

M E Kean
Maddox
Fraise

SSB-1020
Judiciary
Succeeded By

SENATE/HOUSE FILE SF/HF 101
BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____ Passed House, 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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27172
Succeeded By

1 Section I. Section 719.7, Code 1999, 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 d. Knife of any length or any other cutting device.

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

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

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

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

1 institution under the management of the department of
2 corrections.

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

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

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

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

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

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

32 Sec. 2. Section 719.8, Code 1999, is repealed.

33 EXPLANATION

34 This bill establishes the offense of promoting or
35 possessing contraband. The bill strikes the current Code

1 section 719.7 regarding furnishing intoxicating beverages to
2 inmates and repeals Code section 719.8 regarding furnishing
3 controlled substances to inmates. Contraband is defined as
4 items such as controlled substances, intoxicating beverages,
5 weapons, explosives, knives or other cutting devices, or other
6 items which may be fashioned to cause death or injury, or
7 items which may be used to facilitate an escape.

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

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

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

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

31 Class "C" felonies are punishable by confinement for no
32 more than 10 years and a fine of at least \$500 but not more
33 than \$10,000.

34 Class "D" felonies are punishable by confinement for no
35 more than five years and a fine of at least \$500 but not more

1 than \$7,500.

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REPRINTED

SENATE FILE 101
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1020)

Passed Senate, Date ^(P.626) 3/16/99 Passed House, Date ^(P.1737) 4-27-99
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 1
Approved May 24, 1999

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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SF 101

DETERMINER

1 Section 1. Section 719.7, Code 1999, 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, instrument, device, or other material fashioned in
13 such a manner as to be capable of inflicting death or injury.

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

17 d. Knife of any length or any other cutting device.

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" or "d".

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, devices,
29 instruments, materials, or other items in the institutions or
30 facilities.

31 Sec. 2. Section 719.8, Code 1999, is repealed.

32 EXPLANATION

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

1 inmates and repeals Code section 719.8 regarding furnishing
2 controlled substances to inmates. Contraband is defined as
3 items such as controlled substances, intoxicating beverages,
4 weapons, explosives, knives or other cutting devices, or other
5 items which may be fashioned to cause death or injury, or
6 items which may be used to facilitate an escape.

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

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

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

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

30 Class "C" felonies are punishable by confinement for no
31 more than 10 years and a fine of at least \$500 but not more
32 than \$10,000.

33 Class "D" felonies are punishable by confinement for no
34 more than five years and a fine of at least \$500 but not more
35 than \$7,500.

**SENATE FILE 101
FISCAL NOTE**

The estimate for **Amendment S-3071 to Senate File 101** 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.

Amendment S-3071 establishes the offense of promoting or possessing contraband in correctional facilities. Contraband is defined as items such as controlled substances, intoxicating beverages, weapons, explosives, knives and other cutting devices, and items that could facilitate escape. The offense is a Class C felony if the item is a weapon or other item that could kill or cause injury; possession or promotion of other contraband items is a Class D felony. Failure to report a contraband violation is an aggravated misdemeanor. Provisions are included for detection of contraband. The amendment changes the original Bill so that the penalties are applicable only to facilities under the control of the Department of Corrections and removes reference to jails and other detention facilities.

ASSUMPTIONS

1. Charge, conviction, sentencing patterns, prisoner length of stay, revocation rates, and correctional policies will remain constant throughout the projection period.
2. The law will go into effect on July 1, 1999, and there will be a six-month lag to process the first offenders into the correctional system.
3. It is estimated that 31.5% of the inmate population is cited for contraband rules violations each year. Approximately 1.0% of these instances will result in convictions. It is projected that there will be 1 Class C conviction and 10 Class D convictions in FY 2000 and 2 Class C convictions and 21 Class D convictions each year thereafter.
4. A Class C felony case costs \$1,500 to defend. A Class D felony case costs \$1,200 to defend. Prosecution and defense costs are similar.
5. Prosecutions will be handled by the Office of the Attorney General. Defense will be handled by the Public Defender or contract defense attorneys paid from the Indigent Defense Fund.
6. Convicted offenders will be required to reimburse the General Fund for the costs of their defense. The annual recovered costs are estimated to be \$75 per offender.
7. The marginal cost of adding one more inmate to the prison system is \$12 per day.

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CORRECTIONAL IMPACT

The prison populations will increase as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
Prison Population	2	3	11

FISCAL IMPACT

The fiscal impact of Amendment S-3071 to Senate File 101 on State agencies funded from the General Fund is as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
Public Defender	\$ 14,000	\$ 28,000	\$ 28,000
Attorney General	14,000	28,000	28,000
Department of Corrections	9,000	13,000	48,000
Total	\$ 37,000	\$ 69,000	\$ 104,000

Restitution paid to the General Fund is estimated to be:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
Revenues - General Fund	\$ 800	\$ 2,600	\$ 7,700

The costs for the Public Defender and for the Attorney General may be understated since the estimates are based upon convictions and do not include acquittals.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Justice
 Department of Corrections

(LSB 1105SV.2, MDF)

FILED MARCH 16, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 101
FISCAL NOTE**

The estimate for **Senate File 101** 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.

Senate File 101 establishes the offense of promoting or possessing contraband in jails and detention and correctional facilities. Contraband is defined as items such as controlled substances, intoxicating beverages, weapons, explosives, knives and other cutting devices, and items that could facilitate escape. The offense is a Class C felony if the item is a weapon or other item that could cause injury or kill; possession or promotion of other contraband items is a Class D felony. Failure to report a contraband violation is an aggravated misdemeanor. Provisions are included for detection of contraband.

ASSUMPTIONS

1. Charge, conviction, sentencing patterns, prisoner length of stay, revocation rates, and correctional policies will remain constant throughout the projection period.
2. The law will go into effect on July 1, 1999, and there will be a six month lag to process the first offenders into the correctional system.
3. It is estimated that 29.0% of the prison inmates are cited by the Department of Corrections annually for possession of contraband that would be a Class D felony; 2.5% are cited for incidents that would be Class C felonies. Approximately 10% of the cases would be prosecuted by the county attorneys and result in convictions. Length of stay will be increased more for offenders serving shorter sentences.
4. Jail inmates serve shorter sentences and are lower risk than prison inmates. It is assumed that 10.0% of the jail population will be charged with Class D felony contraband offenses and 1.0% will be charged with Class C felony offenses. These cases will be prosecuted.
5. A Class C felony case costs \$1,500 to defend. A Class D felony case costs \$1,200 to defend. Prosecution and defense costs are similar.
6. The average length of stay in a Community-Based Corrections residential facility is 4 months and costs \$55 per day.
7. The marginal cost of adding one more inmate to the prison system is \$12 per day.
8. No estimate is available for the effect of this Bill on jail stay.
9. Juveniles will not be waived to adult court for contraband offenses.

CORRECTIONAL IMPACT

The correctional system populations will change as follows:

FY 2000FY 2001FY 2004

-2-

CBC Residential	-1	-1	-1
Prison Population	90	251	375

FISCAL IMPACT

The State General Fund fiscal impact of Senate File 101 is as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
Public Defender	\$ 245,000	\$ 490,000	\$ 490,000
Community-Based	-27,000	-27,000	-27,000
Prison	394,000	1,099,000	1,643,000
Total	<u>\$ 612,000</u>	<u>\$1,562,000</u>	<u>\$2,106,000</u>

The costs to the counties are estimated to be:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
County Attorney	\$ 245,000	\$ 490,000	\$ 490,000

The costs for the Public Defender and for the County Attorneys may be understated since the estimates are based upon convictions and do not include acquittals.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Justice
Department of Corrections

(LSB 1105SV, MDF)

FILED FEBRUARY 10, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

S-3071

1 Amend Senate File 101 as follows:

- 2 1. Page 1, lines 18 and 19, by striking the words
 3 "The sheriff, department of corrections, or department
 4 of human services" and inserting the following: "The
 5 department of corrections".
- 6 2. Page 1, by striking lines 28 through 31 and
 7 inserting the following: "grounds of a correctional
 8 institution or institution under the management of the
 9 department of corrections."
- 10 3. Page 1, by striking lines 33 through 35 and
 11 inserting the following: "a correctional institution
 12 or institution under the management of the department
 13 of".
- 14 4. Page 2, by striking lines 3 and 4 and
 15 inserting the following: "confined in a correctional
 16 institution".
- 17 5. Page 2, by striking lines 18 through 20 and
 18 inserting the following: "official or officer at a
 19 correctional institution or institution under the
 20 management".
- 21 6. Page 2, by striking lines 23 through 25 and
 22 inserting the following: "authority of the
 23 administrator of any correctional institution or
 24 institution under the management".
- 25 7. Page 2, lines 29 and 30, by striking the words
 26 "or facilities".
- 27 8. Page 2, by striking line 31 and inserting the
 28 following:
- 29 "Sec. ____ . Section 719.8, Code 1999, is amended to
 30 read as follows:
- 31 719.8 FURNISHING A CONTROLLED SUBSTANCE OR
 32 INTOXICATING BEVERAGE TO INMATES AT A DETENTION
 33 FACILITY.
- 34 A person not authorized by law who furnishes or
 35 knowingly makes available a controlled substance or
 36 intoxicating beverage to an inmate at a detention
 37 facility or correctional institution, or at an
 38 institution under the management of the Iowa
 39 department of corrections, or who introduces a
 40 controlled substance or intoxicating beverage into the
 41 premises of such an institution a facility, commits a
 42 class "D" felony."
- 43 9. Title page, line 1, by striking the word
 44 "establishing" and inserting the following: "relating
 45 to".
- 46 10. Title page, line 2, by striking the word "
 47 jails,".

By ANDY McKEAN

S-3071 FILED MARCH 16, 1999

ADOPTED

(p. 626)

H-3/12/99 Judiciary
H-3/31/99 Kent/DO Pass
W/H 1350

SENATE FILE 101
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1020)

(AS AMENDED AND PASSED BY THE SENATE MARCH 16, 1999)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Passed Senate, Date ^(P. 1342) 4/28/99 Passed House, Date ^(P. 1737) 4-22-99
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 1
Approved May 24, 1999

A BILL FOR

1 An Act relating to the offense of promoting or possessing

SENATE FILE 101

H-1350

- 1 Amend Senate File 101, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "ammunition," the following: "knife of any length or
- 5 any other cutting device,".
- 6 2. Page 1, by striking line 17.
- 7 3. Page 1, line 23, by striking the words
- 8 "promoting or".
- 9 4. Page 2, line 1, by striking the words
- 10 "promotes or".
- 11 5. Page 2, line 2, by striking the words,
- 12 "promoting or".
- 13 6. Page 2, line 4, by striking the words
- 14 "promotion or".
- 15 7. Page 2, line 6, by striking the words "or
- 16 "d".
- 17 8. Page 2, line 7, by striking the words
- 18 "promotion or".
- 19 9. Title page, line 2, by striking the word
- 20 "juvenile" and inserting the following: "detention".

Adopted 4-21-99 (P. 1736) By COMMITTEE ON JUDICIARY
LARSON of Linn, Chairperson

H-1350 FILED MARCH 31, 1999

S.F. 101

1 Section 1. Section 719.7, Code 1999, 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, instrument, device, or other material fashioned in
13 such a manner as to be capable of inflicting death or injury.

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

17 d. Knife of any length or any other cutting device.

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

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

26 a. Knowingly introduces contraband into, or onto the
27 grounds of a correctional institution or institution under the
28 management of the department of corrections.

29 b. Knowingly conveys contraband to any person confined in
30 a correctional institution or institution under the management
31 of the department of corrections.

32 c. Knowingly makes, obtains, or possesses contraband while
33 confined in a correctional institution or institution under
34 the management of the department of corrections or while being
35 transported or moved incidental to confinement.

1 4. A person who promotes or possesses contraband or fails
2 to report an offense of promoting or possessing contraband
3 commits the following:

4 a. A class "C" felony for the promotion or possession of
5 contraband if the contraband is of the type described in
6 subsection 1, paragraph "b" or "d".

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

9 c. An aggravated misdemeanor for failing to report a known
10 violation or attempted violation of this section to an
11 official or officer at a correctional institution or
12 institution under the management of the department of
13 corrections.

14 5. Nothing in this section is intended to limit the
15 authority of the administrator of any correctional institution
16 or institution under the management of the department of
17 corrections to prescribe or enforce rules concerning the
18 definition of contraband, and the transportation, making, or
19 possession of substances, devices, instruments, materials, or
*20 other items in the institutions.

21 Sec. 2. Section 719.8, Code 1999, is amended to read as
22 follows:

23 719.8 FURNISHING A CONTROLLED SUBSTANCE OR INTOXICATING
24 BEVERAGE TO INMATES AT A DETENTION FACILITY.

25 A person not authorized by law who furnishes or knowingly
26 makes available a controlled substance or intoxicating
27 beverage to an inmate at a detention facility or correctional
28 institution, or at an institution under the management of the
29 Iowa department of corrections, or who introduces a controlled
30 substance or intoxicating beverage into the premises of such
31 an institution a facility, commits a class "D" felony.

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HOUSE AMENDMENT TO
SENATE FILE 101

3496

- 1 Amend Senate File 101, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by inserting after the word
4 "ammunition," the following: "knife of any length or
5 any other cutting device,".
6 2. Page 1, by striking line 17.
7 3. Page 1, line 23, by striking the words
8 "promoting or".
9 4. Page 2, line 1, by striking the words
10 "promotes or".
11 5. Page 2, line 2, by striking the words,
12 "promoting or".
13 6. Page 2, line 4, by striking the words
14 "promotion or".
15 7. Page 2, line 6, by striking the words "or
16 "d".
17 8. Page 2, line 7, by striking the words
18 "promotion or".
19 9. Title page, line 2, by striking the word
20 "juvenile" and inserting the following: "detention".

RECEIVED FROM THE HOUSE

S-3496 FILED APRIL 27, 1999

Senate Concurred
4-28-99
(P. 1342)

AN ACT

RELATING TO THE OFFENSE OF PROMOTING OR POSSESSING CONTRABAND
IN PRISONS AND DETENTION FACILITIES AND ESTABLISHING
PENALTIES.

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

Section 1. Section 719.7, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

719.7 PROMOTING OR POSSESSING CONTRABAND.

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

- a. A controlled substance or a simulated or counterfeit controlled substance, hypodermic syringe, or intoxicating beverage.
- b. A dangerous weapon, offensive weapon, pneumatic gun, stun gun, firearm ammunition, knife of any length or any other cutting device, explosive or incendiary material, instrument, device, or other material fashioned in such a manner as to be capable of inflicting death or injury.
- c. Rope, ladder components, key or key pattern, metal file, instrument, device, or other material designed or intended to facilitate escape of an inmate.

2. The department of corrections may x-ray a person under the control of the department if there is reason to believe that the person is in possession of contraband. A licensed physician or x-ray technician under the supervision of a licensed physician must x-ray the person.

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

a. Knowingly introduces contraband into, or onto the grounds of a correctional institution or institution under the management of the department of corrections.

b. Knowingly conveys contraband to any person confined in a correctional institution or institution under the management of the department of corrections.

c. Knowingly makes, obtains, or possesses contraband while confined in a correctional institution or institution under the management of the department of corrections or while being transported or moved incidental to confinement.

4. A person who possesses contraband or fails to report an offense of possessing contraband commits the following:

- a. A class "C" felony for the possession of contraband if the contraband is of the type described in subsection 1, paragraph "b".
- b. A class "D" felony for the possession of contraband if the contraband is any other type of contraband.
- c. An aggravated misdemeanor for failing to report a known violation or attempted violation of this section to an official or officer at a correctional institution or institution under the management of the department of corrections.

5. Nothing in this section is intended to limit the authority of the administrator of any correctional institution or institution under the management of the department of corrections to prescribe or enforce rules concerning the definition of contraband, and the transportation, making, or possession of substances, devices, instruments, materials, or other items in the institutions.

Sec. 2. Section 719.8, Code 1999, is amended to read as follows:

719.8 FURNISHING A CONTROLLED SUBSTANCE OR INTOXICATING BEVERAGE TO INMATES AT A DETENTION FACILITY.

A person not authorized by law who furnishes or knowingly makes available a controlled substance or intoxicating

beverage to an inmate at a detention facility ~~or correctional institution, or at an institution under the management of the Iowa department of corrections,~~ or who introduces a controlled substance or intoxicating beverage into the premises of such ~~an institution~~ a facility, commits a class "D" felony.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 101, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 24, 1999

THOMAS J. VILSACK
Governor