence for the charge was obtained as a result of the person in good faith seeking emergency medical assistance for the person or another person due to an alcohol overdose:

- a. [Section 123.46](#).
- b. [Section 123.47, subsection 3 or 4](#).
- c. [Section 321.216B](#).

2. To be eligible for immunity under [this section](#), the reporting person, or persons acting in concert, must do all of the following:

- a. Be the first person to seek emergency assistance.
- b. Provide the reporting person's name and contact information to medical or law enforcement personnel.
- c. Remain on the scene until assistance arrives or is provided.
- d. Cooperate with medical and law enforcement personnel.

3. The person for whom emergency assistance was sought as described in [subsection 1](#) shall not be charged or prosecuted for an offense listed in [subsection 1](#).

[2020 Acts, ch 1080, §6](#)

Referred to in [§123.46, 123.47, 123.47B, 262.9, 321.216B](#)

**701.13 Depositions before indictment.**

A person expecting to be made a party to a criminal prosecution shall not be entitled to conduct a deposition in the criminal proceeding prior to the person being indicted for a criminal offense.

[2023 Acts, ch 98, §1](#)