



## OFFICE OF THE GOVERNOR

CHESTER J. CULVER  
GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

May 7, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**House File 2266**, an Act relating to the criminal offenses of eluding or attempting to elude a law enforcement vehicle and the possession of an incendiary or explosive device or material, and the regulation of explosives, and providing penalties.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", written over a horizontal line.

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





HOUSE FILE 2266

AN ACT

RELATING TO THE CRIMINAL OFFENSES OF ELUDING OR ATTEMPTING TO ELUDE A LAW ENFORCEMENT VEHICLE AND THE POSSESSION OF AN INCENDIARY OR EXPLOSIVE DEVICE OR MATERIAL, AND THE REGULATION OF EXPLOSIVES, AND PROVIDING PENALTIES.

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

Section 1. Section 101A.1, subsection 3, Code 2007, is amended to read as follows:

3. "Explosive" ~~or~~ "explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion ~~in it~~ with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the United States department of transportation. The term "~~explosives~~" "explosive" includes all ~~material~~ materials which ~~is are~~ classified as a class A, class B, and class C explosives 1, division 1.1, 1.2, 1.3, or 1.4 explosive by the United States department of transportation, under 49 C.F.R. § 173.50, and all materials classified as explosive materials under 18 U.S.C. § 841, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonative fuse, instantaneous fuse, igniter cord, igniters, smokeless propellant, cartridges for propellant-actuated power devices, ~~and~~ cartridges for industrial guns, and overpressure devices, but ~~shall~~ does not include "fireworks" as defined in section 727.2 ~~nor~~ or ammunition or small arms primers manufactured for use in shotguns, rifles, and pistols. Commercial explosives

are those explosives which are intended to be used in commercial or industrial operations.

Sec. 2. Section 101A.1, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Overpressure device" means any device constructed of a container or improvised container which is filled with a mixture of chemicals or sublimating materials or gases that generate an expanding gas, which is designed or constructed to cause the container to break, fracture, or rupture in a violent manner capable of causing death, serious injury, or property damage.

Sec. 3. Section 321.279, subsection 1, Code 2007, is amended to read as follows:

1. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, "peace officer" means those officers designated under section 801.4, subsection 11, paragraphs "a", "b", "c", "f", "g", and "h".

Sec. 4. Section 712.6, Code 2007, is amended to read as follows:

712.6 EXPLOSIVE OR INCENDIARY MATERIALS OR DEVICES.

1. Any A person who ~~shall possess~~ possesses any incendiary or explosive device or material with the intent to use such device or material to commit any a public offense shall be guilty of a class "C" felony.

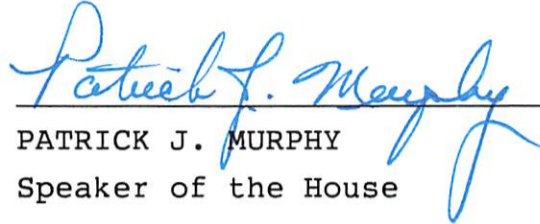
2. a. A person who possesses any incendiary or explosive device or material shall be guilty of an aggravated misdemeanor.

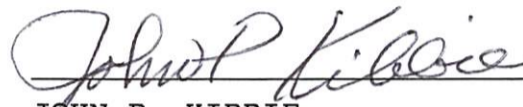
b. This subsection does not apply to a person holding a valid commercial license or user's permit issued pursuant to chapter 101A, provided that the person is acting within the scope of authority granted by the license or permit.

~~2-~~ 3. Any A person who, with the intent to intimidate, annoy, or alarm another person, who places a simulated explosive or simulated incendiary device in or near an




occupied structure as defined in section 702.12, is guilty of a serious misdemeanor.

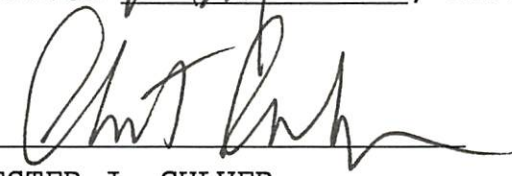
  
PATRICK J. MURPHY  
Speaker of the House

  
JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2266, Eighty-second General Assembly.

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved  May 7<sup>th</sup>, 2008

  
CHESTER J. CULVER  
Governor