

**House File 546 - Introduced**

HOUSE FILE 546  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 128)

**A BILL FOR**

1 An Act relating to possessing contraband or electronic  
2 contraband at community-based correctional facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 719.7, subsections 3, 4, and 5, Code  
2 2015, are amended to read as follows:

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

5 a. Knowingly introduces contraband into, or onto, the  
6 grounds of a secure facility for the detention or custody  
7 of juveniles, detention facility, jail, community-based  
8 correctional facility, correctional institution, or institution  
9 under the management of the department of corrections.

10 b. Knowingly conveys contraband to any person confined in  
11 a secure facility for the detention or custody of juveniles,  
12 detention facility, jail, community-based correctional  
13 facility, correctional institution, or institution under the  
14 management of the department of corrections.

15 c. Knowingly makes, obtains, or possesses contraband while  
16 confined in a secure facility for the detention or custody  
17 of juveniles, detention facility, jail, community-based  
18 correctional facility, correctional institution, or institution  
19 under the management of the department of corrections, or while  
20 being transported or moved incidental to confinement.

21 4. A person who possesses contraband or fails to report an  
22 offense of possessing contraband commits the following:

23 a. A class "C" felony for the possession of contraband  
24 if the contraband is of the type described in subsection 1,  
25 paragraph "b".

26 b. A class "D" felony for the possession of contraband if  
27 the contraband is any other type of contraband.

28 c. An aggravated misdemeanor for failing to report a  
29 known violation or attempted violation of this section to an  
30 official or officer at a secure facility for the detention or  
31 custody of juveniles, detention facility, jail, community-based  
32 correctional facility, correctional institution, or institution  
33 under the management of the department of corrections.

34 5. Nothing in this section is intended to limit the  
35 authority of the administrator of any secure facility for

1 the detention or custody of juveniles, detention facility,  
2 jail, community-based correctional facility, correctional  
3 institution, or institution under the management of  
4 the department of corrections to prescribe or enforce  
5 rules concerning the definition of contraband, and the  
6 transportation, making, or possession of substances, devices,  
7 instruments, materials, or other items.

8 Sec. 2. Section 719.7A, subsection 1, paragraph b, Code  
9 2015, is amended to read as follows:

10 b. "*Facility*" means a county jail, municipal holding  
11 facility, community-based correctional facility, or institution  
12 under the management of the department of corrections.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill relates to possessing contraband or electronic  
17 contraband at a community-based correctional facility.

18 Under the bill, a person commits the criminal offense of  
19 possessing contraband, if the person, not authorized by law,  
20 knowingly introduces contraband into or onto the grounds  
21 of a community-based correctional facility, or knowingly  
22 conveys contraband to a person confined at such a facility,  
23 or knowingly makes, obtains, or possesses contraband while  
24 confined or being transported. The penalty is either a class  
25 "C" felony or a class "D" felony depending on the contraband  
26 involved in the offense. The bill also provides that if a  
27 person fails to report a known contraband violation to an  
28 official or officer of a community-based correctional facility,  
29 the person commits an aggravated misdemeanor. Under current  
30 law, a person commits the criminal offense of possessing  
31 contraband if the violation occurs in or on the grounds of a  
32 secure facility for the detention of juveniles, a detention  
33 facility, jail, correctional institution, or institution under  
34 the management of the department of corrections.

35 "Contraband" is defined in Code section 719.7(1) and

1 includes controlled substances, weapons, and items that could  
2 be used to facilitate an escape.

3 Under the bill, a person commits the criminal offense of  
4 possessing electronic contraband (cell phone), if the person,  
5 not authorized by law, knowingly supplies or attempts to  
6 supply electronic contraband to any person confined in a  
7 community-based correctional facility, or knowingly makes,  
8 obtains, or possesses electronic contraband while confined  
9 or being transported. A person who violates this provision  
10 commits a class "D" felony. The bill provides that if a person  
11 fails to report a known electronic contraband violation to an  
12 official or officer of a community-based correctional facility,  
13 the person commits an aggravated misdemeanor. Under current  
14 law, a person commits the criminal offense of possessing  
15 electronic contraband if the violation occurs in or while being  
16 transported or moved to or from a jail, municipal holding  
17 facility, or institution under the management of the department  
18 of corrections.

19 The bill, in part, is a response to the Iowa Supreme Court's  
20 decision in State v. Halverson, No. 13-0446, (Iowa 2015),  
21 which held that a community-based correctional facility is  
22 not an institution under the management of the department of  
23 corrections.