

CRIMINAL CODE REVISION SUBCOMMITTEE
OF THE
SENATE AND HOUSE COMMITTEES ON JUDICIARY

Report to the Members of the
Second Session of the Sixty-fifth General Assembly
Meeting in the Year 1974

REPORT OF
THE CRIMINAL CODE REVISION SUBCOMMITTEE
OF THE SENATE AND HOUSE COMMITTEES ON JUDICIARY

The Criminal Code Revision Subcommittee of the House and Senate Judiciary Committees was created by the Legislative Council pursuant to recommendations made by the Chairmen of the Judiciary Committees. The recommendation called for the creation of a ten-member subcommittee, five to be selected by each of the Chairmen of the House and Senate Judiciary Committees. The Subcommittee was charged with the duty of reviewing the Criminal Code Revision draft, which is the work product of a four-year study committee.

The membership of the Criminal Code Revision Subcommittee as appointed by the appropriate Chairmen of the Judiciary Committees is as follows:

Senate Judiciary Committee

Senator E. Kevin Kelly
Senator Gene V. Kennedy
Senator Ralph Potter
Senator Richard Ramsey
Senator Gene W. Glenn

House Judiciary Committee

Representative Reid W. Crawford
Representative Maurice Hennessey
Representative George J. Knoke
Representative Stephen J. Rapp
Representative Charles F. Strothman

Professor John Yeager, Drake University College of Law, was present at each of the meetings to lend technical assistance in the area of substantive criminal law. Professor Ronald Carlson, University of Iowa College of Law, presently a Visiting Professor of Law at Washington University in St. Louis, Missouri, submitted a list of proposed changes and responded to inquiries concerning technical aspects of criminal procedure law.

The first meeting of the Criminal Code Revision Subcommittee was held on September 19, 1973, at which time Representative George J. Knoke was elected chairman and Senator E. Kevin Kelly was elected vice-chairman. The Subcommittee began its deliberation with a discussion of the desirability and necessity of an extensive revision of the criminal laws and criminal procedures of the State of Iowa. The Subcommittee noted that the current body of criminal law is a result of over one hundred years of amendments and as a result is confusing to the general public, contains a disparity of sentences, and is overly complicated and voluminous. The Subcommittee recognized

the need to recodify the criminal laws so that they may be more easily found and understood by the general public and so that they reflect the values and views of contemporary society.

The four remaining meetings were devoted to a section by section analysis of the proposed Criminal Code Revision draft. During the course of the analysis those members of the Subcommittee who had previous experience with the draft were careful to explain the intent and context of the draft to members of the Subcommittee who had not been previously exposed to the draft. The Subcommittee also carefully scrutinized the draft for clerical errors, errors made by previous committees, and changes mandated by recently enacted legislation and recent court decisions. As a result of its study the Criminal Code Revision Subcommittee made the following changes in the draft:

1. General grammatical, typographical, spelling and sentence structure changes.
2. Deleted the crimes of placing an obstruction on railways, depositing refuse on track, shooting or throwing at train, and uncoupling locomotive or cars from the division on criminal trespass (Chapter 1, Division XVI), because such behavior is adequately covered by other sections of the draft.
3. Rewrote the section dealing with conflict of interest (Chapter 1, Division XXI).
4. Authorized correctional officers to possess offensive weapons (Chapter 1, Division XXIV).
5. Added private detectives to the group of persons allowed to carry firearms (Chapter 1, Division XXIV).
6. Expanded the effective period of temporary weapon permits from one month to not more than six months (Chapter 1, Division XXIV).
7. Provided that copies of issued weapons permits and revocations be forwarded to the Department of Public Safety and that the commissioner maintain a file of same (Chapter 1, Division XXIV).
8. Deleted the sections on gambling in deference to Senate File 108 passed during the first session of the 65th General Assembly (Chapter 1, Division XXV).
9. Rewrote the section on nonsupport (Chapter 1, Division XXVI).
10. Deleted the section on abortion (Chapter 1, Division XXVIII).

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11. Provided that a witness may be given use (testimonial) immunity (language subject to approval) (Chapter 2, Rule 19).
12. Struck the requirement that corroborating evidence be required for a conviction of sexual abuse (rape) (Chapter 2, Rule 20).
13. Replaced short form indictment section with a similar section which correlates to Chapter 1 (Chapter 2, Form 10).
14. Rewrote the section dealing with the trial of simple misdemeanors to correlate with the Unified Trial Court Act.
15. Rewrote the divisions dealing with sentencing to correlate with the Deferred Sentencing Act (Chapter 3, Divisions I and VII).

Copies of the Criminal Code Revision draft have been forwarded to members of the Standing Committees on Judiciary of the Senate and House for action by such committees during the 1974 Session of the Iowa General Assembly.

The Subcommittee recommends that the House and Senate Judiciary Committees accept the draft, as revised, and recommends its passage by the General Assembly.