

5-3/11/97 Do Pa
5-4/10/97 Unlimited Business Calendar

FEB 18 1997
Place On Calendar

HOUSE FILE 265
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 40)

Passed House, Date ^(P.567) 3-11-97 Passed Senate, Date ^(P.1418) 4/24/97
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0
Approved May 6, 1997

A BILL FOR

1 An Act relating to the affirmation and reenactment of certain
2 provisions affecting the criminal and juvenile laws, and
3 providing an effective date.

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

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HF 265

1 Section 1. LEGISLATIVE FINDINGS. It is the finding of the
2 general assembly that as a result of certain court cases and
3 other activities, questions have been raised in some quarters
4 in regard to the proper enactment of certain provisions
5 contained in enactments relating to juvenile justice. It is
6 the intent of the general assembly to resolve any doubt as to
7 the validity of provisions in those juvenile justice
8 enactments of prior years. Passage of an Act by the general
9 assembly necessarily includes a finding by the general
10 assembly that the Act embraced but one subject, and matters
11 properly connected with the subject, and that the subject is
12 properly expressed in the title.

13 Sec. 2. Section 723A.1, subsection 1, paragraph "h", Code
14 1997, is affirmed and reenacted in accordance with its
15 enactment in 1996 Iowa Acts, chapter 1134, section 10, and
16 including any other 1996 amendments and editorial changes.

17 Sec. 3. Section 724.16A, Code 1997, is affirmed and
18 reenacted in accordance with its enactment in 1994 Iowa Acts,
19 chapter 1172, section 55, and including any other 1994, 1995,
20 or 1996 amendments and editorial changes.

21 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

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EXPLANATION

24 This bill affirms and reenacts two criminal law provisions
25 and any amendments and editorial changes and makes the
26 reenactment effective upon the enactment of this legislation.

27 The first provision, the reenactment of the amendments to
28 Code section 723A.1, relates to the brandishing of a dangerous
29 weapon by persons who participate in or are a member of a
30 criminal street gang. The amendments included the brandishing
31 of such a weapon as one of the criminal acts which is
32 punishable as a class "D" felony if committed by a criminal
33 street gang member or participant. A class "D" felony is
34 punishable by confinement for no more than five years and a
35 possible additional fine of at least \$500 but not more than

1 \$7,500.

2 The second provision which is reaffirmed and reenacted is
3 the felony offense of trafficking in stolen weapons. The
4 provision which is being reenacted punishes the knowing
5 transfer, acquisition of possession, or facilitation of
6 transfer of a stolen firearm as a class "D" felony. A second
7 or subsequent offense or situations in which the stolen weapon
8 is used in the commission of a public offense is a class "C"
9 felony. A class "C" felony is punishable by confinement for
10 no more than 10 years and a possible additional fine of at
11 least \$500 but not more than \$10,000.

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*Veening, Ch.
Greiner
Mareland*

HSB 40

JUDICIARY

Succeeded By
SF 265

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LAMBERTI)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

HOUSE FILE 265

AN ACT
RELATING TO THE AFFIRMATION AND REENACTMENT OF CERTAIN PROVISIONS AFFECTING THE CRIMINAL AND JUVENILE LAWS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS. It is the finding of the general assembly that as a result of certain court cases and other activities, questions have been raised in some quarters in regard to the proper enactment of certain provisions contained in enactments relating to juvenile justice. It is the intent of the general assembly to resolve any doubt as to the validity of provisions in those juvenile justice enactments of prior years. Passage of an Act by the general assembly necessarily includes a finding by the general assembly that the Act embraced but one subject, and matters properly connected with the subject, and that the subject is properly expressed in the title.

Sec. 2. Section 723A.1, subsection 1, paragraph "h", Code 1997, is affirmed and reenacted in accordance with its enactment in 1996 Iowa Acts, chapter 1134, section 10, and including any other 1996 amendments and editorial changes.

Sec. 3. Section 724.16A, Code 1997, is affirmed and reenacted in accordance with its enactment in 1994 Iowa Acts, chapter 1172, section 55, and including any other 1994, 1995, or 1996 amendments and editorial changes.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 265, Seventy-seventh General Assembly.

Approved  , 1997

ELIZABETH ISAACSON
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

HF 265