

FEB 2 2005
Place On Calendar

HOUSE FILE 173
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 52)

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 contraband and
3 providing penalties.

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

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HF 173

1 Section 1. NEW SECTION. 733.1 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, or
5 transport contraband within the false compartment. A
6 violation of this subsection is a serious misdemeanor.

7 2. A person shall not 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 contraband within the false
11 compartment. A violation of this subsection is a serious
12 misdemeanor.

13 3. A certified 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 certified peace
16 officer's immediate direction, supervision, or instruction
17 pursuant to that investigation, is not subject to prosecution
18 under this section.

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

21 a. "Contraband" means property which is illegally procured
22 or property the possession of which is unlawful. "Contraband"
23 includes but is not limited to stolen property, illegal
24 controlled substances, and illegal weapons.

25 b. "False compartment" means any box, container, space, or
26 enclosure that is intended or designed for use to conceal,
27 hide, or otherwise prevent discovery of contraband and that is
28 located within or attached to a vehicle, including but not
29 limited to any of the following:

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

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

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

1 c. "Vehicle" means a motor vehicle as defined in section
2 321.1, aircraft, recreational vehicle, or watercraft including
3 but not limited to a car, truck, bus, boat, ship, yacht,
4 vessel, or other means of conveyance, owned or operated by, or
5 rented, leased, or loaned to, a person.

6 EXPLANATION

7 This bill makes it a crime for any person to possess, use,
8 or control a false compartment in a vehicle with the intent to
9 store, conceal, smuggle, or transport contraband. The bill
10 also makes it a crime to construct, build, alter, or fabricate
11 a false compartment or to install or attach such a compartment
12 to a vehicle with the intent to store, conceal, smuggle, or
13 transport contraband. A violation of either provision is a
14 serious misdemeanor punishable by confinement for no more than
15 one year and a fine of at least \$250 but not more than \$1,500.

16 For purposes of the bill, "contraband" is defined as
17 property which is illegally procured or the possession of
18 which is unlawful, including but not limited to stolen
19 property, illegal controlled substances, and illegal weapons.
20 A "false compartment" is defined to mean any box, container,
21 space, or enclosure within or attached to a vehicle for use to
22 conceal, hide, or otherwise prevent discovery of contraband.
23 A "vehicle" is defined as a motor vehicle, aircraft,
24 recreational vehicle, watercraft, or other conveyance.

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

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HOUSE FILE 173

H-1027

1 Amend House File 173 as follows:
2 1. Page 1, line 21, by striking the words
3 "illegally procured" and inserting the following:
4 "procured during the commission of an act which is
5 punishable as a felony,".
6 2. Page 1, line 22, by striking the word
7 "unlawful" and inserting the following: "punishable
8 as a felony".
9 3. Page 1, line 23, by striking the word
10 "includes" and inserting the following: "may
11 include".

By TJEPKES of Webster

H-1027 FILED FEBRUARY 16, 2005

**EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 8, 2005
**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 173 - False Compartments on Vehicles (LSB 1684 HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)
Fiscal Note Version – New
Requested by Representative Tjepkes

Description

House File 173 makes it a crime for any person to possess, use, or control a false compartment in a vehicle with the intent to store, conceal, smuggle, or transport contraband. The Bill also makes it a crime to construct, build, alter, or fabricate a false compartment or to install or attach such a compartment to a vehicle with the intent to store, conceal, smuggle, or transport contraband. A violation is a serious misdemeanor. A vehicle is defined as a motor vehicle, air craft, recreational vehicle, water craft, or other conveyance.

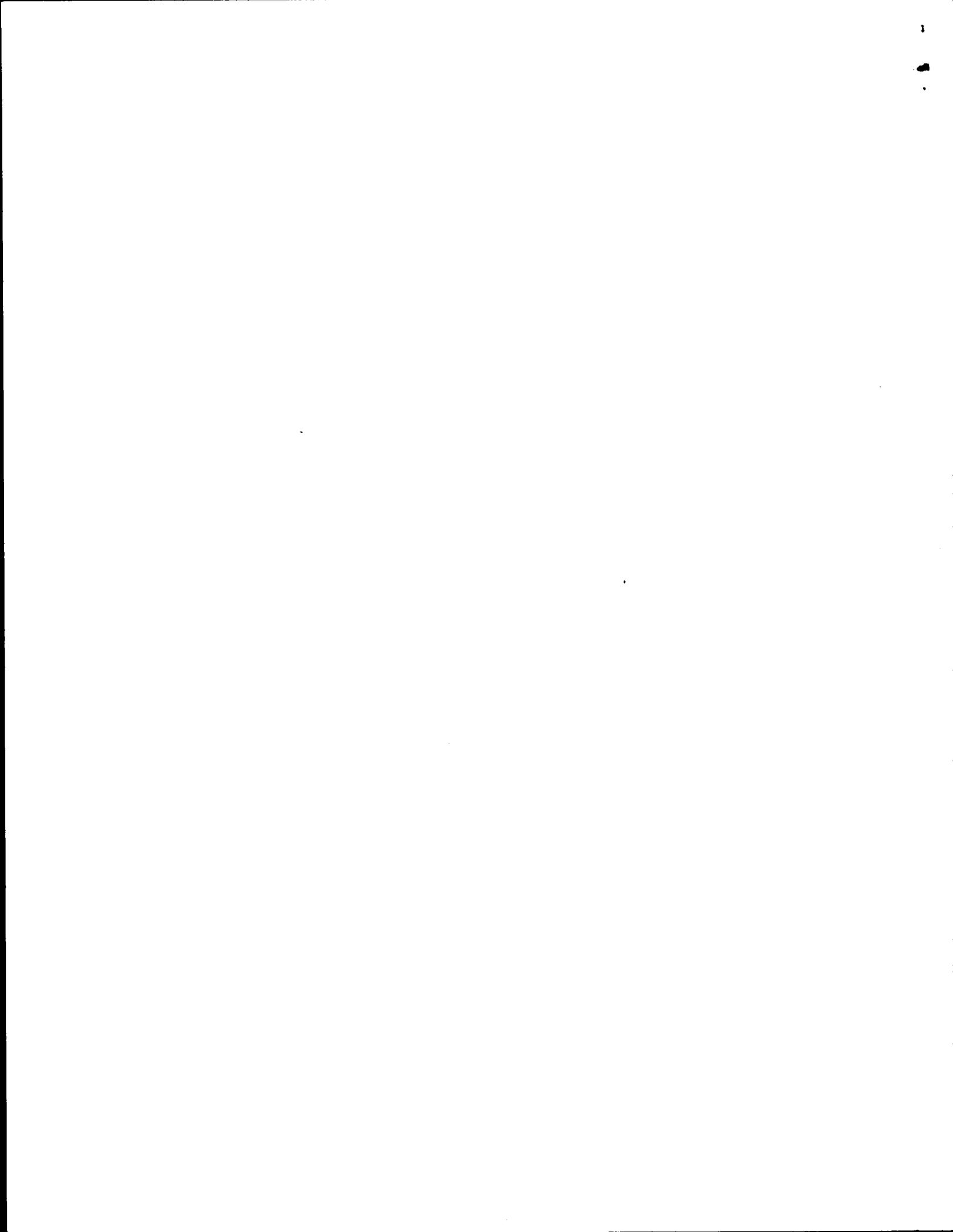
Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
3. This analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court and corrections information. Conviction and penalty data is based on FY 2004 data.
4. The average State costs for one serious misdemeanor ranges from \$101 to \$4,100. These costs include the Judicial Branch holding a trial; indigent defense; and supervision while on probation, parole, or prison, if applicable. The costs may be incurred across multiple fiscal years while the person is supervised in the correctional system either in prison or in the community.

Correctional Impact

The creation of a new offense carries the potential for a correctional impact on court caseloads, prisons, county jails, and Community-Based Corrections (CBC) resources. Most people involved in false compartment searches would be charged with aggravated misdemeanors or felonies associated with controlled substances, stolen property, or weapons violations and would already be serving time in prison, jail, and CBC. To the extent that such compartments were found and that people involved were not being charged with offenses carrying greater penalties associated with the discovery of the compartment, there would be a correctional impact under this Bill. However, there is no readily available information regarding how often vehicle compartments are involved in current searches for controlled substances, stolen property, or weapons violations. Therefore, the correctional impact of HF 173 cannot be determined.

Fiscal Impact



The fiscal impact of HF 173 cannot be determined due to insufficient information. The State's cost for one serious misdemeanor conviction ranges from \$101 to \$4,100.

Sources

Judicial Branch
Department of Corrections
State Public Defender's Office
Department of Human Rights, Criminal and Juvenile Justice Planning Division

February 7, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 173
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 52)

(As Amended and Passed by the House February 23, 2005)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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House Amendments _____

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