

Reprinted 3/26/85

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson, Schnekloth and Tabor.

~~Amended to include Committee bill 318 (p. 140)~~

FEB 11 1985

Amend (335.2) & No. Pass 3/7 (p. 825)

Judiciary & Law Enforcement

HOUSE FILE 268

BY ROSENBERG

Passed House, Date 3-25-85 (p. 1044) Passed Senate, Date 3-26-86 (p. 897)

Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0

Approved April 8, 1986

A BILL FOR

1 An Act relating to escapees from community-based correctional
3487 2 programs, and adopting penalties.

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

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HF 268

3385 1 Section 1. Section 719.4, subsections 1, 2, and 3, Code
2 1985, are amended to read as follows:

3 1. A person convicted of a felony, or charged with or
4 arrested for the commission of a felony, who intentionally
5 escapes from any a detention facility, community-based
3352 6 correctional program, or institution to which the person has
7 been committed by reason of such the conviction, charge, or
8 arrest, or from the custody of any public officer or employee
9 to whom the person has been entrusted, commits a class "D"
10 felony.

3385 11 2. A person convicted of, charged with, or arrested for a
12 misdemeanor, who intentionally escapes from any a detention
3352 13 facility, community-based correctional program, or institution
14 to which the person has been committed by reason of such the
15 conviction, charge, or arrest, or from the custody of any
16 public officer or employee to whom the person has been
17 entrusted, commits a serious misdemeanor.

3385 18 3. A person who has been committed to an institution under
19 the control of the Iowa department of corrections, to a
3385, 3352 20 community-based correctional program, or to a jail or
21 correctional institution, who knowingly and voluntarily leaves
22 a place where the person is required to be, commits a serious
23 misdemeanor.

24 EXPLANATION

25 This bill addresses the existing nonuniform treatment of
26 escapees from community-based correctional programs by
27 specifically mentioning the programs in the statute making
28 escape an offense. Community-based correctional programs are
29 provided for in chapter 905.

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HOUSE FILE 268

H-3352

- 1 Amend House File 268 as follows:
- 2 1. Page 1, line 6, by striking the word "program"
- 3 and inserting the word "facility".
- 4 2. Page 1, line 13, by striking the word
- 5 "program" and inserting the word "facility".
- 6 3. Page 1, line 20, by striking the word
- 7 "program" and inserting the word "facility".

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

H-3352 FILED MARCH 14, 1985
Adopted 3/25 (p. 1043)

HOUSE FILE 268

H-3385

- 1 Amend House File 268 as follows:
- 2 1. Page 1, line 6, by striking the word "to" and
- 3 inserting the words "to in".
- 4 2. Page 1, line 7, by striking the word
- 5 "committed" and inserting the words "committed
- 6 confined".
- 7 3. Page 1, line 14, by striking the word "to" and
- 8 inserting the words "to in".
- 9 4. Page 1, line 14, by striking the word
- 10 "committed" and inserting the words "committed
- 11 confined".
- 12 5. Page 1, line 18, by striking the words
- 13 "committed to" and inserting the words "committed-to
- 14 confined in".
- 15 6. Page 1, line 19, by striking the word "to" and
- 16 inserting the word "in".
- 17 7. Page 1, line 20, by striking the word "to" and
- 18 inserting the words "to in".

H-3385 FILED MARCH 20, 1985 BY SPEAR of Lee
W/D 3/25 (p. 1044)

HOUSE FILE 268

H-3437

- 1 Amend House File 268 as follows:
- 2 1. Title page, line 2, by striking the word "programs"
- 3 and inserting the word "facilities".

H-3437 FILED MARCH 25, 1985 BY SPEAR of Lee
ADOPTED BY UNANIMOUS CONSENT
(p. 1044)

JUDICIARY: Carr, Chair; Ritsema and Doyle

See Pass 3/11/86 (p. 669)

HOUSE FILE 268

BY ROSENBERG

(As Amended and Passed by the House March 26, 1985)

Passed House, Date 3-26-85 (¹⁰⁴⁴ p. 897) Passed Senate, Date 3-26-86 (p. 897)

Vote: Ayes 48 Nays 0 Vote: Ayes 48 Nays 0

Approved April 8, 1986 (p. 1320)

A BILL FOR

1 An Act relating to escapees from community-based correctional
2 facilities, and adopting penalties.

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

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House Amendments _____

1 Section 1. Section 719.4, subsections 1, 2, and 3, Code
2 1985, are amended to read as follows:

3 1. A person convicted of a felony, or charged with or
4 arrested for the commission of a felony, who intentionally
5 escapes from any a detention facility, community-based
6 correctional facility, or institution to which the person has
7 been committed by reason of ~~such~~ the conviction, charge, or
8 arrest, or from the custody of any public officer or employee
9 to whom the person has been entrusted, commits a class "D"
10 felony.

11 2. A person convicted of, charged with, or arrested for a
12 misdemeanor, who intentionally escapes from any a detention
13 facility, community-based correctional facility, or
14 institution to which the person has been committed by reason
15 of ~~such~~ the conviction, charge, or arrest, or from the custody
16 of any public officer or employee to whom the person has been
17 entrusted, commits a serious misdemeanor.

18 3. A person who has been committed to an institution under
19 the control of the Iowa department of corrections, to a
20 community-based correctional facility, or to a jail or
21 correctional institution, who knowingly and voluntarily leaves
22 a place where the person is required to be, commits a serious
23 misdemeanor.

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a place where the person is required to be, commits a serious misdemeanor.

HOUSE FILE 268

AN ACT
RELATING TO ESCAPEES FROM COMMUNITY-BASED CORRECTIONAL
FACILITIES, AND ADOPTING PENALTIES.

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

Section 1. Section 719.4, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

1. A person convicted of a felony, or charged with or arrested for the commission of a felony, who intentionally escapes from any a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of such the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a class "D" felony.

2. A person convicted of, charged with, or arrested for a misdemeanor, who intentionally escapes from any a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of such the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a serious misdemeanor.

3. A person who has been committed to an institution under the control of the Iowa department of corrections, to a community-based correctional facility, or to a jail or correctional institution, who knowingly and voluntarily leaves

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 268, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 8, 1986

TERRY E. BRANSTAD
Governor