

**Senate File 2105 - Introduced**

SENATE FILE 2105

BY CHELGREN

**A BILL FOR**

1 An Act relating to the possession of contraband in or on the  
2 grounds of a community-based correctional facility, and  
3 providing penalties.

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

1 Section 1. Section 719.7, subsection 3, paragraphs a, b, and  
2 c, Code 2018, are amended to read as follows:

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

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

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

19 Sec. 2. Section 719.7, subsection 4, paragraph c, Code 2018,  
20 is amended to read as follows:

21 c. An aggravated misdemeanor for failing to report a  
22 known violation or attempted violation of [this section](#) to an  
23 official or officer at a secure facility for the detention or  
24 custody of juveniles, detention facility, jail, community-based  
25 correctional facility, correctional institution, or institution  
26 under the management of the department of corrections.

27 Sec. 3. Section 719.7, subsection 5, Code 2018, is amended  
28 to read as follows:

29 5. Nothing in [this section](#) is intended to limit the  
30 authority of the administrator of any secure facility for  
31 the detention or custody of juveniles, detention facility,  
32 jail, community-based correctional facility, correctional  
33 institution, or institution under the management of  
34 the department of corrections to prescribe or enforce  
35 rules concerning the definition of contraband, and the

1 transportation, making, or possession of substances, devices,  
2 instruments, materials, or other items.

3 EXPLANATION

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

6 This bill relates to the possession of contraband in or on  
7 the grounds of a community-based correctional facility, and  
8 provides penalties.

9 The bill expands the facilities and institutions where a  
10 person may commit the criminal offense of possessing contraband  
11 to include a community-based correctional facility.

12 "Contraband" is defined under current law to include  
13 controlled substances, intoxicating beverages, weapons,  
14 explosives, knives or other cutting devices, items that may be  
15 fashioned to cause death or injury, and items that may be used  
16 to facilitate an escape.

17 A person commits a class "C" felony if the contraband is a  
18 weapon, a class "D" felony if the contraband is a controlled  
19 substance or intoxicating beverage, and an aggravated  
20 misdemeanor if the contraband is an item that may be used to  
21 facilitate an escape. A person also commits an aggravated  
22 misdemeanor for failing to report a known violation or  
23 attempted violation involving contraband to an official or  
24 officer at a community-based correctional facility.

25 The bill, in part, is a response to the Iowa supreme court's  
26 decision in State v. Halverson, 857 N.W.2d 632 (Iowa 2015),  
27 which held that a person illegally possessing a controlled  
28 substance at a community-based correctional facility does not  
29 commit the criminal offense of possessing contraband because  
30 a community-based correctional facility is not an institution  
31 under the control of the department of corrections.

32 A class "C" felony is punishable by confinement for no more  
33 than 10 years and a fine of at least \$1,000 but not more than  
34 \$10,000. A class "D" felony is punishable by confinement for  
35 no more than five years and a fine of at least \$750 but not

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1 more than \$7,500. An aggravated misdemeanor is punishable by  
2 confinement for no more than two years and a fine of at least  
3 \$625 but not more than \$6,250.