

FEB 8 2002

JUDICIARY

HOUSE FILE 2263
BY BAUDLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting false compartments in vehicles for the purpose
2 of intentionally concealing or transporting controlled
3 substances and providing for penalties.

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

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HF 2263

1 Section 1. NEW SECTION. 124.401G FALSE COMPARTMENTS IN
2 VEHICLES -- PROHIBITED.

3 1. A person shall not possess, use, or control a false
4 compartment with the intent to store, conceal, smuggle, c
5 transport a controlled substance within the false compartment.
6 A violation of this subsection is a serious misdemeanor.

7 2. A person shall not design, construct, build, alter, or
8 fabricate a false compartment for, or install or attach a
9 false compartment to, a vehicle with the intent to store,
10 conceal, smuggle, or transport a controlled substance within
11 the false compartment. A violation of this subsection is an
12 aggravated misdemeanor.

13 3. A duly authorized peace officer, while investigating a
14 violation of this section in the performance of the officer's
15 official duties, or any person working under a peace officer's
16 immediate direction, supervision, or instruction pursuant to
17 that investigation, is not subject to prosecution under this
18 section.

19 4. For purposes of this section, the following definitions
20 apply:

21 a. "False compartment" means any box, container, space, or
22 enclosure that is intended or designed for use to conceal,
23 hide, or otherwise prevent discovery of a controlled substance
24 and that is located within or attached to a vehicle,
25 including, but not limited to, any of the following:

26 (1) A false, altered, or modified fuel tank.

27 (2) Original factory equipment of a vehicle that is
28 modified, altered, or changed.

29 (3) A compartment, space, or box that is added to,
30 fabricated, made, or created from existing compartments,
31 spaces, or boxes within a vehicle.

32 b. "Vehicle" means a motor vehicle as defined in section
33 321.1, aircraft, recreational vehicle, or watercraft including
34 but not limited to a car, truck, bus, boat, ship, yacht,
35 vessel, or other means of conveyance, owned or operated by, or

1 rented, leased, or loaned to, a person.

2 EXPLANATION

3 This bill makes it a crime for any person to possess, use,
4 or control a false compartment in a vehicle with the intent to
5 store, conceal, smuggle, or transport a controlled substance.
6 A violation is a serious misdemeanor punishable by confinement
7 for no more than one year and a fine of at last \$250 but not
8 more than \$1,500.

9 The bill also makes it a crime to design, construct, build,
10 alter, or fabricate a false compartment or to install or
11 attach such a compartment in a vehicle with the intent to
12 store, conceal, smuggle, or transport a controlled substance.
13 A violation of this provision is an aggravated misdemeanor
14 punishable by confinement for no more than two years and a
15 fine of at least \$500 but not more than \$5,000.

16 For purposes of the bill, a "false compartment" is defined
17 to mean any box, container, space, or enclosure within or
18 attached to a vehicle for use to conceal, hide, or prevent
19 discovery of a controlled substance possessed in violation of
20 law. A "vehicle" is defined as a motor vehicle, aircraft,
21 recreational vehicle, watercraft, or other conveyance.

22 Peace officers who are investigating violations of the bill
23 in the performance of their official duties and persons
24 working under such peace officers' immediate direction,
25 supervision, or instruction pursuant to that investigation are
26 not subject to prosecution under the bill.

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