

AN ACT

RELATING TO THE CRIMINAL OFFENSE OF POSSESSING ELECTRONIC  
CONTRABAND OR FAILING TO REPORT ELECTRONIC CONTRABAND AT A  
JAIL, MUNICIPAL HOLDING FACILITY, OR CORRECTIONAL FACILITY  
AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 719.7A **Electronic contraband —  
criminal penalties.**

1. As used in this section, unless the context otherwise  
requires:

*a.* "Electronic contraband" means a mobile telephone or other  
hand-held electronic communication device.

*b.* "Facility" means a county jail, municipal holding  
facility, or institution under the management of the department  
of corrections.

2. A person commits the offense of possessing electronic  
contraband under this section if the person, not authorized by  
law, does any of the following:

*a.* Knowingly supplies or attempts to supply electronic  
contraband to any person confined in a facility, or to any  
person confined in a facility while the person is being  
transported or moved incidental to the confinement.

*b.* Knowingly makes, obtains, or possesses electronic  
contraband while confined in a facility, or while being  
transported or moved incidental to confinement.

3. A person who possesses electronic contraband commits a  
class "D" felony.

4. *a.* A person commits the offense of failing to report  
electronic contraband when the person fails to report a known

violation or attempted violation of this section to an official or officer at a facility.

*b.* A person who violates this subsection commits an aggravated misdemeanor.

5. The sheriff may x-ray a person committed to the jail, the supervising law enforcement agency may x-ray a person confined in the municipal holding facility, 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 electronic contraband. A licensed physician or x-ray technician under the supervision of a licensed physician must x-ray the person.

6. Nothing in this section is intended to limit the authority of the administrator of any facility to prescribe or enforce rules concerning the definition of electronic contraband, and the supplying, making, obtaining, or possession of electronic contraband.

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JOHN P. KIBBIE  
President of the Senate

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KRAIG PAULSEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 124, Eighty-fourth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2011

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TERRY E. BRANSTAD  
Governor