

MAR 5 1997
JUDICIARY

HOUSE FILE 473
BY LARKIN

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

A BILL FOR

1 An Act establishing the offense of promoting or possessing
2 contraband in prisons, jails, and juvenile facilities and
3 establishing penalties.

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

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HF 473

1 Section 1. Section 719.7, Code 1997, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 719.7 PROMOTING OR POSSESSING CONTRABAND.

5 1. "Contraband" includes but is not limited to any of the
6 following:

7 a. A controlled substance or a simulated or counterfeit
8 controlled substance, hypodermic syringe, or intoxicating
9 beverage.

10 b. A dangerous weapon, offensive weapon, pneumatic gun,
11 stun gun, firearm ammunition, explosive or incendiary
12 material, or other material, instrument, or device fashioned
13 in such a manner as to be capable of inflicting death or
14 injury.

15 c. Rope, ladder components, key or key pattern, metal
16 file, or other material, instrument, or device designed or
17 intended to facilitate escape of an inmate.

18 2. The sheriff, department of corrections, or department
19 of human services may x-ray a person under the control of the
20 department if there is reason to believe that the person is in
21 possession of contraband. A licensed physician or x-ray
22 technician under the supervision of a licensed physician must
23 x-ray the person.

24 3. A person commits the offense of promoting or possessing
25 contraband if the person, not authorized by law, does any of
26 the following:

27 a. Knowingly introduces contraband into, or onto the
28 grounds of, a secure facility for the detention or custody of
29 juveniles or a jail, detention facility, correctional
30 institution, or institution under the management of the
31 department of corrections.

32 b. Knowingly conveys contraband to any person confined in
33 a secure facility for the detention or custody of juveniles,
34 jail, detention facility, correctional institution, or
35 institution under the management of the department of

1 corrections.

2 c. Knowingly makes, obtains, or possesses contraband while
3 confined in a secure facility for the detention or custody of
4 juveniles, jail, detention facility, correctional institution,
5 or institution under the management of the department of
6 corrections or while being transported or moved incidental to
7 confinement.

8 4. A person who promotes or possesses contraband or fails
9 to report an offense of promoting or possessing contraband
10 commits the following:

11 a. A class "C" felony for the promotion or possession of
12 contraband if the contraband is of the type described in
13 subsection 1, paragraph "b".

14 b. A class "D" felony for the promotion or possession of
15 contraband if the contraband is any other type of contraband.

16 c. An aggravated misdemeanor for failing to report a known
17 violation or attempted violation of this section to an
18 official or officer at the secure facility for the detention
19 or custody of juveniles, jail, detention facility,
20 correctional institution, or institution under the management
21 of the department of corrections.

22 5. Nothing in this section is intended to limit the
23 authority of the administrator of any secure facility for the
24 detention or custody of juveniles, jail, detention facility,
25 correctional institution, or institution under the management
26 of the department of corrections to prescribe or enforce rules
27 concerning the definition of contraband, and the
28 transportation, making, or possession of substances, objects,
29 materials, or items in the institutions or facilities.

30 Sec. 2. Section 719.8, Code 1997, is repealed.

31 EXPLANATION

32 This bill establishes the offense of promoting or
33 possessing contraband. The bill strikes the current Code
34 section 719.7 regarding furnishing intoxicating beverages to
35 inmates and repeals Code section 719.8 regarding furnishing

1 controlled substances to inmates. Contraband is defined as
2 items such as controlled substances, intoxicating beverages,
3 weapons, explosives, or other items which may be fashioned to
4 cause death or injury, or items which may be used to
5 facilitate an escape.

6 Promoting or possessing contraband is committed when a
7 person without legal authorization to do so attempts to bring
8 contraband into, or make or possess contraband within a jail
9 or a detention or correctional facility, including a secure
10 facility for the detention or custody of juveniles. If the
11 contraband is a weapon or other item which may be fashioned to
12 cause death or injury, the person commits a class "C" felony.
13 Any other contraband subjects the person to a class "D"
14 felony.

15 The bill authorizes the x-raying of a person under the
16 control of the sheriff, department of corrections, or
17 department of human services by a physician or licensed x-ray
18 technician to determine if the person possesses contraband.

19 The bill also requires a person to report violations or an
20 attempt to promote or possess contraband or the promotion or
21 possession of contraband to an official or officer at the
22 detention or correctional facility. Failure to report is an
23 aggravated misdemeanor.

24 The bill further provides that the establishment of the
25 offense of promoting or possessing contraband does not limit
26 the authority of facility administrators to adopt rules
27 regarding the definition of contraband, and the introduction,
28 possession, or making of substances, objects, or other items.

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