

Potential Gaps in Iowa's Criminal Code Identified

The Specific Crimes Subcommittee, part of the Legislature's Criminal Code Reorganization study committee, met on October 29 to continue work on identifying potential gaps in the criminal code, adding criminal offenses, removing duplicative offenses and penalties, and providing proportionality.

Once agreement is reached within the subcommittee, the identified proposals are brought before the full Criminal Code Reorganization Committee for a vote and, if agreed to, will be drafted into legislation to be considered during the 2010 session. The full committee has a tentative meeting date of January 14, 2010.

Repeal Outdated Code Language

The subcommittee recommends repealing two outdated Code sections:

1. Iowa Code section 321.406 – Cowl Lamps (Motor Vehicles). Cowl lamps have not been manufactured for modern vehicles for well over 50 years so this language is outdated. Persons can purchase conversion kits on the internet for their cowl lamps.
2. Iowa Code section 709.7 – Detention in a Brothel. It was pointed out that brothels are illegal in Iowa, detaining someone against their will is considered kidnapping, and Iowa's human trafficking laws cover victims of commercial sexual activity.

Code Clarification

The subcommittee also agreed to these two Code clarifications:

1. Iowa Code section 123.46(2) – Intoxication in Public Places. Separate the violations of "public intoxication" from "simulated public intoxication," and continue to study to see how many persons are charged and convicted under simulated intoxication.
2. Iowa Code section 709.18 – Abuse of a Corpse. Move sections 709.18(2) and (3) to Iowa's assault chapter. Currently, all penalties under chapter 709 require the person to be on the sex offender registry. These two sections do not contain any sexual nature to their crime so they should be moved to Iowa's assault chapter. The crimes will still retain their current penalties.

The subcommittee also agreed to look at all of the varying definitions of "serious injury" and "child" in the code and attempt to create a consistent definition.