

FILED JAN 31 1973

By COMMITTEE ON JUDICIARY

House - Judiciary - Law Enforcement 2/21, Pass 4/24

Crawford, Chairman
Poncy
West

Passed Senate, Date 2-16-73 (330) Passed House, Date 5-7-73 (1184)
Vote: Ayes 46 Nays 0 Vote: Ayes 93 Nays 0
Approved 5-15-73

A BILL FOR

1 An Act relating to the penalty for violation of the provisions
2 for advertising and selling courses of instruction.

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

4 Section 1. Section seven hundred thirteen A point five
5 (713A.5), Code 1973, is amended by striking the section and
6 inserting in lieu thereof the following:

7 713A.5 PENALTY. Violation of any of the provisions of
8 this chapter shall be punishable upon conviction by a fine
9 not exceeding five hundred dollars or six months in jail,
10 or both.

EXPLANATION

11
12 Code section 713A.5 provides for criminal charges and sanc-
13 tions. The title of the bill originally enacting the section
14 did not state that a penalty was contained in the bill. The
15 Supreme Court in State v. Nickelson, 169 N.W. 2d 832 (Iowa
16 1969), held that a code section was not constitutionally
17 enacted since the subject was not clearly expressed in the
18 title. This bill attempts to cure an "error" by reenacting
19 section 713A.5 and stating in the title that a penalty is
20 part of the subject matter of the bill.

21
22
23
24
25