

CHAPTER 163

CONTRABAND IN PRISONS AND DETENTION FACILITIES

S.F. 101

AN ACT relating to the offense of promoting or possessing contraband in prisons and detention facilities and establishing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 719.7, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

719.7 PROMOTING OR POSSESSING CONTRABAND.

1. "Contraband" includes but is not limited to any of the following:

a. A controlled substance or a simulated or counterfeit controlled substance, hypodermic syringe, or intoxicating beverage.

b. A dangerous weapon, offensive weapon, pneumatic gun, stun gun, firearm ammunition, knife of any length or any other cutting device, explosive or incendiary material, instrument, device, or other material fashioned in such a manner as to be capable of inflicting death or injury.

c. Rope, ladder components, key or key pattern, metal file, instrument, device, or other material designed or intended to facilitate escape of an inmate.

2. The department of corrections may x-ray a person under the control of the department if there is reason to believe that the person is in possession of contraband. A licensed physician or x-ray technician under the supervision of a licensed physician must x-ray the person.

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

a. Knowingly introduces contraband into, or onto the grounds of a correctional institution or institution under the management of the department of corrections.

b. Knowingly conveys contraband to any person confined in a correctional institution or institution under the management of the department of corrections.

c. Knowingly makes, obtains, or possesses contraband while confined in a correctional institution or institution under the management of the department of corrections or while being transported or moved incidental to confinement.

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

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

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

c. An aggravated misdemeanor for failing to report a known violation or attempted violation of this section to an official or officer at a correctional institution or institution under the management of the department of corrections.

5. Nothing in this section is intended to limit the authority of the administrator of any correctional institution or institution under the management of the department of corrections to prescribe or enforce rules concerning the definition of contraband, and the transportation, making, or possession of substances, devices, instruments, materials, or other items in the institutions.

Sec. 2. Section 719.8, Code 1999, is amended to read as follows:

719.8 FURNISHING A CONTROLLED SUBSTANCE OR INTOXICATING BEVERAGE TO INMATES AT A DETENTION FACILITY.

A person not authorized by law who furnishes or knowingly makes available a controlled substance or intoxicating beverage to an inmate at a detention facility ~~or correctional~~

~~institution, or at an institution under the management of the Iowa department of corrections, or who introduces a controlled substance or intoxicating beverage into the premises of such an institution a facility, commits a class "D" felony.~~

Approved May 24, 1999

CHAPTER 164

GUARDIANS AD LITEM FOR CHILDREN IN JUVENILE COURT

S.F. 193

AN ACT relating to the duties of a guardian ad litem appointed to represent a child in juvenile court proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.2, subsection 22, Code 1999, is amended to read as follows:

22. a. "Guardian ad litem" means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, subsections 1 and 4, section 232.103, subsection 2, paragraph "c", and section 232.111.

b. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include the following:

a. (1) Conducting in-person interviews with the child, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by counsel.

b. (2) Conducting interviews with the child, if the child's age is appropriate for the interview, prior to any court-ordered hearing.

(3) Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.

e. (4) Interviewing any person providing medical, mental health, social, educational, or other services to the child, before any hearing referred to in subparagraph (2).

d. (5) Obtaining first-hand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.

e. (6) Attending any hearings in the matter in which the person is appointed as the guardian ad litem.

(7) Attending, if necessary, any departmental staff meeting or case conference regarding the child, and if necessary, any meeting with medical or mental health providers, service providers, organizations, or educational institutions.

c. The order appointing the guardian ad litem shall specify the duties of and grant authorization to the guardian ad litem to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The order shall specify that the guardian ad litem may interview any person providing medical, mental health, social, educational, or other services to the child, and may inspect and copy any records relevant to the proceedings.

Approved May 24, 1999