

Senate Study Bill 1020

Bill Text

PAG LIN

1 1 Section 1. Section [719.7](#), Code 1999, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 719.7 PROMOTING OR POSSESSING CONTRABAND.
1 5 1. "Contraband" includes but is not limited to any of the
1 6 following:
1 7 a. A controlled substance or a simulated or counterfeit
1 8 controlled substance, hypodermic syringe, or intoxicating
1 9 beverage.
1 10 b. A dangerous weapon, offensive weapon, pneumatic gun,
1 11 stun gun, firearm ammunition, explosive or incendiary
1 12 material, or other material, instrument, or device fashioned
1 13 in such a manner as to be capable of inflicting death or
1 14 injury.
1 15 c. Rope, ladder components, key or key pattern, metal
1 16 file, or other material, instrument, or device designed or
1 17 intended to facilitate escape of an inmate.
1 18 d. Knife of any length or any other cutting device.
1 19 2. The sheriff, department of corrections, or department
1 20 of human services may x-ray a person under the control of the
1 21 department if there is reason to believe that the person is in
1 22 possession of contraband. A licensed physician or x-ray
1 23 technician under the supervision of a licensed physician must
1 24 x-ray the person.
1 25 3. A person commits the offense of promoting or possessing
1 26 contraband if the person, not authorized by law, does any of
1 27 the following:
1 28 a. Knowingly introduces contraband into, or onto the
1 29 grounds of, a secure facility for the detention or custody of
1 30 juveniles or a jail, detention facility, correctional
1 31 institution, or institution under the management of the
1 32 department of corrections.
1 33 b. Knowingly conveys contraband to any person confined in
1 34 a secure facility for the detention or custody of juveniles,
1 35 jail, detention facility, correctional institution, or
2 1 institution under the management of the department of
2 2 corrections.
2 3 c. Knowingly makes, obtains, or possesses contraband while
2 4 confined in a secure facility for the detention or custody of
2 5 juveniles, jail, detention facility, correctional institution,
2 6 or institution under the management of the department of
2 7 corrections or while being transported or moved incidental to
2 8 confinement.
2 9 4. A person who promotes or possesses contraband or fails
2 10 to report an offense of promoting or possessing contraband
2 11 commits the following:
2 12 a. A class "C" felony for the promotion or possession of
2 13 contraband if the contraband is of the type described in
2 14 subsection 1, paragraph "b" or "d".
2 15 b. A class "D" felony for the promotion or possession of
2 16 contraband if the contraband is any other type of contraband.
2 17 c. An aggravated misdemeanor for failing to report a known
2 18 violation or attempted violation of this section to an
2 19 official or officer at the secure facility for the detention
2 20 or custody of juveniles, jail, detention facility,
2 21 correctional institution, or institution under the management

2 22 of the department of corrections.

2 23 5. Nothing in this section is intended to limit the
2 24 authority of the administrator of any secure facility for the
2 25 detention or custody of juveniles, jail, detention facility,
2 26 correctional institution, or institution under the management
2 27 of the department of corrections to prescribe or enforce rules
2 28 concerning the definition of contraband, and the
2 29 transportation, making, or possession of substances, devices,
2 30 instruments, materials, or other items in the institutions or
2 31 facilities.

2 32 Sec. 2. Section [719.8](#), Code 1999, is repealed.

2 33 EXPLANATION

2 34 This bill establishes the offense of promoting or
2 35 possessing contraband. The bill strikes the current Code
3 1 section 719.7 regarding furnishing intoxicating beverages to
3 2 inmates and repeals Code section 719.8 regarding furnishing
3 3 controlled substances to inmates. Contraband is defined as
3 4 items such as controlled substances, intoxicating beverages,
3 5 weapons, explosives, knives or other cutting devices, or other
3 6 items which may be fashioned to cause death or injury, or
3 7 items which may be used to facilitate an escape.

3 8 Promoting or possessing contraband is committed when a
3 9 person without legal authorization to do so attempts to bring
3 10 contraband into, or makes or possesses contraband within, a
3 11 jail or a detention or correctional facility, including a
3 12 secure facility for the detention or custody of juveniles. If
3 13 the contraband is a weapon or other item which may be
3 14 fashioned to cause death or injury, the person commits a class
3 15 "C" felony. Any other contraband subjects the person to a
3 16 class "D" felony.

3 17 The bill authorizes the X-raying of a person under the
3 18 control of the sheriff, department of corrections, or
3 19 department of human services by a physician or licensed x-ray
3 20 technician to determine if the person possesses contraband.

3 21 The bill also requires a person to report violations or an
3 22 attempt to promote or possess contraband or the promotion or
3 23 possession of contraband to an official or officer at the
3 24 detention or correctional facility. Failure to report is an
3 25 aggravated misdemeanor.

3 26 The bill further provides that the establishment of the
3 27 offense of promoting or possessing contraband does not limit
3 28 the authority of facility administrators to adopt rules
3 29 regarding the definition of contraband, and the introduction,
3 30 possession, or making of substances, objects, or other items.

3 31 Class "C" felonies are punishable by confinement for no
3 32 more than 10 years and a fine of at least \$500 but not more
3 33 than \$10,000.

3 34 Class "D" felonies are punishable by confinement for no
3 35 more than five years and a fine of at least \$500 but not more
4 1 than \$7,500.

4 2 LSB 1105DP 78

4 3 jm/cf/24