

House File 615 - Introduced

HOUSE FILE 615

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 153)

A BILL FOR

1 An Act relating to the criminal offense of possessing
2 electronic contraband or failing to report electronic
3 contraband at a jail, municipal holding facility, or
4 correctional facility, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 719.7A Electronic contraband —
2 criminal penalties.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Electronic contraband*" means a mobile telephone or other
6 hand-held electronic communication device.

7 b. "*Facility*" means a county jail, municipal holding
8 facility, or institution under the management of the department
9 of corrections.

10 2. A person commits the offense of possessing electronic
11 contraband under this section if the person, not authorized by
12 law, does any of the following:

13 a. Knowingly supplies or attempts to supply electronic
14 contraband to any person confined in a facility, or to any
15 person confined in a facility while the person is being
16 transported or moved incidental to the confinement.

17 b. Knowingly makes, obtains, or possesses electronic
18 contraband while confined in a facility, or while being
19 transported or moved incidental to confinement.

20 3. A person who possesses electronic contraband commits a
21 class "D" felony.

22 4. a. A person commits the offense of failing to report
23 electronic contraband when the person fails to report a known
24 violation or attempted violation of this section to an official
25 or officer at a facility.

26 b. A person who violates this subsection commits an
27 aggravated misdemeanor.

28 5. The sheriff may x-ray a person committed to the jail,
29 the supervising law enforcement agency may x-ray a person
30 confined in the municipal holding facility, or the department
31 of corrections may x-ray a person under the control of the
32 department, if there is reason to believe that the person is in
33 possession of electronic contraband. A licensed physician or
34 x-ray technician under the supervision of a licensed physician
35 must x-ray the person.

1 6. Nothing in this section is intended to limit the
2 authority of the administrator of any facility to prescribe
3 or enforce rules concerning the definition of electronic
4 contraband, and the supplying, making, obtaining, or possession
5 of electronic contraband.

6 EXPLANATION

7 This bill relates to the criminal offense of possessing
8 electronic contraband in a jail, municipal holding facility, or
9 correctional institution.

10 The bill defines "electronic contraband" as a mobile
11 telephone or other hand-held electronic communication device.

12 Under the bill, a person commits the criminal offense of
13 possessing electronic contraband, if the person, not authorized
14 by law, supplies or attempts to supply, makes, obtains, or
15 possesses a mobile telephone or other hand-held electronic
16 communication device in, a jail, municipal holding facility, or
17 correctional institution. A person who violates this provision
18 commits a class "D" felony.

19 The bill provides that if a person fails to report a known
20 electronic contraband violation to an official or officer of a
21 jail, municipal holding facility, or correctional institution,
22 the person commits an aggravated misdemeanor.

23 A class "D" felony is punishable by up to five years of
24 confinement and a fine of at least \$750 but not more than
25 \$7,500. An aggravated misdemeanor is punishable by up to two
26 years in prison and a fine of at least \$625 but not to exceed
27 \$6,250.