

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 440

February 27, 1947.
Passed on File.

By JUDICIARY 2.

A BILL FOR

An Act to amend Code 1946, by inserting therein a new chapter making it a criminal offense for any one to harbor or conceal any person for whose arrest a warrant or process has been issued, and defining the meaning of such offense and prescribing a penalty therefor.

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

1 Section 1. That the Code 1946 be and the same is hereby
2 amended by inserting therein as a new chapter the following:

3 "Whoever shall harbor or conceal any person for whose
4 arrest a warrant or process has been issued so as to prevent
5 his discovery and arrest, after notice or knowledge of the
6 fact that a warrant or process has been issued for the
7 apprehension of such a person, shall be guilty of a felony
8 and shall be punished by imprisonment in the penitentiary or
9 reformatory for a term not exceeding five (5) years or by a
10 fine of not more than one thousand dollars (\$1000.00) nor less
11 than one hundred dollars (\$100.00)."

1 Sec. 2. "The terms 'harbor' and 'conceal' as used herein shall
2 be construed and are defined as referring to some physical act
3 attending to the secretion of the body of the offender, or
4 to hide, secrete, or keep out of sight said offender, or to

5 lodge and care for after secreting the offender, or to pay
6 money to such offender or to any one to be used for or on his
7 behalf so that he may shelter, feed or hide himself, or in any
8 other manner do or perform any act or thing which will enable
9 said offender in getting away or escaping the officers of the
10 law in attempting to make his arrest.”

EXPLANATION OF H. F. 440

This bill is patterned after section 246 of title 18 Criminal Code and Criminal Procedure of the United States and the definitions given are based on the case of the United States of America v. Carl Shapiro, et al., as reported in 113 F (2d) 891 and 130 A.L.R. 147 and State of Iowa v. Hudson, 50 Iowa 157.

It is important to the peace officers of this state in their attempt to find a criminal that there should be a fear on the part of those aiding the criminals to escape arrest from doing so, and that if they do so that they themselves become subject to a criminal prosecution.

The Federal Government and most states have “Harboring” statutes which they find invaluable in the investigation of serious crimes and in the apprehension of fugitives. Iowa is sorely in need of this legislation.

Chapter 745, Code 1946, already provides for escapes of criminals already under arrest, but there is no provision of our law governing the harboring and concealing of criminals for whom warrants have been issued. Even under the proposed law knowledge of the existence of a warrant must be brought home to any person aiding a criminal by either harboring or concealing him.