

1-25-95 Do Pass  
S-48/95 Judiciary  
S-2/22/95 Amend/Do Pass W/S-3074  
S-4/13/95 Placed on unfinished Business  
Colorado

JAN 12 1995  
JUDICIARY

HOUSE FILE 29  
BY GRUBBS

(p. 229)  
Passed House, Date 2/1/95 Passed Senate, Date 5/3/95  
Vote: Ayes 90 Nays 0 Vote: Ayes 50 Nays 0  
Approved May 16, 1995  
Passed 5-3-95  
Vote 97-0

A BILL FOR

1 An Act to provide a presumption that kidnapping has occurred  
2 within the state when the body of a kidnapping victim is found  
3 within the state.

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

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HF 29

1 Section 1. Section 803.1, subsection 2, Code 1995, is  
2 amended to read as follows:

3 2. An offense may be committed partly within this state if  
4 conduct which is an element of the offense, or a result which  
5 constitutes an element of the offense, occurs within this  
6 state. If the body of a murder or kidnapping victim is found  
7 within the state, the death or, in the case of kidnapping, the  
8 confinement or removal of the victim from one place to  
9 another, is presumed to have occurred within the state.

10 EXPLANATION

11 This bill adds kidnapping to the Code section which  
12 provides that where the body of the victim is found within the  
13 state that part of the offense is presumed to have occurred  
14 within the state. The confinement or removal of a person from  
15 one place to another is an element of kidnapping. The effect  
16 of the presumption is to confer jurisdiction upon Iowa courts  
17 over kidnapping offenses in which the body of the victim is  
18 found within the state.

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**HOUSE FILE 29  
FISCAL NOTE**

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The estimate for **House File 29** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 29 adds kidnapping to Section 803.1(2), Code of Iowa, which provides that where the body of the victim is found within the State that part of the offense is presumed to have occurred within the State. The confinement or removal of a person from one place to another is an element of kidnapping. The effect of the presumption is to confer jurisdiction upon Iowa courts over kidnapping offenses in which the body of the victim is found within the State.

**Fiscal Analysis:**

It is anticipated there will not be a significant correctional impact on Iowa's prison population or Community-Based Correctional facilities as a result of the adoption of HF 29. The actual impact on the prison population is estimated to be less than four cases each year.

The fiscal effect on the General Fund each year is estimated to be less than \$16,000.

**Sources:**

Criminal Juvenile Justice Planning Agency  
Judicial Department

(LSB 1354hh, LAM)

FILED JANUARY 30, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

S-3074

- 1 Amend House File 29, as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 6 through 9 and  
4 inserting the following: "state. If the body of a  
5 murder victim is found within the state, the death is  
6 presumed to have occurred within the state. If a  
7 kidnapping victim, or the body of a kidnapping victim,  
8 is found within the state, the confinement or removal  
9 of the victim from one place to another is presumed to  
10 have occurred within the state."  
11 2. Title page, by striking line 2.

By COMMITTEE ON JUDICIARY  
RANDAL GIANNETTO, Chairperson

S-3074 FILED FEBRUARY 22, 1995  
*advised 5/2/96 (P.1579)*

SENATE AMENDMENT TO HOUSE FILE 29

H-4221

- 1 Amend House File 29, as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 6 through 9 and  
4 inserting the following: "state. If the body of a  
5 murder victim is found within the state, the death is  
6 presumed to have occurred within the state. If a  
7 kidnapping victim, or the body of a kidnapping victim,  
8 is found within the state, the confinement or removal  
9 of the victim from one place to another is presumed to  
10 have occurred within the state."  
11 2. Title page, by striking line 2.

RECEIVED FROM THE SENATE

H-4221 FILED MAY 3, 1995  
CONCURRED

*(P 2284)*

of the victim from one place to another is presumed to have occurred within the state.

HOUSE FILE 29

AN ACT

TO PROVIDE A PRESUMPTION THAT KIDNAPPING HAS OCCURRED WITHIN THE STATE.

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

Section 1. Section 803.1, subsection 2, Code 1995, is amended to read as follows:

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a murder victim is found within the state, the death is presumed to have occurred within the state. If a kidnapping victim, or the body of a kidnapping victim, is found within the state, the confinement or removal

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RON J. CORBETT  
Speaker of the House


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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 29, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved , 1995

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TERRY E. BRANSTAD  
Governor