

McKean  
Maddox  
Hammond

SSB-3057

Judiciary  
Succeeded By  
SF/HF 2241

SENATE/HOUSE FILE \_\_\_\_\_  
BY (RECOMMENDED BY SENTENCING COMMISSION)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the consolidation of certain criminal offenses  
2 concerning computer access, damage, or theft, video rental  
3 theft, election bribery, and voting duress.

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

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1 Section 2. NEW SECTION. 622.51A COMPUTER PRINTOUTS.

2 For purposes of chapters 714 and 716, computer printouts  
3 shall be admitted as evidence of any computer software,  
4 program, or data contained in or taken from a computer,  
5 notwithstanding an applicable rule of evidence to the  
6 contrary.

7 Sec. 2. NEW SECTION. 702.1A COMPUTER TERMINOLOGY.

8 For purposes of section 714.1, subsection 7A, and section  
9 716.6B:

10 1. "Computer" means an electronic device which performs  
11 logical, arithmetical, and memory functions by manipulation of  
12 electronic or magnetic impulses, and includes all input,  
13 output, processing, storage, computer software, and  
14 communication facilities which are connected or related to the  
15 computer in a computer system or computer network.

16 2. "Computer access" means to instruct, communicate with,  
17 store data in, or retrieve data from a computer, computer  
18 system, or computer network.

19 3. "Computer data" means a representation of information,  
20 knowledge, facts, concepts, or instructions that has been  
21 prepared or is being prepared in a formalized manner and has  
22 been processed, or is intended to be processed in a computer.  
23 Computer data may be in any form including, but not limited  
24 to, printouts, magnetic storage media, punched cards, and as  
25 stored in the memory of a computer.

26 4. "Computer network" means a set of related, remotely  
27 connected devices and communication facilities including two  
28 or more computers with capability to transmit data among them  
29 through communication facilities.

30 5. "Computer program" means an ordered set of instructions  
31 or statements that, when executed by a computer, causes the  
32 computer to process data.

33 6. "Computer services" means the use of a computer,  
34 computer system, or computer network and includes, but is not  
35 limited to, computer time, data processing, and storage

1 functions.

2 7. "Computer software" means a set of computer programs,  
3 procedures, or associated documentation used in the operation  
4 of a computer.

5 8. "Computer system" means related, connected or  
6 unconnected, computers or peripheral equipment.

7 9. "Loss of property" means the greatest of the following:

8 a. The retail value of the property involved.

9 b. The reasonable replacement or repair cost, whichever is  
10 less.

11 10. "Loss of services" means the reasonable value of the  
12 damage created by the unavailability or lack of utility of the  
13 property or services involved until repair or replacement can  
14 be effected.

15 Sec. 3. Section 702.14, Code 1999, is amended to read as  
16 follows:

17 702.14 PROPERTY.

18 "Property" is anything of value, whether publicly or  
19 privately owned, including but not limited to computers and  
20 computer data, computer software, and computer programs. The  
21 term includes both tangible and intangible property, labor,  
22 and services. The term includes all that is included in the  
23 terms "real property" and "personal property".

24 Sec. 4. NEW SECTION. 702.20A VIDEO RENTAL PROPERTY.

25 "Video rental property" means an audiovisual recording,  
26 including a videotape, videodisc, or other tangible medium of  
27 expression on which an audiovisual work is recorded or  
28 otherwise stored, or any equipment or supplies used to view  
29 the recording, and which is held out for rental to the public  
30 in the ordinary course of business.

31 Sec. 5. Section 714.1, Code 1999, is amended by adding the  
32 following new subsections:

33 NEW SUBSECTION. 7A. Knowingly and without authorization  
34 accesses or causes to be accessed a computer, computer system,  
35 or computer network, or any part thereof, for the purpose of

1 obtaining computer services, information, or property or  
2 knowingly and without authorization and with the intent to  
3 permanently deprive the owner of possession, takes, transfers,  
4 conceals, or retains possession of a computer, computer  
5 system, or computer network or any computer software or  
6 computer program, or computer data contained in a computer,  
7 computer system, or computer network.

8 NEW SUBSECTION. 7B. a. Obtains the temporary use of  
9 video rental property with the intent to deprive the owner of  
10 the use and possession of the video rental property without  
11 the consent of the owner.

12 b. Lawfully obtains the temporary use of video rental  
13 property and fails to return the video rental property by the  
14 agreed time with the intent to deprive the owner of the use  
15 and possession of the video rental property without the  
16 consent of the owner. The aggregate value of the video rental  
17 property involved shall be the original retail value of the  
18 video rental property.

19 Sec. 6. NEW SECTION. 714.6A VIDEO RENTAL PROPERTY THEFT  
20 -- EVIDENCE OF INTENTION -- AFFIRMATIVE DEFENSE.

21 1. The fact that a person obtains possession of video  
22 rental property by means of deception, including but not  
23 limited to furnishing a false name, address, or other  
24 identification to the owner, is evidence that possession was  
25 obtained with intent to knowingly deprive the owner of the use  
26 and possession of the video rental property.

27 2. The fact that a person, having lawfully obtained  
28 possession of video rental property, fails to pay the owner  
29 the fair market value of the video rental property or to  
30 return or make arrangements acceptable to the owner to return  
31 the video rental property to the owner, within forty-eight  
32 hours after receipt of written notice and demand from the  
33 owner is evidence of an intent to knowingly deprive the owner  
34 of the use and possession of the video rental property.

35 3. It shall be an affirmative defense to a prosecution

1 under section 714.1, subsection 7B, paragraph "a", if the  
 2 defendant in possession of video rental property pays the  
 3 owner the fair market value of the video rental property or  
 4 returns the property to the owner within forty-eight hours of  
 5 arrest, together with any standard overdue charges for the  
 6 period that the owner was unlawfully deprived of possession,  
 7 but not to exceed one hundred twenty days, and the value of  
 8 the damage to the property, if any.

9 Sec. 7. NEW SECTION. 716.6B UNAUTHORIZED COMPUTER  
 10 ACCESS.

11 A person who knowingly and without authorization accesses a  
 12 computer, computer system, or computer network commits a  
 13 simple misdemeanor.

14 Sec. 8. Section 722.4, Code 1999, is amended to read as  
 15 follows:

16 722.4 BRIBERY OF ELECTOR OR ELECTION OFFICIALS.

17 1. A person who offers, promises, or gives anything of  
 18 value or any benefit to any elector for the purpose of  
 19 influencing the elector's vote, in any election authorized by  
 20 law, or any elector who receives anything of value or any  
 21 benefit knowing that it was given for such purpose, commits an  
 22 aggravated misdemeanor.

23 2. A person who offers, promises, or gives anything of  
 24 value or any benefit to any precinct election official  
 25 authorized by law, or to any executive officer attending the  
 26 same, conditioned on some act done or omitted to be done  
 27 contrary to the person's official duty in relation to such  
 28 election, commits an aggravated misdemeanor.

29 Sec. 9. Section 722.8, Code 1999, is amended to read as  
 30 follows:

31 722.8 DURESS TO PREVENT OR PROCURE VOTING.

32 1. A person who unlawfully and by force, or threats of  
 33 force, prevents or endeavors to prevent an elector from giving  
 34 the elector's vote at any public election commits an  
 35 aggravated misdemeanor.

1     2. A person who procures, or endeavors to procure, the  
2 vote of an elector for or against any candidate or for or  
3 against any issue by means of violence, threats of violence,  
4 or by any means of duress commits an aggravated misdemeanor.

5     Sec. 10. Chapter 714C, Code 1999, is repealed.

6     Sec. 11. Chapter 716A, Code 1999 and Code Supplement 1999,  
7 is repealed.

8     Sec. 12. Sections 722.6 and 722.9, Code 1999, are  
9 repealed.

10

EXPLANATION

11     This bill consolidates certain criminal offenses with other  
12 offenses. The bill consolidates computer theft and video  
13 rental theft into the theft statute. The bill consolidates  
14 various election bribery and voting criminal offenses and the  
15 criminal offense of computer damage within the criminal  
16 mischief statute. The bill maintains the current criminal  
17 penalties for the affected offenses and applies an evidentiary  
18 rule for computer printouts to the Code chapters on theft and  
19 criminal mischief.

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H. 3/3/2000 Judiciary  
H. 3/14/00 Do Pass

FILED FEB 22 2000  
H. 3/23/00 Unfamiliar Business Calendar

SENATE FILE 2241

BY COMMITTEE ON JUDICIARY

H. 4/17/00 Motion to R/C by Millage  
H. 4/20/00 Motion to R/C withdrawn  
(SUCCESSOR TO SSB 3057)  
S. 4/26/00 Motion to R/C by McKean  
S. 4/26/00 Motion W/D

(P. 507)  
Passed Senate, Date 3/2/00  
Vote: Ayes 46 Nays 0

(P. 1548)  
Passed House, Date 4-17-00  
Vote: Ayes 95 Nays 3

Approved 5/19/00

(P. 1385) Re-passed 4-26-00  
Vote 47-0

A BILL FOR (P. 1844) Re-passed 4-26-00  
Vote 100-0

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SF-2241

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20 law, or any elector who receives anything of value or any  
21 benefit knowing that it was given for such purpose, commits an  
22 aggravated misdemeanor.

23 2. A person who offers, promises, or gives anything of  
24 value or any benefit to any precinct election official  
25 authorized by law, or to any executive officer attending the  
26 same, conditioned on some act done or omitted to be done  
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29 Sec. 9. Section 722.8, Code 1999, is amended to read as  
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32 1. A person who unlawfully and by force, or threats of  
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34 the elector's vote at any public election commits an  
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1 2. A person who procures, or endeavors to procure, the  
2 vote of an elector for or against any candidate or for or  
3 against any issue by means of violence, threats of violence,  
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5 Sec. 10. Chapter 714C, Code 1999, is repealed.

6 Sec. 11. Chapter 716A, Code 1999 and Code Supplement 1999,  
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8 Sec. 12. Sections 722.6 and 722.9, Code 1999, are  
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10 EXPLANATION

11 This bill consolidates certain criminal offenses with other  
12 offenses. The bill consolidates computer theft and video  
13 rental theft into the theft statute. The bill consolidates  
14 various election bribery and voting criminal offenses and the  
15 criminal offense of computer damage within the criminal  
16 mischief statute. The bill maintains the current criminal  
17 penalties for the affected offenses and applies an evidentiary  
18 rule for computer printouts to the Code chapters on theft and  
19 criminal mischief.

22 SENATE FILE 2241

23 H-8338

24 1 Amend Senate File 2241, as passed by the Senate, as  
25 2 follows:

26 3 1. Page 4, line 25, by striking the words  
27 4 "authorized by law".

28 5 2. Page 4, lines 27 and 28, by striking the words  
29 6 "in relation to such election".

By PARMENTER of Story

29 H-8338 FILED MARCH 14, 2000

30 W/D 4/17/00 (p.1547)

SENATE FILE 2241

✓ H-8446

- 1 Amend Senate File 2241, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 216.10A UNFAIR
- 6 PRACTICES -- WEARING APPAREL.
- 7 It shall be unfair or a discriminatory practice for
- 8 any owner, lessee, sublessee, proprietor, manager,
- 9 agent, or any employee of any public accommodation, to
- 10 refuse or deny access to any public accommodation or
- 11 service, to any person based upon the brand name of a
- 12 person's wearing apparel."
- 13 2. Title page, by striking lines 2 and 3, and
- 14 inserting the following: "and relating to expanding
- 15 the Iowa civil rights Act."
- 16 3. By renumbering as necessary.

By FORD of Polk

H-8446 FILED MARCH 21, 2000

W/D

4-17-00

(P. 1543)

SENATE FILE 2241

✓ H-8447

- 1 • Amend Senate File 2241, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 18 the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 708.2D ASSAULT -- CHOKE
- 6 HOLD -- PENALTY.
- 7 A person who commits an assault which is in
- 8 violation of section 708.2, subsection 5, by applying
- 9 a choke hold around the throat of a person is guilty
- 10 of a serious misdemeanor."
- 11 2. Title page, by striking lines 2 and 3, and
- 12 inserting the following: "and enhancing a penalty for
- 13 certain assaults."
- 14 3. By renumbering as necessary.

By FORD of Polk

H-8447 FILED MARCH 21, 2000

W/D

4-17-00

(P. 1547)

## SENATE FILE 2241

H-8448

1 Amend Senate File 2241, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. NEW SECTION. 80B.18 TRAINING AND  
6 CERTIFICATION OF DESIGNATED SECURITY EMPLOYEE.

7 The academy shall develop a program to train and  
8 certify a designated security employee as defined in  
9 section 123.1. The academy may teach the program, or  
10 may certify private organizations or other agencies to  
11 teach the program. The program shall not exceed six  
12 hours of training and shall include but is not limited  
13 to teaching mediation techniques, providing awareness  
14 of individual civil rights, and providing instruction  
15 on the use of proper restraints against a person who  
16 has become combative. The academy, private  
17 organization, or other agency may charge a reasonable  
18 fee to cover the cost of training, subject to the  
19 approval of the council.

20 Sec. \_\_\_\_\_. Section 123.3, Code 1999, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 12A. "Designated security  
23 employee" means an agent or employee of a licensee or  
24 permittee who is primarily employed for security  
25 purposes.

26 Sec. \_\_\_\_\_. Section 123.31, Code 1999, is amended by  
27 adding the following new subsection:

28 NEW SUBSECTION. 6A. A statement whether all  
29 designated security employees have received training  
30 and certification as provided in section 80B.18."

31 2. Title page, by striking lines 2 and 3, and  
32 inserting the following: "and to security employee  
33 training and to the issuance of a liquor license or  
34 permit and establishing a fee."

35 3. By renumbering as necessary.

By FORD of Polk

H-8448 FILED MARCH 21, 2000

W/D

4/17/00

(P.1543)

SENATE FILE 2241

H-8668

1 Amend Senate File 2241, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 123.3, Code 1999, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 12A. "Designated security  
8 employee" means an agent or employee of a licensee or  
9 permittee who is primarily employed for security  
10 purposes.

11 Sec. 2. Section 123.31, Code 1999, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 6A. A statement, if required by  
14 the local authority indicating whether all designated  
15 security employees have received training and  
16 certification as provided in section 123.32."

17 Sec. 3. Section 123.32, Code 1999, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 3A. A local authority, as a  
20 condition of obtaining a license or permit may require  
21 a designated security employee as defined in section  
22 123.3, to be trained and certified in security  
23 methods. The training shall include but is not  
24 limited to mediation techniques, civil rights or  
25 unfair practices awareness as provided in section  
26 216.7, and providing instruction on the proper  
27 physical restraint methods used against a person who  
28 has become combative."

29 2. Title page, by striking lines 2 and 3, and  
30 inserting the following: "and to security employee  
31 training and to the issuance of a liquor license or  
32 permit."

33 3. By renumbering as necessary.

By FORD of Polk  
BAUDLER of Adair

H-8668 FILED MARCH 30, 2000

*Adopted*  
*4/17/00*  
*(P. 1544)*

*With adoption of 8918 line 29/32*  
*are now out of*  
*order*  
*(P. 1547)*

## SENATE FILE 2241

H-8738

1 Amend Senate File 2241 as passed by the Senate as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 124.401, subsection 1,  
6 paragraph a, subparagraph (2), unnumbered paragraph 1,  
7 Code Supplement 1999, is amended to read as follows:

8 More than five kilograms of a any compound, mixture  
9 or, preparation, or substance containing a detectable  
10 amount of any of the following:

11 Sec. 2. Section 124.401, subsection 1, paragraph  
12 a, subparagraph (2), subparagraph subdivisions (a),  
13 (b), and (c), Code Supplement 1999, are amended by  
14 striking the subparagraph subdivisions.

15 Sec. 3. Section 124.401, subsection 1, paragraph  
16 a, subparagraph (2), subparagraph subdivision (f),  
17 Code Supplement 1999, is amended to read as follows:

18 (f) Any compound, mixture, or preparation which  
19 contains any quantity of any of the substances  
20 referred to in subparagraph-subdivisions-(a)-through  
21 (e) this subparagraph (2).

22 Sec. 4. Section 124.401, subsection 1, paragraph  
23 a, subparagraph (3), Code Supplement 1999, is amended  
24 to read as follows:

25 (3) More than fifty grams of a any compound,  
26 mixture or, preparation, or substance described in  
27 subparagraph-(2)-which-contains-cocaine-base-  
28 containing a detectable amount of any of the  
29 following:

30 (a) Coca leaves, except coca leaves and extracts  
31 of coca leaves from which cocaine, ecgonine, and  
32 derivatives of ecgonine or their salts have been  
33 removed.

34 (b) Cocaine, its salts, optical and geometric  
35 isomers, and salts of isomers.

36 (c) Ecgonine, its derivatives, their salts,  
37 isomers, and salts of isomers.

38 (d) Cocaine base.

39 Sec. 5. Section 124.401, subsection 1, paragraph  
40 b, subparagraph (2), Code Supplement 1999, is amended  
41 by striking the subparagraph.

42 Sec. 6. Section 124.401, subsection 1, paragraph  
43 b, subparagraph (3), Code Supplement 1999, is amended  
44 to read as follows:

45 (3) More than five grams but not more than fifty  
46 grams of a any compound, mixture, preparation, or  
47 substance described in subparagraph-(2)-which-contains  
48 cocaine-base- containing a detectable amount of any of  
49 the following:

50 (a) Coca leaves, except coca leaves and extracts

H-8738



H-8738

Page 2

1 of coca leaves from which cocaine, ecgonine, and  
2 derivatives of ecgonine or their salts have been  
3 removed.

4 (b) Cocaine, its salts, optical and geometric  
5 isomers, and salts of isomers.

6 (c) Ecgonine, its derivatives, their salts,  
7 isomers, and salts of isomers.

8 (d) Cocaine base.

9 Sec. 7. Section 124.401, subsection 1, paragraph  
10 c, subparagraph (2), Code Supplement 1999, is amended  
11 by striking the subparagraph.

12 Sec. 8. Section 124.401, subsection 1, paragraph  
13 c, subparagraph (3), Code Supplement 1999, is amended  
14 to read as follows:

15 (3) Five grams or less of a any compound, mixture,  
16 preparation, or substance described-in-subparagraph  
17 (2)-which-contains-cocaine-base- containing a  
18 detectable amount of any of the following:

19 (a) Coca leaves, except coca leaves and extracts  
20 of coca leaves from which cocaine, ecgonine, and  
21 derivatives of ecgonine or their salts have been  
22 removed.

23 (b) Cocaine, its salts, optical and geometric  
24 isomers, and salts of isomers.

25 (c) Ecgonine, its derivatives, their salts,  
26 isomers, and salts of isomers.

27 (d) Cocaine base.

28 Sec. 9. Section 232.22, subsection 1, paragraph e,  
29 subparagraph (2), Code 1999, is amended to read as  
30 follows:

31 (2) A mixture or substance containing cocaine, its  
32 salts, optical and geometric isomers, and salts of  
33 isomers, and if the act was committed by an adult, it  
34 would be a violation of section 124.401, subsection 1,  
35 paragraph "a", subparagraph (2) (3), subparagraph  
36 subdivision (b), paragraph "b", subparagraph (2) (3),  
37 subparagraph subdivision (b), or paragraph "c",  
38 subparagraph (2) (3), subparagraph subdivision (b)."

39 2. Title page, by striking lines 2 and 3, and  
40 inserting the following: "and relating to criminal  
41 offenses concerning cocaine, or cocaine-related  
42 substances."

43 3. By renumbering as necessary.

By FORD of Polk

H-8738 FILED APRIL 5, 2000

*Adopted*  
*4-17-00*  
*(p. 1546)*

*With adoption of H-8918 Series 39-42*  
*New Rules out of order*  
*4-17-00 P. 1547*

*0/0*  
*P. 1547*

SENATE FILE 2241

H-8884

1 Amend Senate File 2241, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 124.401, subsection 5,  
6 unnumbered paragraph 1, Code Supplement 1999, is  
7 amended to read as follows:

8 It is unlawful for any person knowingly or  
9 intentionally to possess a controlled substance unless  
10 such substance was obtained directly from, or pursuant  
11 to, a valid prescription or order of a practitioner  
12 while acting in the course of the practitioner's  
13 professional practice, or except as otherwise  
14 authorized by this chapter. Any person who violates  
15 this subsection is guilty of a serious misdemeanor for  
16 a first offense. A person who commits a violation of  
17 this subsection and who has previously been convicted  
18 of violating this subsection chapter or chapter 124A,  
19 124B, or 453B is guilty of an aggravated misdemeanor.  
20 A person who commits a violation of this subsection  
21 and has previously been convicted two or more times of  
22 violating this subsection chapter or chapter 124A,  
23 124B, or 453B is guilty of a class "D" felony."

24 2. Title page, lines 1 and 2, by striking the  
25 words "consolidation of certain criminal offenses  
26 concerning" and inserting the following: "criminal  
27 offenses concerning possession of a controlled  
28 substance,".

29 3. By renumbering as necessary.

By DAVIS of Wapello

H-8884 FILED APRIL 13, 2000

*That measure adopted with adoption of H-8918  
lines 24-28 now moved to  
4-17-00 (P.1547) 4-17-00 (P.1547)*

SENATE FILE 2241

H-8918

1 Amend Senate file 2241, as passed by the Senate, as  
2 follows:

3 1. Title page by striking lines 1 through 3 and  
4 inserting the following: "An Act relating to  
5 penalties and regulations concerning certain criminal  
6 offenses and liquor licenses and permits."

By BAUDLER of Adair

H-8918 FILED APRIL 17, 2000

ADOPTED BY UNANIMOUS CONSENT

*(P.1547)*

HOUSE AMENDMENT TO  
SENATE FILE 2241

S-5562

1 Amend Senate File 2241, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 123.3, Code 1999, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 12A. "Designated security  
8 employee" means an agent or employee of a licensee or  
9 permittee who is primarily employed for security  
10 purposes.

11 Sec. 2. Section 123.31, Code 1999, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 6A. A statement, if required by  
14 the local authority indicating whether all designated  
15 security employees have received training and  
16 certification as provided in section 123.32.

17 Sec. 3. Section 123.32, Code 1999, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 3A. A local authority, as a  
20 condition of obtaining a license or permit may require  
21 a designated security employee as defined in section  
22 123.3, to be trained and certified in security  
23 methods. The training shall include but is not  
24 limited to mediation techniques, civil rights or  
25 unfair practices awareness as provided in section  
26 216.7, and providing instruction on the proper  
27 physical restraint methods used against a person who  
28 has become combative."

29 2. Page 1, by inserting before line 1 the  
30 following:

31 "Section 1. Section 124.401, subsection 1,  
32 paragraph a, subparagraph (2), unnumbered paragraph 1,  
33 Code Supplement 1999, is amended to read as follows:

34 More than five kilograms of a any compound, mixture  
35 or, preparation, or substance containing a detectable  
36 amount of any of the following:

37 Sec. 2. Section 124.401, subsection 1, paragraph  
38 a, subparagraph (2), subparagraph subdivisions (a),  
39 (b), and (c), Code Supplement 1999, are amended by  
40 striking the subparagraph subdivisions.

41 Sec. 3. Section 124.401, subsection 1, paragraph  
42 a, subparagraph (2), subparagraph subdivision (f),  
43 Code Supplement 1999, is amended to read as follows:

44 (f) Any compound, mixture, or preparation which  
45 contains any quantity of any of the substances  
46 referred to in ~~subparagraph-subdivisions-(a)-through~~  
47 ~~(e)~~ this subparagraph (2).

48 Sec. 4. Section 124.401, subsection 1, paragraph  
49 a, subparagraph (3), Code Supplement 1999, is amended  
50 to read as follows:

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1 (3) More than fifty grams of a any compound,  
 2 mixture or, preparation, or substance described-in  
 3 subparagraph-(2)-which-contains-cocaine-base-  
 4 containing a detectable amount of any of the  
 5 following:

6 (a) Coca leaves, except coca leaves and extracts  
 7 of coca leaves from which cocaine, ecgonine, and  
 8 derivatives of ecgonine or their salts have been  
 9 removed.

10 (b) Cocaine, its salts, optical and geometric  
 11 isomers, and salts of isomers.

12 (c) Ecgonine, its derivatives, their salts,  
 13 isomers, and salts of isomers.

14 (d) Cocaine base.

15 Sec. 5. Section 124.401, subsection 1, paragraph  
 16 b, subparagraph (2), Code Supplement 1999, is amended  
 17 by striking the subparagraph.

18 Sec. 6. Section 124.401, subsection 1, paragraph  
 19 b, subparagraph (3), Code Supplement 1999, is amended  
 20 to read as follows:

21 (3) More than five grams but not more than fifty  
 22 grams of a any compound, mixture, preparation, or  
 23 substance described-in-subparagraph-(2)-which-contains  
 24 cocaine-base- containing a detectable amount of any of  
 25 the following:

26 (a) Coca leaves, except coca leaves and extracts  
 27 of coca leaves from which cocaine, ecgonine, and  
 28 derivatives of ecgonine or their salts have been  
 29 removed.

30 (b) Cocaine, its salts, optical and geometric  
 31 isomers, and salts of isomers.

32 (c) Ecgonine, its derivatives, their salts,  
 33 isomers, and salts of isomers.

34 (d) Cocaine base.

35 Sec. 7. Section 124.401, subsection 1, paragraph  
 36 c, subparagraph (2), Code Supplement 1999, is amended  
 37 by striking the subparagraph.

38 Sec. 8. Section 124.401, subsection 1, paragraph  
 39 c, subparagraph (3), Code Supplement 1999, is amended  
 40 to read as follows:

41 (3) Five grams or less of a any compound, mixture,  
 42 preparation, or substance described-in-subparagraph  
 43 {2}-which-contains-cocaine-base- containing a  
 44 detectable amount of any of the following:

45 (a) Coca leaves, except coca leaves and extracts  
 46 of coca leaves from which cocaine, ecgonine, and  
 47 derivatives of ecgonine or their salts have been  
 48 removed.

49 (b) Cocaine, its salts, optical and geometric  
 50 isomers, and salts of isomers.

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1 (c) Ecgonine, its derivatives, their salts,  
2 isomers, and salts of isomers.

3 (d) Cocaine base.

4 Sec. 9. Section 232.22, subsection 1, paragraph e,  
5 subparagraph (2), Code 1999, is amended to read as  
6 follows:

7 (2) A mixture or substance containing cocaine, its  
8 salts, optical and geometric isomers, and salts of  
9 isomers, and if the act was committed by an adult, it  
10 would be a violation of section 124.401, subsection 1,  
11 paragraph "a", subparagraph ~~(2)~~ (3), subparagraph  
12 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3),  
13 subparagraph subdivision (b), or paragraph "c",  
14 subparagraph ~~(2)~~ (3), subparagraph subdivision (b)."

15 3. Page 1, by inserting before line 1 the  
16 following:

17 "Section 1. Section 124.401, subsection 5,  
18 unnumbered paragraph 1, Code Supplement 1999, is  
19 amended to read as follows:

20 It is unlawful for any person knowingly or  
21 intentionally to possess a controlled substance unless  
22 such substance was obtained directly from, or pursuant  
23 to, a valid prescription or order of a practitioner  
24 while acting in the course of the practitioner's  
25 professional practice, or except as otherwise  
26 authorized by this chapter. Any person who violates  
27 this subsection is guilty of a serious misdemeanor for  
28 a first offense. A person who commits a violation of  
29 this subsection and who has previously been convicted  
30 of violating this subsection chapter or chapter 124A,  
31 124B, or 453B is guilty of an aggravated misdemeanor.  
32 A person who commits a violation of this subsection  
33 and has previously been convicted two or more times of  
34 violating this subsection chapter or chapter 124A,  
35 124B, or 453B is guilty of a class "D" felony."

36 4. Title page by striking lines 1 through 3 and  
37 inserting the following: "An Act relating to  
38 penalties and regulations concerning certain criminal  
39 offenses and liquor licenses and permits."

40 5. By renumbering, relettering, or redesignating  
41 and correcting internal references as necessary.

*Senate concurred*  
*4-26-00 (P.1385)*

RECEIVED FROM THE HOUSE

S-5562 FILED APRIL 24, 2000

SENATE FILE 2241

S-5611

- 1 Amend the House amendment, S-5562, to Senate File
- 2 2241, as passed by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "purposes" the following: "at a commercial
- 5 establishment licensed or permitted under this
- 6 chapter".
- 7 2. Page 1, line 20, by inserting after the word
- 8 "permit" the following: "for on-premises
- 9 consumption,".

By JOHNIE HAMMOND  
ANDY MCKEAN

*W/D 4/26/00 (P.1385)*

S-5611 FILED APRIL 25, 2000

SENATE FILE 2241

S-5647

- 1 Amend the House amendment, S-5562, to Senate File
- 2 2241, as passed by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "purposes" the following: "at a commercial
- 5 establishment licensed or permitted under this
- 6 chapter".
- 7 2. Page 1, line 20, by inserting after the word
- 8 "permit" the following: "for on-premises
- 9 consumption,".
- 10 3. By striking page 1, line 29, through page 3,
- 11 line 14.
- 12 4. By renumbering as necessary.

By ANDY MCKEAN

*P.1385*

S-5647 FILED APRIL 26, 2000  
ADOPTED

## SENATE FILE 2241

S-5648

1 Amend the House amendment, S-5562, to Senate File  
2 2241, as passed by the Senate, as follows:

3 1. Page 3, by inserting after line 35 the  
4 following:

5 "\_\_\_\_. Page 5, by inserting after line 4 the  
6 following:

7 "Sec. \_\_\_\_ . Section 901B.1, subsection 3, Code  
8 1999, is amended to read as follows:

9 3. Each judicial district and judicial district  
10 department of correctional services shall implement an  
11 intermediate criminal sanctions program by July 1,  
12 2001. An intermediate criminal sanctions program  
13 shall consist of only levels two, three, and sublevels  
14 one and three of level four of the corrections  
15 continuum and shall be operated in accordance with an  
16 intermediate criminal sanctions plan adopted by the  
17 chief judge of the judicial district and the director  
18 of the judicial district department of correctional  
19 services. The plan adopted shall be designed to  
20 reduce probation revocations to prison through the use  
21 of incremental, community-based sanctions for  
22 probation violations.

23 The plan shall be subject to rules adopted by the  
24 department of corrections. The rules shall include  
25 provisions for transferring individuals between levels  
26 in the continuum. The provisions shall include a  
27 requirement that the reasons for the transfer be in  
28 writing and that an opportunity for the individual to  
29 contest the transfer be made available.

30 A copy of the program and plan shall be filed with  
31 the chief judge of the judicial district, the  
32 department of corrections, and the division of  
33 criminal and juvenile justice planning of the  
34 department of human rights by July 1, 2001.

35 Sec. \_\_\_\_ . Section 907.3, subsection 2, unnumbered  
36 paragraph 1, Code Supplement 1999, is amended to read  
37 as follows:

38 At the time of or after pronouncing judgment and  
39 with the consent of the defendant, the court may defer  
40 the sentence and assign the defendant to the judicial  
41 district department of correctional services. The  
42 court may assign the defendant to supervision or  
43 services under section 901B.1 at the level of  
44 sanctions which the district department determines to  
45 be appropriate, ~~if an intermediate criminal sanctions~~  
46 ~~plan and program has been adopted in the judicial~~  
47 ~~district under section 901B.1.~~ However, the court  
48 shall not defer the sentence for a violation of any of  
49 the following:""

50 2. By renumbering as necessary.

By ANDY MCKEAN

(P. 1385)  
S-5648 FILED APRIL 26, 2000  
ADOPTED

## SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2241

H-9100

1 Amend the House amendment, S-5562, to Senate File  
2 2241, as passed by the Senate, as follows:

3 1. Page 1, line 10, by inserting after the word  
4 "purposes" the following: "at a commercial  
5 establishment licensed or permitted under this  
6 chapter".

7 2. Page 1, line 20, by inserting after the word  
8 "permit" the following: "for on-premises  
9 consumption,".

10 3. By striking page 1, line 29, through page 3,  
11 line 14.

12 4. Page 3, by inserting after line 35 the  
13 following:

14 "\_\_\_\_. Page 5, by inserting after line 4 the  
15 following:

16 "Sec. \_\_\_\_ . Section 901B.1, subsection 3, Code  
17 1999, is amended to read as follows:

18 3. Each judicial district and judicial district  
19 department of correctional services shall implement an  
20 intermediate criminal sanctions program by July 1,  
21 2001. An intermediate criminal sanctions program  
22 shall consist of only levels two, three, and sublevels  
23 one and three of level four of the corrections  
24 continuum and shall be operated in accordance with an  
25 intermediate criminal sanctions plan adopted by the  
26 chief judge of the judicial district and the director  
27 of the judicial district department of correctional  
28 services. The plan adopted shall be designed to  
29 reduce probation revocations to prison through the use  
30 of incremental, community-based sanctions for  
31 probation violations.

32 The plan shall be subject to rules adopted by the  
33 department of corrections. The rules shall include  
34 provisions for transferring individuals between levels  
35 in the continuum. The provisions shall include a  
36 requirement that the reasons for the transfer be in  
37 writing and that an opportunity for the individual to  
38 contest the transfer be made available.

39 A copy of the program and plan shall be filed with  
40 the chief judge of the judicial district, the  
41 department of corrections, and the division of  
42 criminal and juvenile justice planning of the  
43 department of human rights by July 1, 2001.

44 Sec. \_\_\_\_ . Section 907.3, subsection 2, unnumbered  
45 paragraph 1, Code Supplement 1999, is amended to read  
46 as follows:

47 At the time of or after pronouncing judgment and  
48 with the consent of the defendant, the court may defer  
49 the sentence and assign the defendant to the judicial  
50 district department of correctional services. The

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1 court may assign the defendant to supervision or  
2 services under section 901B.1 at the level of  
3 sanctions which the district department determines to  
4 be appropriate, ~~if an intermediate criminal sanctions~~  
5 ~~plan and program has been adopted in the judicial~~  
6 ~~district under section 901B.1.~~ However, the court  
7 shall not defer the sentence for a violation of any of  
8 the following:"  
9 5. By renumbering, relettering, or redesignating  
10 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-9100 FILED APRIL 26, 2000

*House Concurred*

*4-26-00*

*(p. 1843)*

SENATE FILE 2241

AN ACT

RELATING TO PENALTIES AND REGULATIONS CONCERNING CERTAIN  
CRIMINAL OFFENSES AND LIQUOR LICENSES AND PERMITS.

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

Section 1. Section 123.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. "Designated security employee" means an agent or employee of a licensee or permittee who is primarily employed for security purposes at a commercial establishment licensed or permitted under this chapter.

Sec. 2. Section 123.31, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A statement, if required by the local authority indicating whether all designated security employees have received training and certification as provided in section 123.32.

Sec. 3. Section 123.32, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A local authority, as a condition of obtaining a license or permit for on-premises consumption, may require a designated security employee as defined in section 123.3, to be trained and certified in security methods. The training shall include but is not limited to mediation techniques, civil rights or unfair practices awareness as provided in section 216.7, and providing instruction on the proper physical restraint methods used against a person who has become combative.

Sec. 4. Section 124.401, subsection 5, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this subsection chapter or chapter 124A, 124B, or 453B is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this subsection chapter or chapter 124A, 124B, or 453B is guilty of a class "D" felony.

Sec. 5. NEW SECTION. 622.51A COMPUTER PRINTOUTS.

For purposes of chapters 714 and 716, computer printouts shall be admitted as evidence of any computer software, program, or data contained in or taken from a computer, notwithstanding an applicable rule of evidence to the contrary.

Sec. 6. NEW SECTION. 702.1A COMPUTER TERMINOLOGY.

For purposes of section 714.1, subsection 7A, and section 716.6B:

1. "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulation of electronic or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities which are connected or related to the computer in a computer system or computer network.

2. "Computer access" means to instruct, communicate with, store data in, or retrieve data from a computer, computer system, or computer network.

3. "Computer data" means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed in a computer. Computer data may be in any form including, but not limited to, printouts, magnetic storage media, punched cards, and as stored in the memory of a computer.

4. "Computer network" means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

5. "Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

6. "Computer services" means the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage functions.

7. "Computer software" means a set of computer programs, procedures, or associated documentation used in the operation of a computer.

8. "Computer system" means related, connected or unconnected, computers or peripheral equipment.

9. "Loss of property" means the greatest of the following:

a. The retail value of the property involved.

b. The reasonable replacement or repair cost, whichever is less.

10. "Loss of services" means the reasonable value of the damage created by the unavailability or lack of utility of the property or services involved until repair or replacement can be effected.

Sec. 7. Section 702.14, Code 1999, is amended to read as follows:

702.14 PROPERTY.

"Property" is anything of value, whether publicly or privately owned, including but not limited to computers and computer data, computer software, and computer programs. The term includes both tangible and intangible property, labor, and services. The term includes all that is included in the terms "real property" and "personal property".

Sec. 8. NEW SECTION. 702.20A VIDEO RENTAL PROPERTY.

"Video rental property" means an audiovisual recording, including a videotape, videodisc, or other tangible medium of expression on which an audiovisual work is recorded or otherwise stored, or any equipment or supplies used to view the recording, and which is held out for rental to the public in the ordinary course of business.

Sec. 9. Section 714.1, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. Knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of obtaining computer services, information, or property or knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals, or retains possession of a computer, computer system, or computer network or any computer software or computer program, or computer data contained in a computer, computer system, or computer network.

NEW SUBSECTION. 7B. a. Obtains the temporary use of video rental property with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner.

b. Lawfully obtains the temporary use of video rental property and fails to return the video rental property by the agreed time with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner. The aggregate value of the video rental property involved shall be the original retail value of the video rental property.

Sec. 10. NEW SECTION. 714.6A VIDEO RENTAL PROPERTY THEFT -- EVIDENCE OF INTENTION -- AFFIRMATIVE DEFENSE.

1. The fact that a person obtains possession of video rental property by means of deception, including but not limited to furnishing a false name, address, or other identification to the owner, is evidence that possession was obtained with intent to knowingly deprive the owner of the use and possession of the video rental property.

2. The fact that a person, having lawfully obtained possession of video rental property, fails to pay the owner the fair market value of the video rental property or to return or make arrangements acceptable to the owner to return the video rental property to the owner, within forty-eight hours after receipt of written notice and demand from the owner is evidence of an intent to knowingly deprive the owner of the use and possession of the video rental property.

3. It shall be an affirmative defense to a prosecution under section 714.1, subsection 7B, paragraph "a", if the defendant in possession of video rental property pays the owner the fair market value of the video rental property or returns the property to the owner within forty-eight hours of arrest, together with any standard overdue charges for the period that the owner was unlawfully deprived of possession, but not to exceed one hundred twenty days, and the value of the damage to the property, if any.

Sec. 11. NEW SECTION. 716.6B UNAUTHORIZED COMPUTER ACCESS.

A person who knowingly and without authorization accesses a computer, computer system, or computer network commits a simple misdemeanor.

Sec. 12. Section 722.4, Code 1999, is amended to read as follows:

722.4 BRIBERY OF ELECTOR OR ELECTION OFFICIALS.

1. A person who offers, promises, or gives anything of value or any benefit to any elector for the purpose of influencing the elector's vote, in any election authorized by law, or any elector who receives anything of value or any benefit knowing that it was given for such purpose, commits an aggravated misdemeanor.

2. A person who offers, promises, or gives anything of value or any benefit to any precinct election official authorized by law, or to any executive officer attending the same, conditioned on some act done or omitted to be done contrary to the person's official duty in relation to such election, commits an aggravated misdemeanor.

Sec. 13. Section 722.8, Code 1999, is amended to read as follows:

722.8 DURESS TO PREVENT OR PROCURE VOTING.

1. A person who unlawfully and by force, or threats of force, prevents or endeavors to prevent an elector from giving the elector's vote at any public election commits an aggravated misdemeanor.

2. A person who procures, or endeavors to procure, the vote of an elector for or against any candidate or for or against any issue by means of violence, threats of violence, or by any means of duress commits an aggravated misdemeanor.

Sec. 14. Section 901B.1, subsection 3, Code 1999, is amended to read as follows:

3. Each judicial district and judicial district department of correctional services shall implement an intermediate

criminal sanctions program by July 1, 2001. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.

The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.

A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights by July 1, 2001.

Sec. 15. Section 907.3, subsection 2, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. The court may assign the defendant to supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate, ~~if an intermediate criminal sanctions plan and program has been adopted in the judicial district under section 901B.1.~~ However, the court shall not defer the sentence for a violation of any of the following:

Sec. 16. Chapter 714C, Code 1999, is repealed.

Sec. 17. Chapter 716A, Code 1999 and Code Supplement 1999, is repealed.

Sec. 18. Sections 722.6 and 722.9, Code 1999, are repealed.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2241, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 5/19, 2000

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THOMAS J. VILSACK  
Governor