

Senate Amendment 5010

PAG LIN

1 1 Amend Senate File 2255 as follows:
1 2 #1. Page 6, line 3, by striking the word and
1 3 figure <and 6> and inserting the following: <and 6>.
1 4 #2. Page 10, by inserting after line 21, the
1 5 following:
1 6 <Sec. _____. Section 29B.48, Code 2005, is amended
1 7 to read as follows:
1 8 29B.48 REFUSAL TO APPEAR OR TESTIFY.
1 9 1. Any person not subject to this code ~~who is~~
1 10 guilty of a simple misdemeanor if the person does all
1 11 of the following:
1 12 ~~1- a.~~ Has been duly subpoenaed to appear as a
1 13 witness or to produce books and records before a
1 14 military court or before any military or civil officer
1 15 and designated to take a deposition to be read in
1 16 evidence before such a court+
1 17 ~~2- b.~~ Has been duly paid or tendered the fees and
1 18 mileage of a witness at the rates allowed to witnesses
1 19 attending the courts of the state+~~and.~~
1 20 ~~3- c.~~ Willfully neglects or refuses to appear, or
1 21 refuses to qualify as a witness or to testify or to
1 22 produce any evidence which that person has been
1 23 legally subpoenaed to produce+
~~1 24 is guilty of a simple misdemeanor.~~
1 25 2. Upon certification of the facts in a case under
1 26 this section by the military judge, president of
1 27 courts=martial without a military judge, or summary
1 28 courts=martial officer, the county attorney of the
1 29 county where the offense occurred shall prosecute the
1 30 offense as if it were included in the Iowa criminal
1 31 code.
1 32 Sec. _____. Section 29B.74, Code 2005, is amended to
1 33 read as follows:
1 34 29B.74 PRINCIPALS.
1 35 Any person subject to this code ~~who is a principal~~
1 36 if the person does any of the following:
1 37 1. Commits an offense punishable by this code, or
1 38 aids, abets, counsels, commands, or procures its
1 39 commission+~~or.~~
1 40 2. Causes an act to be done which if directly
1 41 performed by the person would be punishable by this
1 42 code+
~~1 43 is a principal.~~
1 44 Sec. _____. Section 29B.80, Code 2005, is amended to
1 45 read as follows:
1 46 29B.80 FRAUDULENT ENLISTMENT == APPOINTMENT OR
1 47 SEPARATION.
1 48 Any person ~~who shall be punished as a court=martial~~
1 49 may direct if the person does any of the following:
1 50 1. Procures the person's own enlistment or
2 1 appointment in the state military forces by knowingly
2 2 false representation or deliberate concealment as to
2 3 the person's qualifications for that enlistment or
2 4 appointment and receives pay or allowances thereunder+
~~2 5 or.~~
2 6 2. Procures the person's own separation from the
2 7 state military forces by knowingly false
2 8 representation or deliberate concealment as to the
2 9 person's eligibility for that separation+
~~2 10 shall be punished as a court=martial may direct.~~
2 11 Sec. _____. Section 29B.83, Code 2005, is amended to
2 12 read as follows:
2 13 29B.83 ABSENCE WITHOUT LEAVE.
2 14 Any person subject to this code ~~who shall be~~
2 15 punished as a court=martial may direct, if the person
2 16 without authority does any of the following:
2 17 1. Fails to go to the person's appointed place of
2 18 duty at the time prescribed+
2 19 2. Goes from that place+~~or.~~
2 20 3. Leaves or remains absent from the unit,
2 21 organization, or place of duty at which the person is
2 22 required to be at the time prescribed+
~~2 23 shall be punished as a court=martial may direct.~~
2 24 Sec. _____. Section 29B.87, Code 2005, is amended to

2 25 read as follows:
2 26 29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR
2 27 COMMISSIONED OFFICER.
2 28 Any person subject to this code ~~who shall be~~
2 29 ~~punished as a court-martial may direct if the person~~
2 30 ~~does any of the following:~~
2 31 1. Strikes the person's superior commissioned
2 32 officer or draws or lifts up any weapon or offers any
2 33 violence against the superior commissioned officer
2 34 while the superior commissioned officer is in the
2 35 execution of the officer's office+~~or.~~
2 36 2. Willfully disobeys a lawful command of the
2 37 person's superior commissioned officer+~~or~~
2 38 ~~shall be punished as a court-martial may direct.~~
2 39 Sec. _____. Section 29B.88, Code 2005, is amended to
2 40 read as follows:
2 41 29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT
2 42 OFFICER, NONCOMMISSIONED OFFICER OR PETTY OFFICER.
2 43 Any warrant officer or enlisted member ~~who shall be~~
2 44 ~~punished as a court-martial may direct if the person~~
2 45 ~~does any of the following:~~
2 46 1. Strikes or assaults a warrant officer,
2 47 noncommissioned officer or petty officer, while that
2 48 officer is in the execution of the officer's office+~~.~~
2 49 2. Willfully disobeys the lawful order of a
2 50 warrant officer, noncommissioned officer, or petty
3 1 officer+~~or.~~
3 2 3. Treats with contempt or is disrespectful in
3 3 language or deportment toward a warrant officer,
3 4 noncommissioned officer, or petty officer, while that
3 5 officer is in the execution of the officer's office+
3 6 ~~shall be punished as a court-martial may direct.~~
3 7 Sec. _____. Section 29B.89, Code 2005, is amended to
3 8 read as follows:
3 9 29B.89 FAILURE TO OBEY ORDER OR REGULATION.
3 10 Any person subject to this code ~~who shall be~~
3 11 ~~punished as a court-martial may direct if the person~~
3 12 ~~does any of the following:~~
3 13 1. Violates or fails to obey any lawful general
3 14 order or regulation+~~.~~
3 15 2. Having knowledge of any other lawful order
3 16 issued by a member of the state military forces which
3 17 it is the person's duty to obey, fails to obey the
3 18 order+~~or.~~
3 19 3. Is derelict in the performance of the person's
3 20 duties+
3 21 ~~shall be punished as a court-martial may direct.~~
3 22 Sec. _____. Section 29B.95, Code 2005, is amended to
3 23 read as follows:
3 24 29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.
3 25 Any person subject to this code ~~who shall be~~
3 26 ~~punished as a court-martial may direct if the person~~
3 27 ~~does any of the following:~~
3 28 1. Is responsible for unnecessary delay in the
3 29 disposition of any case of a person accused of an
3 30 offense under this code+~~or.~~
3 31 2. Knowingly and intentionally fails to enforce or
3 32 comply with any provisions of this code regulating the
3 33 proceedings before, during, or after trial of an
3 34 accused+
3 35 ~~shall be punished as a court-martial may direct.~~
3 36 Sec. _____. Section 29B.96, Code 2005, is amended to
3 37 read as follows:
3 38 29B.96 MISBEHAVIOR BEFORE THE ENEMY.
3 39 Any person subject to this code ~~who shall be~~
3 40 ~~punished as a court-martial may direct if the person,~~
3 41 ~~before or in the presence of the enemy, does any of~~
3 42 ~~the following:~~
3 43 1. Runs away+~~.~~
3 44 2. Shamefully abandons, surrenders, or delivers up
3 45 any command, unit, place, or military property which
3 46 it is the person's duty to defend+~~.~~
3 47 3. Through disobedience, neglect, or intentional
3 48 misconduct endangers the safety of any such command,
3 49 unit, place, or military property+~~.~~
3 50 4. Casts away the person's arms or ammunition+~~.~~
4 1 5. Is guilty of cowardly conduct+~~.~~
4 2 6. Quits the person's place of duty to plunder or
4 3 pillage+~~.~~
4 4 7. Causes false alarms in any command, unit, or
4 5 place under control of the armed forces of the United

4 6 States or the state military forces~~+~~
4 7 8. Willfully fails to do the person's utmost to
4 8 encounter, engage, capture, or destroy any enemy
4 9 troops, combatants, vessels, aircraft, or any other
4 10 thing, which it is the person's duty so to encounter,
4 11 engage, capture or destroy~~+~~~~or~~.

4 12 9. Does not afford all practicable relief and
4 13 assistance to any troops, combatants, vessels, or
4 14 aircraft of the armed forces belonging to the United
4 15 States or their allies, to the state, or to any other
4 16 state, when engaged in battle~~+~~

~~4 17 shall be punished as a court-martial may direct.~~

4 18 Sec. ____ Section 29B.101, Code 2005, is amended
4 19 to read as follows:

4 20 29B.101 AIDING THE ENEMY.

4 21 Any person subject to this code who shall be
4 22 punished as a court-martial may direct if the person
4 23 does any of the following:

4 24 1. Aids, or attempts to aid, the enemy with arms,
4 25 ammunition, supplies, money, or other things~~+~~~~or~~.

4 26 2. Without proper authority, knowingly harbors or
4 27 protects or gives intelligence to, or communicates or
4 28 corresponds with or holds any intercourse with the
4 29 enemy, either directly or indirectly~~+~~

~~4 30 shall be punished as a court-martial may direct.~~

4 31 Sec. ____ Section 29B.102, Code 2005, is amended
4 32 to read as follows:

4 33 29B.102 MISCONDUCT OF A PRISONER.

4 34 Any person subject to this code who shall be
4 35 punished as a court-martial may direct if the person,
4 36 while in the hands of the enemy in time of war, does
4 37 any of the following:

4 38 1. For the purpose of securing favorable treatment
4 39 by the captors acts without proper authority in a
4 40 manner contrary to law, custom, or regulation, to the
4 41 detriment of others of whatever nationality held by
4 42 the enemy as civilian or military prisoners~~+~~~~or~~.

4 43 2. While in a position of authority over such
4 44 persons maltreats them without justifiable cause~~+~~

~~4 45 shall be punished as a court-martial may direct.~~

4 46 Sec. ____ Section 29B.109, Code 2005, is amended
4 47 to read as follows:

4 48 29B.109 MALINGERING.

4 49 Any person subject to this code who shall be
4 50 punished as a court-martial may direct if the person

5 1 for the purpose of avoiding work, duty, or service in
5 2 the state military forces does any of the following:

5 3 1. Feigns illness, physical disablement, mental
5 4 lapse or derangement~~+~~~~or~~.

5 5 2. Intentionally inflicts self-injury~~+~~

~~5 6 shall be punished as a court-martial may direct.~~

5 7 Sec. ____ Section 29B.113, Code 2005, is amended
5 8 to read as follows:

5 9 29B.113 FRAUDS AGAINST THE GOVERNMENT.

5 10 Any person subject to this code shall, upon
5 11 conviction of any of the following, be punished as a
5 12 court-martial may direct:

5 13 1. Who The person, knowing it to be false or
5 14 fraudulent does any of the following:

5 15 a. Makes any claim against the United States, the
5 16 state, or any officer thereof~~+~~~~or~~

5 17 b. Presents to any person in the civil or military
5 18 service thereof, for approval or payment any claim
5 19 against the United States, the state, or any officer
5 20 thereof~~+~~

5 21 2. Who The person, for the purpose of obtaining
5 22 the approval, allowance, or payment of any claim
5 23 against the United States, the state, or any officer
5 24 thereof, does any of the following:

5 25 a. Makes or uses any writing or other paper
5 26 knowing it to contain any false or fraudulent
5 27 statements~~+~~.

5 28 b. Makes any oath to any fact or to any writing or
5 29 other paper knowing the oath to be false~~+~~~~or~~.

5 30 c. Forges or counterfeits any signature upon any
5 31 writing or other paper, or uses any such signature
5 32 knowing it to be forged or counterfeited~~+~~.

5 33 3. Who The person, having charge, possession,
5 34 custody, or control of any money, or other property of
5 35 the United States or the state, furnished or intended
5 36 for the armed forces of the United States or the state

5 37 military forces, knowingly delivers to any person
5 38 having authority to receive it, any amount thereof
5 39 less than that for which the person receives a
5 40 certificate or receipt ~~or~~.
5 41 4. ~~Who~~ The person, being authorized to make or
5 42 deliver any paper certifying the receipt of any
5 43 property of the United States or the state, furnished
5 44 or intended for the armed forces of the United States
5 45 or the state military forces, makes or delivers to any
5 46 person such writing without having full knowledge of
5 47 the truth of the statements therein contained and with
5 48 intent to defraud the United States or the state ~~+~~
~~5 49 shall, upon conviction, be punished as a court-martial~~
~~5 50 may direct.~~

6 1 Sec. ____ Section 29B.114, Code 2005, is amended
6 2 to read as follows:

6 3 29B.114 LARCENY AND WRONGFUL APPROPRIATION.

6 4 1. Any person subject to this code who wrongfully
6 5 takes, obtains, or withholds, by any means, from the
6 6 possession of the owner or of any other person any
6 7 money, personal property, or article of value of any
6 8 kind:

6 9 ~~1.~~ a. With intent permanently to deprive or
6 10 defraud another person of the use and benefit of
6 11 property or to appropriate it to the person's own use
6 12 or the use of any person other than the owner, steals
6 13 that property and is guilty of larceny; or

6 14 ~~2.~~ b. With intent temporarily to deprive or
6 15 defraud another person of the use and benefit of
6 16 property or to appropriate it to the person's own use
6 17 or the use of any person other than the owner, is
6 18 guilty of wrongful appropriation.

6 19 2. Any person found guilty of larceny or wrongful
6 20 appropriation shall be punished as a court-martial may
6 21 direct.>

6 22 #3. Page 16, line 19, by striking the word <are>
6 23 and inserting the following: <is>.

6 24 #4. Page 44, line 23, by striking the words <of
6 25 an> and inserting the following: <of ~~an~~ a>.

6 26 #5. Page 53, line 15, by striking the words and
6 27 figure <Public Law 346> and inserting the following:
6 28 <Public Law 346>.

6 29 #6. Page 53, line 16, by striking the words and
6 30 figure <Session, Pub. L. No. 78=348> and inserting the
6 31 following: <Session, Pub. L. No. 78=268>.

6 32 #7. Page 53, line 17, by striking the word and
6 33 figures <58 Stat. 291> and inserting the following:
6 34 <58 Stat. 284>.

6 35 #8. Page 56, by striking lines 22 through 26, and
6 36 inserting the following: <company if (1) ~~such~~ either
6 37 of the following apply:

6 38 1. The securities ~~shall be~~ are registered, or
6 39 ~~shall be~~ are required to be registered, pursuant to
6 40 section 12 of the Securities Exchange Act of 1934, ~~48~~
6 41 ~~48~~ Stat. ~~881~~, 15 U.S.C. } 77b et ~~seq.~~ ~~seq.~~, as
6 42 amended, or if (2) ~~such~~.

6 43 2. The domestic stock insurance company ~~shall~~ does
6 44 not have any>.

6 45 #9. Page 67, line 1, by striking the words <for
6 46 the> and inserting the following: <for the>.

6 47 #10. By renumbering as necessary.

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6 49

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7 1 COMMITTEE ON JUDICIARY
7 2 KEITH A. KREIMAN, CO=CHAIRPERSON

7 3

7 4

7 5

7 6 DAVID MILLER, CO=CHAIRPERSON

7 7 SF 2255.501 81

7 8 lh/je/3461