

FEB 26 1996  
JUDICIARY

HOUSE FILE 2341  
BY LARSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing penalties for fortification of property for  
2 the purpose of selling controlled substances and the attempted  
3 purchase of controlled substances.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2341

1 Section 1. Section 124.401, subsection 3, Code 1995, is  
2 amended to read as follows:

3 3. It is unlawful for any person knowingly or  
4 intentionally to attempt to purchase or to possess a  
5 controlled substance unless such substance was obtained  
6 directly from, or pursuant to, a valid prescription or order  
7 of a practitioner while acting in the course of the  
8 practitioner's professional practice, or except as otherwise  
9 authorized by this chapter. Any person who violates this  
10 subsection is guilty of a serious misdemeanor. If the  
11 controlled substance is marijuana, the punishment shall be by  
12 imprisonment in the county jail for not more than six months  
13 or by a fine of not more than one thousand dollars, or by both  
14 such fine and imprisonment. All or any part of a sentence  
15 imposed pursuant to this section may be suspended and the  
16 person placed upon probation upon such terms and conditions as  
17 the court may impose including the active participation by  
18 such person in a drug treatment, rehabilitation or education  
19 program approved by the court.

20 Sec. 2. NEW SECTION. 713.8 CRIMINAL FORTIFICATION.

21 1. A person commits criminal fortification when, with the  
22 intent to prevent the lawful entry of a law enforcement  
23 officer or person acting under the direction of a law  
24 enforcement officer, the person maintains a dwelling or  
25 occupied structure in a fortified condition, and the person  
26 knows that the dwelling or occupied structure is used for the  
27 unlawful manufacture, storage, delivery, or trafficking of  
28 controlled substances as defined in chapter 124.

29 2. "Fortified condition" means the use of materials,  
30 construction, weapons, alarms, animals, lookouts, or other  
31 methods to prevent or impede entry into a dwelling or occupied  
32 structure.

33 3. Criminal fortification is a class "D" felony.

34 EXPLANATION

35 This bill makes the existing penalty for unlawful

1 possession of controlled substances applicable to the  
2 attempted unlawful purchase of controlled substances. The  
3 penalty is a serious misdemeanor.

4 The bill also makes it a class "D" felony to fortify a  
5 dwelling or occupied structure, defined in sections 702.10 and  
6 702.12, respectively, for the purpose of preventing or  
7 impeding entry by law enforcement officers when the person  
8 doing the fortifying knows that the building is used for  
9 unlawful drug trafficking or storage.

10 This bill may contain a state mandate under chapter 25B.  
11 Section 25B.2 provides that a state mandate does not take  
12 effect unless the state specifies its share of the cost of the  
13 mandate or appropriates money to cover the cost of the  
14 mandate.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35