

House File 2119 - Introduced

HOUSE FILE 2119

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 510)

A BILL FOR

1 An Act relating to the possession of contraband in department
2 of corrections facilities, and providing penalties.

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

1 Section 1. Section 719.7, Code 2026, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. Any punishment imposed under this
4 section upon an inmate of a correctional institution specified
5 in section 904.102 shall be served consecutively to the
6 sentence being served by the inmate at the time of the
7 violation.

8 Sec. 2. Section 719.7A, Code 2026, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 4A. Any punishment imposed under this
11 section upon an inmate of a correctional institution specified
12 in section 904.102 shall be served consecutively to the
13 sentence being served by the inmate at the time of the
14 violation.

15 Sec. 3. NEW SECTION. **719.7B Restricted or disruptive**
16 **contraband — criminal penalties.**

17 1. As used in this section, unless the context otherwise
18 requires:

19 a. "Facility" means a county jail, municipal holding
20 facility, or institution under the management of the department
21 of corrections.

22 b. (1) "*Restricted or disruptive contraband*" means any
23 object, material, substance, or article that is not inherently
24 illegal to possess under the laws of this state but that is
25 prohibited by the facility due to the threat it poses to the
26 order, discipline, or security of the facility, or to the life,
27 health, or safety of an individual.

28 (2) "*Restricted or disruptive contraband*" includes but is not
29 limited to any of the following:

30 (a) Tobacco, tobacco products, or electronic smoking
31 devices.

32 (b) Money, currency, negotiable instruments, or other items
33 of value.

34 (c) Cellular telephones, electronic communication devices,
35 or any component thereof, unless otherwise prosecuted under

1 section 719.7A.

2 (d) Synthetic cannabinoids or synthetic cannabinoid
3 derivatives, whether or not listed as a controlled substance
4 under chapter 124, unless otherwise prosecuted under section
5 719.7.

6 (e) Pornographic or sexually explicit materials as defined
7 by institutional policy.

8 (f) Any other item designated as restricted or disruptive
9 contraband by the facility.

10 2. A person commits the offense of possessing restricted
11 or disruptive contraband under this section if the person,
12 not authorized by law or facility policy, does any of the
13 following:

14 a. Knowingly introduces, supplies, or attempts to supply
15 restricted or disruptive contraband to any person confined in a
16 correctional facility or jail, or to any person confined while
17 being transported or moved incidental to confinement.

18 b. Knowingly makes, obtains, or possesses restricted or
19 disruptive contraband while confined in a correctional facility
20 or jail, or while being transported or moved incidental to
21 confinement.

22 3. A person who possesses restricted or disruptive
23 contraband commits a class "D" felony.

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

28 b. A person who violates this subsection commits an
29 aggravated misdemeanor.

30 5. Any punishment imposed under this section upon an inmate
31 of a correctional institution specified in section 904.102
32 shall be served consecutively to the sentence being served by
33 the inmate at the time of the violation.

34 6. A sheriff, a supervising law enforcement agency, or the
35 department of corrections may authorize taking an X ray of a

1 person under its control if there is reason to believe that the
2 person is in possession of restricted or disruptive contraband.
3 A licensed physician or x-ray technician under the supervision
4 of a licensed physician shall x-ray the person.

5 7. Nothing in this section is intended to limit the
6 authority of the administrator of any facility to prescribe
7 or enforce rules concerning the definition of restricted or
8 disruptive contraband, and the supplying, making, obtaining, or
9 possession of restricted or disruptive contraband.

10 8. This section shall not be construed to limit or restrict
11 the offenses provided in section 719.7 or 719.7A.

12 EXPLANATION

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

15 This bill relates to the possession of contraband in
16 department of corrections facilities.

17 The bill provides that any punishment for the possession
18 of contraband by an inmate of a facility under the control of
19 the department of corrections shall be served consecutively
20 to the sentence being served by the inmate at the time of the
21 violation.

22 The bill adds a new category of restricted or disruptive
23 contraband. "Restricted or disruptive contraband" means any
24 object, material, substance, or article that is not inherently
25 illegal to possess under the laws of the state but that is
26 prohibited by the facility due to the threat it poses to the
27 order, discipline, or security of the facility, or to the life,
28 health, or safety of an individual. "Restricted or disruptive
29 contraband" includes but is not limited to tobacco, tobacco
30 products, or electronic smoking devices; money, currency,
31 negotiable instruments, or other items of value; cellular
32 telephones, electronic communication devices, or any component
33 thereof, unless otherwise prosecuted under Code section 719.7A;
34 synthetic cannabinoids or synthetic cannabinoid derivatives,
35 whether or not listed as a controlled substance under Code

1 chapter 124, unless otherwise prosecuted under Code section
2 719.7; pornographic or sexually explicit materials as defined
3 by institutional policy; and any other item designated as
4 restricted or disruptive contraband by the facility.

5 The bill authorizes taking an X ray of a person under the
6 control of a facility if there is reason to believe that the
7 person is in possession of restricted or disruptive contraband.
8 A licensed physician or x-ray technician under the supervision
9 of a licensed physician shall x-ray the person.

10 A person who possesses restricted or disruptive contraband
11 commits a class "D" felony. A class "D" felony is punishable
12 by confinement for no more than five years and a fine of at
13 least \$1,025 but not more than \$10,245.

14 The bill provides that a person commits the offense of
15 failing to report restricted or disruptive contraband when
16 the person fails to report a known violation or attempted
17 violation to an official or officer at a facility. A person
18 who violates this provision commits an aggravated misdemeanor.
19 An aggravated misdemeanor is punishable by confinement for no
20 more than two years and a fine of at least \$855 but not more
21 than \$8,540.