SENATE FILE 2002

BY   MADDOX

Passed Senate, Date _____   Passed House, Date _____

Vote: Ayes _____ Nays _____   Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the filing of a criminal indictment or trial
2   information against a person who is not present in the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 2002 JUDICIARY

TLSB 5275SS 79
jm/cls/14

1   Section 1. Section 802.6, Code 2001, is amended to read as
2 follows:
3   802.6 PERIODS EXCLUDED FROM LIMITATION.
4   1. When-a-person-leaves-the-state-with-the-intention-of
5 avoiding-prosecution,-the The time within which an indictment
6 or prosecution-may information must be found or commenced
7 within-the-time-herein-limited-after-the-person's-coming-into
8 the-state,-and-no-period-during-which-the-party-charged-was
9 not-publicly-resident-within-the-state-is-a-part-of-the
10 limitation shall not include the time during which the
11 defendant is not present in the state.
12   2. The time within which an indictment or information must
13 be found or commenced shall not include the time during which
14 the defendant is a public officer or employee and the offense
15 arises from misconduct relating to the duties and trust of
16 that office or employment.
17   EXPLANATION
18   This bill relates to the filing of a criminal indictment or
19 trial information.
20   The bill provides that the period of time to file an
21 indictment or trial information to charge a person with a
22 criminal offense does not run unless the person is present in
23 the state.
24   Current law provides that the time to file an indictment or
25 trial information only tolls if the person leaves the state
26 with the intent to avoid prosecution.
27   The Iowa rules of criminal procedure specify that an
28 indictment or trial information must be found or commenced
29 within 45 days of arrest.
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