

House Study Bill 642 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED CRIMINAL CODE
REORGANIZATION STUDY
COMMITTEE BILL)

A BILL FOR

1 An Act relating to escapes or attempted escapes from custody
2 due to the commission of a criminal offense and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 719.4, Code 2009, is amended to read as
2 follows:

3 **719.4 Escape or absence from custody.**

4 1. A person convicted of a ~~felony~~ criminal offense,
5 or charged with or arrested for the commission of a
6 ~~felony~~ criminal offense, who intentionally escapes, or
7 attempts to escape, from a detention facility, community-based
8 correctional facility, or institution to which the person has
9 been committed by reason of the conviction, charge, or arrest,
10 or from the custody of any public officer, public employee, or
11 any other person to whom the person has been entrusted, commits
12 a class "D" felony.

13 ~~2. A person convicted of, charged with, or arrested for~~
14 ~~a misdemeanor, who intentionally escapes, or attempts to~~
15 ~~escape, from a detention facility, community-based correctional~~
16 ~~facility, or institution to which the person has been committed~~
17 ~~by reason of the conviction, charge, or arrest, or from the~~
18 ~~custody of any public officer, public employee, or any other~~
19 ~~person to whom the person has been entrusted, commits a serious~~
20 ~~misdemeanor.~~

21 ~~3.~~ 2. A person who has been committed to an institution
22 under the control of the Iowa department of corrections, to
23 a community-based correctional facility, or to a jail or
24 correctional institution, who knowingly and voluntarily is
25 absent from a place where the person is required to be, commits
26 a serious misdemeanor.

27 ~~4.~~ 3. A person who flees from the state to avoid
28 prosecution for a public offense which is a felony or
29 aggravated misdemeanor commits a class "D" felony.

30 ~~5.~~ 4. Except for subsection ~~4~~ 3, an offense committed under
31 this section includes any offense committed wholly outside the
32 state.

33

EXPLANATION

34 This bill relates to escapes from custody. The bill
35 equalizes the criminal penalty for all escapes or attempted

1 escapes from custody.

2 Under the bill, a person convicted, charged, or arrested
3 for the commission of any criminal offense, who intentionally
4 escapes, or attempts to escape from a detention facility,
5 community-based correctional facility, or institution, or
6 escapes or attempts to escape from the custody of any public
7 officer, public employee, or any other person who has custody,
8 commits a class "D" felony.

9 Current law provides that a person commits a class "D" felony
10 for an escape or attempted escape if the underlying criminal
11 offense which leads to the custody of the person is a felony,
12 and if the underlying criminal offense which leads to the
13 custody of the person is a misdemeanor, the person commits a
14 serious misdemeanor.

15 A serious misdemeanor is punishable by confinement for no
16 more than one year and a fine of at least \$315 but not more than
17 \$1,875. A class "D" felony is punishable by confinement for no
18 more than five years and a fine of at least \$750 but not more
19 than \$7,500.