

SSB - 3020

Judiciary

Succeeded By  
SF/HF 2112

Hamberti  
Redfern  
Hansen

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED ATTORNEY  
GENERAL BILL)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the criminal jurisdiction of the state  
2 regarding the crimes of escape and absence from custody.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Succeeded By

1 Section. 1. Section 719.4, Code Supplement 1999, is  
 2 amended by adding the following new subsection:  
 3 NEW SUBSECTION. 5. Except for subsection 4, an offense  
 4 committed under this section includes any offense committed  
 5 wholly outside the state.  
 6 Sec. 2. Section 803.1, subsection 1, Code 1999, is amended  
 7 by adding the following new paragraph after paragraph c:  
 8 NEW PARAGRAPH. cc. The offense is based upon a statute  
 9 that specifically prohibits conduct wholly outside of the  
 10 state, and the conduct bears a reasonable relation to a  
 11 legitimate state interest, and the person knows or should know  
 12 that the conduct is likely to affect that interest.

13 EXPLANATION

14 This bill amends Code section 803.1 concerning the state's  
 15 criminal jurisdiction. The bill provides that a criminal  
 16 offense committed outside the state may be prosecuted in this  
 17 state if the following apply: a statute specifically  
 18 prohibits the conduct outside the state; there is a legitimate  
 19 state interest; and the offender knew or should know that the  
 20 offense would affect that state interest.

21 Existing law generally permits the state to only prosecute  
 22 an offender who committed an offense that occurred at least  
 23 partly in this state.

24 The bill also amends Code section 719.4 regarding the  
 25 criminal offense of escape or absence from custody. The bill  
 26 provides that an escape or absence from custody that occurs  
 27 outside the state may be prosecuted in this state.

28 Existing law does not provide for the prosecution of Iowa  
 29 offenders for escape or absence from custody if the offense  
 30 occurred outside the state.

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## Department of Justice

THOMAS J. MILLER  
ATTORNEY GENERAL

ADDRESS REPLY TO:  
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DES MOINES, IOWA 50319  
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### MEMORANDUM

**TO:** Members of the General Assembly  
**FROM:** Anne Bunz, Legislative Liaison  
**DATE:** January 10, 2000  
**SUBJECT:** Prison Escape

The Iowa Attorney General's Office is submitting a bill request concerning prison escape.

This proposal allows the state to have criminal jurisdiction over inmates who escape whether or not they escape in or out of the State of Iowa.

*Case Scenario:*

Evertte Ray Wagner was an inmate of the Iowa State Penitentiary. He was in the process of being transported from Iowa to New Mexico when he escaped custody in Texas. The State of Iowa charged him with escape. Wagner was convicted and was sentenced to a prison term of fifteen years for the escape as habitual criminal. Wagner appealed. **The Supreme Court** ruled that the Interstate Corrections Compact, (Iowa Code 913), gives Iowa jurisdiction over the defendant, regardless of his physical location. However, the Interstate Corrections Compact does not make it a crime against the laws of Iowa to escape from custody in another state.

H. 2/29/00 Judiciary

FILED FEB 9 2000

SENATE FILE 2112  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3020)

Passed Senate, Date (P.418) 2/28/00 Passed House, Date \_\_\_\_\_  
Vote: Ayes 46 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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SF 2112

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15 criminal jurisdiction. The bill provides that a criminal  
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17 state if the following apply: a statute specifically  
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**SENATE FILE 2112  
FISCAL NOTE**

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The estimate for Senate File 2112 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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Senate File 2112 provides that an escape or absence from custody by an Iowa offender that occurs wholly outside the State may be prosecuted in the State. The Bill also provides for prosecution of an offense committed wholly outside the State when the offense is specifically prohibited by statute, when there is a legitimate State interest, and when the person knows or should have known the State's interest would be affected.

**ASSUMPTIONS**

These offenses rarely occur.

**CORRECTIONAL IMPACT**

Senate File 2112 is not expected to have a significant impact on the correctional system.

**FISCAL IMPACT**

Senate File 2112 is not expected to have a significant fiscal impact.

**SOURCE**

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 5183SV, MDF)

FILED FEBRUARY 16, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR