

MAR 13 2003  
Place On Calendar

HOUSE FILE 552  
BY COMMITTEE ON PUBLIC SAFETY  
(SUCCESSOR TO HSB 218)

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

**A BILL FOR**

1 An Act prohibiting false compartments in vehicles for the purpose  
2 of intentionally concealing or transporting contraband and  
3 providing for penalties.

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

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HF 552

1 Section 1. NEW SECTION. 733.1 FALSE COMPARTMENTS IN  
2 VEHICLES -- PROHIBITED.

3 1. A person shall not possess, use, or control a false  
4 compartment with the intent to store, conceal, smuggle, or  
5 transport contraband within the false compartment. A  
6 violation of this subsection is a serious misdemeanor.

7 2. A person shall not design, construct, build, alter, or  
8 fabricate a false compartment for, or install or attach a  
9 false compartment to, a vehicle with the intent to store,  
10 conceal, smuggle, or transport contraband within the false  
11 compartment. A violation of this subsection is a serious  
12 misdemeanor.

13 3. A duly authorized peace officer, while investigating a  
14 violation of this section in the performance of the officer's  
15 official duties, or any person working under a peace officer's  
16 immediate direction, supervision, or instruction pursuant to  
17 that investigation, is not subject to prosecution under this  
18 section.

19 4. For purposes of this section, the following definitions  
20 apply:

21 a. "Contraband" means property which is illegally procured  
22 or property the possession of which is unlawful. "Contraband"  
23 includes, but is not limited to, stolen property, illegal  
24 controlled substances, and illegal weapons.

25 b. "False compartment" means any box, container, space, or  
26 enclosure that is intended or designed for use to conceal,  
27 hide, or otherwise prevent discovery of contraband and that is  
28 located within or attached to a vehicle, including, but not  
29 limited to, any of the following:

30 (1) A false, altered, or modified fuel tank.

31 (2) Original factory equipment of a vehicle that is  
32 modified, altered, or changed.

33 (3) A compartment, space, or box that is added to,  
34 fabricated, made, or created from existing compartments,  
35 spaces, or boxes within a vehicle.

1 c. "Vehicle" means a motor vehicle as defined in section  
2 321.1, aircraft, recreational vehicle, or watercraft including  
3 but not limited to a car, truck, bus, boat, ship, yacht,  
4 vessel, or other means of conveyance, owned or operated by, or  
5 rented, leased, or loaned to, a person.

6 EXPLANATION

7 This bill makes it a crime for any person to possess, use,  
8 or control a false compartment in a vehicle with the intent to  
9 store, conceal, smuggle, or transport contraband. The bill  
10 also makes it a crime to design, construct, build, alter, or  
11 fabricate a false compartment or to install or attach such a  
12 compartment to a vehicle with the intent to store, conceal,  
13 smuggle, or transport contraband. A violation of either  
14 provision is a serious misdemeanor punishable by confinement  
15 for no more than one year and a fine of at least \$250 but not  
16 more than \$1,500.

17 For purposes of the bill, "contraband" is defined as  
18 property which is illegally procured or the possession of  
19 which is unlawful, including but not limited to stolen  
20 property, illegal controlled substances, and illegal weapons.  
21 A "false compartment" is defined to mean any box, container,  
22 space, or enclosure within or attached to a vehicle for use to  
23 conceal, hide, or prevent discovery of contraband. A  
24 "vehicle" is defined as a motor vehicle, aircraft,  
25 recreational vehicle, watercraft, or other conveyance.

26 Peace officers who are investigating violations of the bill  
27 in the performance of their official duties and persons  
28 working under such peace officers' immediate direction,  
29 supervision, or instruction pursuant to that investigation are  
30 not subject to prosecution under the bill.

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HF 552 - Vehicle Compartments Smuggling Drugs (LSB 2774 HV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

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**Description**

House File 552 makes it a crime for any person to possess, use, or control a false compartment in a vehicle with the intent to store, conceal, smuggle, or transport an illegal controlled substance. A violation is a serious misdemeanor. House File 552 also makes it a crime to design, construct, build, alter, or fabricate a false compartment or to install or attach such a compartment in a vehicle with the intent to store, conceal, smuggle, or transport an illegal controlled substance. A violation is a serious misdemeanor.

**Assumptions**

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projections period.
3. The law will become effective July 1, 2003. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. This analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2002 data.
5. The average daily cost for parole or probation is \$1.82 per offender. The average length of stay for a serious misdemeanor conviction is 14 months on probation or five months on parole.
6. The marginal cost per day for State prisons is \$12.00 per offender. The average length of stay for a serious misdemeanor is seven months.
7. The median cost per case for the State Public Defender for a serious misdemeanor is \$500.
8. The court costs for a serious misdemeanor ranges from \$74 to \$78, depending upon whether a District Associate Judge or District Court Judge hears the case. The average cost for one case without a jury is \$76. The average cost for one case with a jury is \$470.
9. The collection rate for a serious misdemeanor is 37.8%.

**Correctional Impact**

The creation of a new offense carries the potential for a correctional impact on court caseloads, prisons, county jails, and Community-Based Corrections resources. Most persons involved in false compartment searches would be charged with aggravated misdemeanors or felonies associated with controlled substances, stolen property, and weapons violations and would already be serving time in prison, jail, and Community-Based Corrections. To the extent that such compartments were found and that persons involved were not being charged with offenses carrying greater penalties associated with the discovery of the compartment, there would be a correctional impact under this Bill. However, there is no readily available information regarding how often vehicle compartments are involved in current searches for controlled substances, therefore, the correctional impact of HF 552 cannot be determined.

**Fiscal Impact**

The fiscal impact of HF 552 cannot be determined due to insufficient information. The State's cost for one serious misdemeanor conviction ranges from \$800 to \$3,800. These costs will be incurred across multiple years while the person is supervised in the correctional system, either in prison or in the community.

**Sources**

Judicial Branch  
Criminal and Juvenile Justice Planning  
Department of Public Safety

/s/ Dennis C Prouty

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March 10, 2003

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Su ded By  
SF 0552

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

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

A BILL FOR

1 An Act prohibiting false compartments in vehicles for the purpose  
2 of intentionally concealing or transporting illegal controlled  
3 substances and providing for penalties.

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

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1 Section 1. NEW SECTION. 124.401G FALSE COMPARTMENTS IN  
2 VEHICLES -- PROHIBITED.

3 1. A person shall not possess, use, or control a false  
4 compartment with the intent to store, conceal, smuggle, or  
5 transport an illegal controlled substance within the false  
6 compartment. A violation of this subsection is a serious  
7 misdemeanor.

8 2. A person shall not design, construct, build, alter, or  
9 fabricate a false compartment for, or install or attach a  
10 false compartment to, a vehicle with the intent to store,  
11 conceal, smuggle, or transport an illegal controlled substance  
12 within the false compartment. A violation of this subsection  
13 is an aggravated misdemeanor.

14 3. A duly authorized peace officer, while investigating a  
15 violation of this section in the performance of the officer's  
16 official duties, or any person working under a peace officer's  
17 immediate direction, supervision, or instruction pursuant to  
18 that investigation, is not subject to prosecution under this  
19 section.

20 4. For purposes of this section, the following definitions  
21 apply:

22 a. "False compartment" means any box, container, space, or  
23 enclosure that is intended or designed for use to conceal,  
24 hide, or otherwise prevent discovery of an illegal controlled  
25 substance and that is located within or attached to a vehicle,  
26 including, but not limited to, any of the following:

27 (1) A false, altered, or modified fuel tank.

28 (2) Original factory equipment of a vehicle that is  
29 modified, altered, or changed.

30 (3) A compartment, space, or box that is added to,  
31 fabricated, made, or created from existing compartments,  
32 spaces, or boxes within a vehicle.

33 b. "Vehicle" means a motor vehicle as defined in section  
34 321.1, aircraft, recreational vehicle, or watercraft including  
35 but not limited to a car, truck, bus, boat, ship, yacht,

1 vessel, or other means of conveyance, owned or operated by, or  
2 rented, leased, or loaned to, a person.

3 EXPLANATION

4 This bill makes it a crime for any person to possess, use,  
5 or control a false compartment in a vehicle with the intent to  
6 store, conceal, smuggle, or transport an illegal controlled  
7 substance. A violation is a serious misdemeanor punishable by  
8 confinement for no more than one year and a fine of at least  
9 \$250 but not more than \$1,500.

10 The bill also makes it a crime to design, construct, build,  
11 alter, or fabricate a false compartment or to install or  
12 attach such a compartment in a vehicle with the intent to  
13 store, conceal, smuggle, or transport an illegal controlled  
14 substance. A violation of this provision is an aggravated  
15 misdemeanor punishable by confinement for no more than two  
16 years and a fine of at least \$500 but not more than \$5,000.

17 For purposes of the bill, a "false compartment" is defined  
18 to mean any box, container, space, or enclosure within or  
19 attached to a vehicle for use to conceal, hide, or prevent  
20 discovery of an illegal controlled substance. A "vehicle" is  
21 defined as a motor vehicle, aircraft, recreational vehicle,  
22 watercraft, or other conveyance.

23 Peace officers who are investigating violations of the bill  
24 in the performance of their official duties and persons  
25 working under such peace officers' immediate direction,  
26 supervision, or instruction pursuant to that investigation are  
27 not subject to prosecution under the bill.

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