

*See Judiciary 3/16 Do Pass for 5491 3/19*

1982

SENATE FILE 2232

BY COMMITTEE ON JUDICIARY  
*approved (p. 595)*

Passed Senate, Date 3-13-82 (p. 709) Passed House, Date 3-30-82 (p. 1093)

Vote: Ayes 47 Nays 0 Vote: Ayes 96 Nays 0

Approved April 30, 1982

*Repassed Senate for House amendment  
4-12-82 (p. 1140)  
49-0*

## A BILL FOR

1 An Act relating to profiting from inmates held in custody and  
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
SENATE FILE 2232

H-5491

1 Amend Senate File 2232 as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 7, by inserting after the word  
4 "custody." the words "However, a peace officer, jailer,  
5 or employee of a penal or correctional facility may  
6 purchase inmate made items at an art or craft sale  
7 or show, but only when the items are offered for sale  
8 to the public and the price paid for the item is the  
9 same price offered to any other prospective purchaser."

H-5491 FILED  
MARCH 19, 1982  
*Adopted 3/30 (p. 1092)*

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT  
CONLON, Chair

HOUSE AMENDMENT TO SENATE FILE 2232

S-5441

1 Amend Senate File 2232 as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 7, by inserting after the word  
4 "custody." the words "However, a peace officer, jailer,  
5 or employee of a penal or correctional facility may  
6 purchase inmate made items at an art or craft sale  
7 or show, but only when the items are offered for sale  
8 to the public and the price paid for the item is the  
9 same price offered to any other prospective purchaser."

S-5441 FILED  
APRIL 1, 1982

RECEIVED FROM THE HOUSE  
*Senate concurred 4/12 (p. 1140)*

1 Section 1. Chapter 721, Code 1981, is amended by adding  
2 the following new section:

3 NEW SECTION. PROFITING FROM INMATES--PENALTY. A peace  
4 officer as defined by section 801.4, subsection 7, a jailer,  
5 or an employee of a penal or correctional facility shall not  
6 be the purchaser, directly or indirectly, of property being  
7 sold by a prisoner who is in the person's custody. A sale  
8 made in violation of this section is void. A peace officer,  
9 jailer, or employee of a penal or correctional facility who  
10 violates this section, commits a simple misdemeanor.

11 EXPLANATION

12 The bill prohibits peace officers, jailers, and employees  
13 of penal or correctional facilities from purchasing property  
14 from inmates who are in their custody and makes a violation  
15 of this prohibition a simple misdemeanor. Peace officers  
16 are defined to include sheriffs, deputy sheriffs, marshals,  
17 police officers of cities, peace officers of the department  
18 of public safety, probation and parole officers, special  
19 security officers of the board of regents, conservation  
20 officers, peace officers of the department of transportation,  
21 and other persons designated as peace officers by law.

22 The bill would take effect July 1 following its enactment.

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jailer, or employee of a penal or correctional facility who violates this section, commits a simple misdemeanor.

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TERRY E. BRANSTAD  
President of the Senate

SENATE FILE 2232

AN ACT

RELATING TO PROFITING FROM INMATES HELD IN CUSTODY AND PROVIDING A PENALTY.

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

Section 1. Chapter 721, Code 1981, is amended by adding the following new section:

NEW SECTION. PROFITING FROM INMATES--PENALTY. A peace officer as defined by section 801.4, subsection 7, a jailer, or an employee of a penal or correctional facility shall not be the purchaser, directly or indirectly, of property being sold by a prisoner who is in the person's custody. However, a peace officer, jailer, or employee of a penal or correctional facility may purchase inmate made items at an art or craft sale or show, but only when the items are offered for sale to the public and the price paid for the item is the same price offered to any other prospective purchaser. A sale made in violation of this section is void. A peace officer,

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DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2232, Sixty-ninth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved April 30, 1982

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ROBERT D. RAY  
Governor

S.F. 2232