

# Senate Study Bill 1030

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 expanding the criminal offense of possessing contraband in  
2 correctional institutions to include possessing contraband in  
3 a secure facility for the detention or custody of juveniles, a  
4 detention facility, or a jail.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1044DP 80  
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1 1 Section 1. Section 719.7, Code 2003, is amended to read as  
1 2 follows:

1 3 719.7 POSSESSING CONTRABAND.

1 4 1. "Contraband" includes but is not limited to any of the  
1 5 following:

1 6 a. A controlled substance or a simulated or counterfeit  
1 7 controlled substance, hypodermic syringe, or intoxicating  
1 8 beverage.

1 9 b. A dangerous weapon, offensive weapon, pneumatic gun,  
1 10 stun gun, firearm ammunition, knife of any length or any other  
1 11 cutting device, explosive or incendiary material, instrument,  
1 12 device, or other material fashioned in such a manner as to be  
1 13 capable of inflicting death or injury.

1 14 c. Rope, ladder components, key or key pattern, metal  
1 15 file, instrument, device, or other material designed or  
1 16 intended to facilitate escape of an inmate.

1 17 2. ~~The sheriff may x-ray a person committed to the jail,~~  
1 18 ~~or the department of corrections may x-ray a person under the~~  
1 19 ~~control of the department, if there is reason to believe that~~  
1 20 ~~the person is in possession of contraband. A licensed~~  
1 21 ~~physician or x-ray technician under the supervision of a~~  
1 22 ~~licensed physician must x-ray the person.~~

1 23 3. A person commits the offense of possessing contraband  
1 24 if the person, not authorized by law, does any of the  
1 25 following:

1 26 a. Knowingly introduces contraband into, or onto, the  
1 27 grounds of a ~~secure facility for the detention or custody of~~  
1 28 ~~juveniles, detention facility, jail, correctional institution,~~  
1 29 ~~or institution under the management of the department of~~  
1 30 ~~corrections.~~

1 31 b. Knowingly conveys contraband to any person confined in  
1 32 a ~~secure facility for the detention or custody of juveniles,~~  
1 33 ~~detention facility, jail, correctional institution, or~~  
1 34 ~~institution under the management of the department of~~  
1 35 ~~corrections.~~

2 1 c. Knowingly makes, obtains, or possesses contraband while  
2 2 confined in a ~~secure facility for the detention or custody of~~  
2 3 ~~juveniles, detention facility, jail, correctional institution,~~  
2 4 ~~or institution under the management of the department of~~  
2 5 ~~corrections, or while being transported or moved incidental to~~  
2 6 ~~confinement.~~

2 7 4. A person who possesses contraband or fails to report an  
2 8 offense of possessing contraband commits the following:

2 9 a. A class "C" felony for the possession of contraband if  
2 10 the contraband is of the type described in subsection 1,  
2 11 paragraph "b".

2 12 b. A class "D" felony for the possession of contraband if  
2 13 the contraband is any other type of contraband.

2 14 c. An aggravated misdemeanor for failing to report a known  
2 15 violation or attempted violation of this section to an  
2 16 official or officer at a ~~secure facility for the detention or~~  
2 17 ~~custody of juveniles, detention facility, jail, correctional~~

2 18 ~~institution, or institution under the management of the~~  
2 19 ~~department of corrections.~~

2 20 5. Nothing in this section is intended to limit the  
2 21 authority of the administrator of any ~~secure facility for the~~

2 22 detention or custody of juveniles, detention facility, jail,  
2 23 correctional institution, or institution under the management  
2 24 of the department of corrections to prescribe or enforce rules  
2 25 concerning the definition of contraband, and the  
2 26 transportation, making, or possession of substances, devices,  
2 27 instruments, materials, or other items in the institutions.  
2 28 Sec. 2. Section 911.3, subsection 1, paragraph b, Code  
2 29 2003, is amended to read as follows:  
2 30 b. Section 719.7, 719.8, 725.1, 725.2, or 725.3.

2 31 EXPLANATION

2 32 This bill expands the definition of the criminal offense of  
2 33 possessing contraband in correctional institutions to include  
2 34 possessing such contraband in a secure facility for the  
2 35 detention or custody of juveniles, a detention facility, or a  
3 1 jail.

3 2 The bill and current law define contraband to include  
3 3 controlled substances, intoxicating beverages, weapons,  
3 4 explosives, knives, or other cutting devices, or other items  
3 5 that may be fashioned to cause death or injury, or items that  
3 6 may be used to facilitate an escape.

3 7 Possessing contraband under the bill and in current law is  
3 8 committed when a person without legal authorization to do so  
3 9 attempts to bring contraband into, or makes or possesses  
3 10 contraband within, a correctional institution, secure facility  
3 11 for the detention or custody of juveniles, detention facility,  
3 12 or jail. If the contraband is a weapon or other item which  
3 13 may be fashioned to cause death or injury, the person commits  
3 14 a class "C" felony. Any other contraband offense subjects the  
3 15 person to a class "D" felony.

3 16 The bill and current law also require a person to report  
3 17 the offense of possessing contraband or any attempt of  
3 18 possessing such contraband to an official or officer at the  
3 19 correctional institution, secure facility for the detention or  
3 20 custody of juveniles, detention facility, or jail. Failure to  
3 21 report is an aggravated misdemeanor.

3 22 The bill and current law provide that the criminal offense  
3 23 of possessing contraband does not limit the authority of  
3 24 facility administrators to adopt rules regarding the  
3 25 definition of contraband.

3 26 The bill also authorizes the sheriff to x-ray a person  
3 27 committed to the jail to determine if the person possesses  
3 28 contraband. Current law authorizes the department of  
3 29 corrections to x-ray a person under the control of the  
3 30 department.

3 31 The bill provides that a law enforcement initiative  
3 32 surcharge in the amount of \$125 shall also be assessed upon a  
3 33 conviction or deferred judgment for possessing contraband  
3 34 under Code section 719.7. The surcharge is deposited in the  
3 35 general fund of the state.

4 1 A class "C" felony is punishable by confinement for no more  
4 2 than 10 years and a fine of at least \$1,000 but not more than  
4 3 \$10,000. A class "D" felony is punishable by confinement for  
4 4 no more than five years and a fine of at least \$750 but not  
4 5 more than \$7,500. An aggravated misdemeanor is punishable by  
4 6 confinement for no more than two years and a fine of at least  
4 7 \$500 but not more than \$5,000.

4 8 LSB 1044DP 80

4 9 jm/sh/8