# CHAPTER 1. FUNDAMENTAL PRINCIPLES OF CRIMINAL LAW AND CRIMINAL RESPONSIBILITY

§ 1:1	Constitutional cornerstones
§ 1:2	—Presumption of innocence
§ 1:3	—Proof beyond a reasonable doubt
§ 1:4	Proof beyond a reasonable doubt; Jury instructions
§ 1:5	Constitution of the State of Iowa—The Bill of Rights
§ 1:6	Public offenses
§ 1:7	—Felonies
§ 1:8	-Misdemeanors
§ 1:9	Parties to a crime
§ 1:10	—Aiding and abetting
§ 1:11	——Mere presence or knowledge doctrine
§ 1:12	——Specific intent
§ 1:13	——Recklessness and aiding and abetting
§ 1:14	—Joint criminal conduct
§ 1:15	—Multiple theories of responsibility
§ 1:16	—Accessory after the fact
§ 1:17	——Predicate crime
§ 1:18	——Harbor, aid or conceal
§ 1:19	——Knowledge and specific intent
§ 1:20	——Penalties
§ 1:21	—Employer responsibility
§ 1:22	—Corporate responsibility
§ 1:23	——Acts of omission
§ 1:24	——Acts authorized, requested or tolerated
§ 1:25	Causation
§ 1:26	Unit of prosecution doctrine

# **CHAPTER 2. DEFENSES**

$\S 2:1$	Defenses to crimes—In general
§ 2:2	——Compulsory process and exclusion of testimony
§ 2:3	——Inconsistent defenses
$\S 2:4$	Insanity
§ 2:5	—Definition
§ 2:6	—Order of proof, burden of proof, and order of
	argument
§ 2:7	—Legal right from wrong vs. moral right from wrong
§ 2:8	—Temporary insanity

§ 2:9 —Irresistible impulse § 2:10 -Notice of the defense —Finding of insanity § 2:11 § 2:12 —Proceedings after finding —Hearing on continued confinement § 2:13 § 2:14 Diminished responsibility § 2:15 —Definition § 2:16 —Specific intent vs. general intent § 2:17 —Notice of the defense § 2:18 —Finding of diminished responsibility § 2:19 —Proceedings after finding § 2:20 —Hearing on continued confinement § 2:21 Justification § 2:22 —Deadly force § 2:23 —Burden of proof § 2:24 —Disproving the defense § 2:25 —Unreasonable response to provocation —Withdrawal from the conflict § 2:26 § 2:27 —Alternative course of action § 2:28 —Reasonable belief § 2:29 ——Psychological features § 2:30 -Evidence of victim's prior acts or character § 2:31 —Defense of a third party § 2:32 —Defense of property § 2:33 Alibi § 2:34 —Notice of the defense § 2:35 —Defendant's testimony § 2:36 Intoxication § 2:37 —Definition § 2:38 —Intoxication and insanity § 2:39 —Notice of the defense § 2:40 Entrapment § 2:41 —Inconsistent defenses § 2:42 -Burden of proof § 2:43 —Subjective or objective test § 2:44 —Take back entrapment § 2:45 —Notice of the defense § 2:46 Compulsion —Harm to others § 2:47 § 2:48 -Burden of proof § 2:49 Identity § 2:50 —Constitutional challenges to evewitness identification § 2:51 —Eyewitness identification and expert testimony

## CHAPTER 3. HOMICIDE

§ 3:1 Murder

§ 3:2	—Malice aforethought
§ 3:3	—Express malice—Evidence of prior conduct
§ 3:4	—Implied malice—Inference instructions
§ 3:5	—Malice and the use of a dangerous weapon
§ 3:6	—Malice and the commission of a felony
§ 3:7	—Causation
§ 3:8	—Unintended victim and transferred intent
§ 3:9	—Definition of death
§ 3:10	—Time of death
§ 3:11	Murder in the first degree—First degree murder—Willful, premeditated, deliberated and specific intent
$\S 3:12$	—Specific intent
§ 3:13	—Use of a dangerous weapon—Premeditation and
	specific intent inferred
$\S 3:14$	—Felony murder
§ 3:15	——Felonious child endangerment
§ 3:16	——Felonious assault
$\S 3:17$	——Sexual abuse
$\S 3:18$	— —Kidnapping
§ 3:19	——Robbery
§ 3:20	——Arson in the first degree
$\S 3:21$	——Burglary in the first degree
$\S 3:22$	—Multiple theories of murder
§ 3:23	—Murder committed during an escape
$\S 3:24$	—Murder while in custody
§ 3:25	—Murder by the commission of child endangerment or assault manifesting extreme indifference
§ 3:26	—Penalty
$\S 3:27$	Murder in the second degree—Definition
$\S 3:28$	—Penalty
$\S 3:29$	Voluntary manslaughter
§ 3:30	—Serious provocation
§ 3:31	—Voluntary manslaughter as a lesser-included offense to murder
$\S 3:32$	—Penalty
§ 3:33	Involuntary manslaughter
§ 3:34	—Involuntary manslaughter as a lesser-included offense of murder
§ 3:35	—Penalty—Public offense
§ 3:36	——Conduct likely to cause death
§ 3:37	Homicide by vehicle
§ 3:38	—Under the influence
§ 3:39	—Operating while intoxicated as a lesser-included offense
§ 3:40	—Recklessness or eluding

§ 3:41	—Drag racing
§ 3:42	—Causation
§ 3:43	—False testimony violates due process
§ 3:44	—Joint criminal conduct
§ 3:45	—Serious injury by vehicle
§ 3:46	—Penalties
§ 3:47	Attempt to commit murder
§ 3:48	—Lesser-included offenses
§ 3:49	—Penalty
§ 3:50	Solicitation to commit murder
§ 3:51	Abortion and homicide
§ 3:52	—Feticide and penalties
§ 3:53	-Non-consensual termination-Serious injury to a
	human pregnancy
§ 3:54	———Intentional v. unintentional
§ 3:55	
§ 3:56	—Partial-birth abortion
§ 3:57	——Penalty
§ 3:58	——Constitutionality
§ 3:59	Assisted suicide—Violations
§ 3:60	—Penalty
§ 3:61	One homicide rule
§ 3:62	Homicide-Lesser included offenses-Acquittal first
	instruction

# **CHAPTER 4. KIDNAPPING**

§ 4:1 Kidnapping § 4:2 —Authority § 4:3 -Consent § 4:4 —Confinement or removal—Incidental § 4:5 —Specific intent § 4:6 -Kidnapping in the first degree § 4:7 — - Victim suffers a serious injury § 4:8 — — Victim intentionally subjected to torture § 4:9 — — Victim intentionally subjected to sexual abuse § 4:10 ——Lesser-included offenses -Penalty § 4:11 -Kidnapping in the second degree § 4:12 ——Ransom § 4:13 ——Dangerous weapon § 4:14 ——Lesser-included offenses § 4:15 § 4:16 ——Penalty § 4:17 -Kidnapping in the third degree § 4:18 ——Definition

§ 4:19 ——Penalty § 4:20 —Child stealing § 4:21 ——Specific intent § 4:22 ——Penalty § 4:23 -Violating a custodial order § 4:24 — Violating a custodial order by a relative ——Penalty § 4:25 — Wiolating a custodial order by a parent § 4:26 ——Penalty § 4:27 § 4:28 —False imprisonment—Definition § 4:29 —Harboring a runaway child § 4:30 - Definition § 4:31 § 4:32 ——Penalty -Enticing away a minor § 4:33 ——Entice § 4:34 ——Illegal act § 4:35 ——Permissible inference § 4:36 § 4:37 —Purchase or sale of an individual § 4:38 ——Definition ——Penalty § 4:39

# CHAPTER 5. ASSAULT

§ 5:1 Assault § 5:2 -Intent § 5:3 —Apparent ability § 5:4 —Voluntary participation in certain activities as a defense § 5:5 -School ground violence-Intervention as a defense § 5:6 -Penalty § 5:7 Aggravated assaults § 5:8 —Assault with intent to inflict serious injury § 5:9 ——Definition ——Penalty § 5:10 § 5:11 —Assault causing bodily injury ——Definition § 5:12 § 5:13 ——Penalty § 5:14 —Assault with a dangerous weapon § 5:15 — — Definition § 5:16 ——Penalty --- Penetration of genitalia with a foreign object § 5:17 penalty § 5:18 —Assault causing serious injury ——Definition § 5:19

# CRIMINAL LAW

§ 5:20	——Penalty
§ 5:21	—Assault while participating in a felony
§ 5:22	——Definition
§ 5:23	— Merger, double jeopardy, and lesser-included
3 0.20	offenses
§ 5:24	——Penalties
§ 5:25	—Willful injury
§ 5:26	——Definition
§ 5:27	——Double jeopardy, merger and lesser-included
0	offenses
§ 5:28	——Penalties
§ 5:29	—Intimidation (formerly terrorism)
§ 5:30	— —Intimidation with intent—Dangerous weapon
§ 5:31	——Penalty
§ 5:32	——Intimidation with intent—Threatened use of a
	dangerous weapon
§ 5:33	——Specific intent
§ 5:34	——Penalty
§ 5:35	——Intimidation by use of a dangerous weapon
	without intent
§ 5:36	——Penalty
$\S 5:37$	——Intimidation by threatening the use of a
	dangerous weapon without intent
§ 5:38	——Penalty
§ 5:39	——General intent
§ 5:40	——Dangerous weapon
$\S 5:41$	——Assembly of people
$\S 5:42$	— Intimidation and lesser-included offenses
§ 5:43	Assaults of individuals based on the victim's status
§ 5:44	—Domestic abuse assault
§ 5:45	——Definition
§ 5:46	——Family or household members
§ 5:47	——Classification and penalties for domestic abuse
	assault
§ 5:48	——Domestic abuse assault
§ 5:49	——Domestic abuse assault causing injury
§ 5:50	——Domestic abuse assault by asphyxiation
§ 5:51	——Domestic abuse assault with intent to inflict
•	serious injury
§ 5:52	——Domestic abuse assault with a dangerous
	weapon
§ 5:53	——Domestic abuse assault enhanced by prior
	convictions—Serious misdemeanor
§ 5:54	———Aggravated misdemeanor
§ 5:55	— — —Felony

```
§ 5:56
         —Assault on peace officers and firefighters
§ 5:57
         ——Definition
§ 5:58
         ——Penalties
         —Disarming a peace officer
§ 5:59
§ 5:60
         ——Definition
         ——Penalties
§ 5:61
         -Removal of an Officer's communication or control
§ 5:62
          device
§ 5:63
         ——Penalties
§ 5:64
         —Assault on parole board and department of human
           —Definition of employee of the department of
§ 5:65
          human services
§ 5:66
         ——Penalties
§ 5:67
         —Assaults by inmates
§ 5:68
         ——Definition
         ——Penalties
§ 5:69
§ 5:70
         -Assault-Hate crimes
§ 5:71
         ———Definition
         ———Penalties
§ 5:72
§ 5:73
         Miscellaneous assaults
§ 5:74
         —Going armed with intent
§ 5:75
         ——Going armed
         ——Dangerous weapon
§ 5:76
§ 5:77
         ——Specific intent
§ 5:78
         ——Penalty
§ 5:79
         -Harassment
§ 5:80
         ——Specific intent
§ 5:81
         — — Without legitimate purpose
         ——Penalties
§ 5:82
§ 5:83
         — First-degree harassment
§ 5:84
         ——Second-degree harassment
§ 5:85
         — — Third-degree harassment
§ 5:86
         —Stalking
§ 5:87
         ——General intent
         ---Lesser-included offenses, double jeopardy and
§ 5:88
          merger
         ——Penalties
§ 5:89
§ 5:90
         —Hazing
§ 5:91
         ——Definition
§ 5:92
         ——Penalties
§ 5:93
         —Administering harmful substances
         — — Definition
§ 5:94
§ 5:95
         ——Penalty
§ 5:96
         Transmission of a contagious infectious disease
```

§ 5:97	Transmission of a contagious infectious disease- Defenses and limitations
§ 5:98	Penalty
§ 5:99	Miscellaneous assaults—Spring guns and traps
§ 5:100	——Definition
§ 5:101	——Penalty
§ 5:101	Assault and the sex offender registry
	PTER 6. SEXUAL ABUSE
	Sexual abuse—Sex act
§ 6:1	
§ 6:2	—Genitalia
§ 6:3	—General intent
§ 6:4	—By force or against the will
§ 6:5	<ul> <li>Under the influence of a drug inducing sleep or otherwise unconscious</li> </ul>
§ 6:6	—Incapacity
§ 6:7	—Children
§ 6:8	—Evidence of other sexual acts in sexual abuse cases (Iowa Rule of Evidence 5.404(b))
§ 6:9	——Propensity evidence in sexual abuse cases— § 701.11
§ 6:10	Expert testimony—Evidence of victim accommodation (Iowa Rule of Evidence 5.702)
§ 6:11	—Rape shield (Iowa Rule of Evidence 5.412)
§ 6:12	—Sexual abuse in the first degree
§ 6:13	——Definition
§ 6:14	——Penalty
§ 6:15	—Sexual abuse in the second degree
§ 6:16	——Dangerous weapon
§ 6:17	——Using or threatening to use force creating a
5 0.11	substantial risk of death or serious injury
§ 6:18	— —Victim under the age of twelve
§ 6:19	——Lesser-included offenses when the victim is a
	child
§ 6:20	——Aided and abetted by another person
§ 6:21	——Lesser-included offenses when the act is
	performed by force and against the will
§ 6:22	——Penalties and special sentences
§ 6:23	——Enhanced penalty—Second or subsequent offenses—Life imprisonment
§ 6:24	—Sexual abuse in the third degree
§ 6:24 § 6:25	<u> </u>
y υ.Δυ	——The participant is fourteen or fifteen and the defendant is related by blood or affinity to the fourth
8 6·26	degree ——The participant is fourteen or fifteen and the
V (1 / (1)	— — coe paracipano is igniteen of inceen and the

# TABLE OF CONTENTS

	defendant is five or more years older than the
§ 6:27	participant ——Lesser-included offenses
§ 6:28	
-	——Penalties and special sentences
§ 6:29	——Enhanced penalty—Second or subsequent offenses—Life imprisonment
§ 6:30	—Lascivious acts with a child
§ 6:31	——————————————————————————————————————
§ 6:32	——Specific intent ——Age
§ 6:33	——Age ——Soliciting
§ 6:34	— — Lesser-included offenses
§ 6:35	——Penalties class C & D felonies
§ 6:36	——Enhanced penalty—Second or subsequent
8 0.30	offenses—Life imprisonment
§ 6:37	—Indecent exposure
§ 6:38	——Specific intent
§ 6:39	——Knowledge the viewer would be offended
§ 6:40	——Penalty and special sentence
§ 6:41	—Assault with intent to commit sexual abuse
§ 6:42	——Assault
§ 6:43	——————————————————————————————————————
§ 6:44	——By force or against the will
§ 6:45	——By force of against the wiff ——Causing a serious injury or bodily injury
§ 6:46	——Lesser-included offenses
§ 6:47	——Penalties
§ 6:48	—Indecent contact with a child
§ 6:49	——Specific intent
§ 6:50	——Penalty
§ 6:51	—Lascivious conduct with a minor
§ 6:52	——Specific intent
§ 6:53	——Specific intent ——Penalty
§ 6:54	—Incest—Definition
§ 6:55	——Penalty
§ 6:56	—Sexual exploitation by a counselor or therapist
§ 6:57	——Pattern or practice
§ 6:58	——Specific intent
§ 6:59	——Specific intent ——Penalties
§ 6:60	—Sexual exploitation by a school employee
§ 6:61	——Penalties
§ 6:62	—Sexual misconduct with offenders and juveniles
§ 6:63	——Definition
§ 6:64	— — Juvenile placement facility
§ 6:65	——General intent
§ 6:66	— — General Intent — — Penalty
	· ·
§ 6:67	—Abuse of a corpse

# CRIMINAL LAW

§ 6:68	——Specific intent
§ 6:69	——Penalty
§ 6:70	—Bestiality—Definition
§ 6:71	——Penalty
§ 6:72	Sexual offender registry—In general
§ 6:73	—Constitutional challenges to the statute
§ 6:74	—The definition of conviction
§ 6:75	Sexually violent predators
§ 6:76	Tier I offenses
§ 6:77	Tier II offenses
§ 6:78	Tier III offenses
§ 6:79	Enhancement of tiers based on prior convictions
§ 6:80	Multiple offenses under a single
	indictment/information
§ 6:81	Sexually motivated offenses
§ 6:82	Sex offender registry—Who must register
§ 6:83	—Waiving the registration requirement for juveniles
§ 6:84	Determination of requirement to register
§ 6:85	Duty to facilitate registration
§ 6:86	Registration process
§ 6:87	Fees and civil penalties
§ 6:88	Criminal penalties
§ 6:89	Temporary lodging
§ 6:90	—Penalties
§ 6:91	Verification of information for the registry
§ 6:92	—Penalties
§ 6:93	False information
§ 6:94	—Penalties
§ 6:95	Modification of sex offender registry requirements
§ 6:96	Residency restrictions; "2,000-foot rule"
§ 6:97	Penalties for failure to comply with registration
5	requirements
§ 6:98	Limitations on counties and municipalities
§ 6:99	Exclusion zones
§ 6:100	Prohibited employment
§ 6:101	Penalties for violation of restricted zones or
0	employment
§ 6:102	Information made available to the public
§ 6:103	Commitment of sexually violent predators
§ 6:104	—Elements
§ 6:105	——Convicted or charged
§ 6:106	——Sexually violent offense
§ 6:107	— — Mental abnormality
§ 6:108	——Predatory acts
§ 6:109	——Recent overt act
,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	10000110 01010 000

# TABLE OF CONTENTS

§ 6:110	—Procedure for individuals who are currently
0 0 1 1 1	committed—Referral
§ 6:111	——Review of referral
§ 6:112	——Petition
§ 6:113	—Procedure for individuals who are not currently
00111	committed
§ 6:114	——Petition
§ 6:115	— —Judicial review
§ 6:116	——Probable cause hearing
§ 6:117	——Trial
§ 6:118	—Trial of mentally impaired individuals
§ 6:119	—Commitment
§ 6:120	—Annual review
§ 6:121	—Formal hearing for discharge
§ 6:122	—Other means of discharge
CITA	
	PTER 7. CHILD ABUSE
§ 7:1	Abuse and endangerment of children and dependent
	persons—Neglect or abandonment of dependent
0.7.0	persons
§ 7:2	——Application of the statute
§ 7:3	——Penalty
§ 7:4	—Spouses as witnesses
§ 7:5	-Nonsupport-Elements
§ 7:6	——Penalty
§ 7:7	—Child endangerment—Preliminary elements
§ 7:8	— — — Child endangerment—Substantial risk
§ 7:9	————Use of unreasonable force
§ 7:10	————Acts evidencing unreasonable force
§ 7:11	————Willful deprivation
§ 7:12	———Special defense or element
§ 7:13	———Child endangerment—Permitting abuse
§ 7:14	———Special defense or element
§ 7:15	———Child endangerment—Causing bodily injury
§ 7:16	———Parental authority
§ 7:17	————Cohabitation with sex offenders
§ 7:18	———Penalties
§ 7:18 § 7:19	———Multiple acts of child endangerment
§ 7.13 § 7:20	———Multiple acts of clinic endangerment ———Penalty
_	· ·
§ 7:21	—Wanton neglect of resident of health care facility— Elements
§ 7:22	——Penalties
-	
§ 7:23	—Wanton neglect or nonsupport of a dependent adult
§ 7:24 § 7:25	— — Wanton neglect of a dependent adult — — Penalty
0 1.75	— — renally

§ 7:26 § 7:27	<ul><li>— Nonsupport of a dependent adult</li><li>— Penalty</li></ul>
§ 7:28	Child endangerment—Exposing the child or minor to amphetamine or methamphetamine
§ 7:29	——Presence of a minor
§ 7:30	——Penalty
§ 7:31	Additional penalties for sexually motivated offenses
	PTER 8. ROBBERY
§ 8:1	Robbery
§ 8:2	—Robbery in the second degree
§ 8:3	——Specific intent to commit a theft
§ 8:4	——Lesser-included offenses
§ 8:5	——Shoplifting elevated to theft
§ 8:6	——Penalty
§ 8:7	—Robbery in the first degree
§ 8:8	——Serious injury
§ 8:9	——Dangerous weapon
§ 8:10	——Penalty
§ 8:11	Robbery in the third degree
§ 8:12	—Penalty
	PTER 9. ARSON
§ 9:1	Arson
§ 9:1 § 9:2	Arson —Presumption
§ 9:1 § 9:2 § 9:3	Arson —Presumption —Consent as a defense
§ 9:1 § 9:2 § 9:3 § 9:4	Arson —Presumption —Consent as a defense —General intent versus specific intent
§ 9:1 § 9:2 § 9:3 § 9:4 § 9:5	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — Lesser-included offenses
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — Lesser-included offenses — Penalty
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — —Lesser-included offenses — —Penalty —Arson in the second degree
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — —Lesser-included offenses — —Penalty —Arson in the second degree — —Definition
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — Lesser-included offenses — —Penalty —Arson in the second degree — —Definition — —Penalty
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree ——Lesser-included offenses ——Penalty —Arson in the second degree ——Definition ——Penalty —Arson in the third degree—Definition
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11 \$ 9:12	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree ——Lesser-included offenses ——Penalty —Arson in the second degree ——Definition ——Penalty —Arson in the third degree—Definition ——Penalty
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11 \$ 9:12 \$ 9:13	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree ——Lesser-included offenses ——Penalty —Arson in the second degree ——Definition ——Penalty —Arson in the third degree—Definition ——Penalty —Reckless use of fire or explosives—Definition
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11 \$ 9:12 \$ 9:13 \$ 9:14	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — Lesser-included offenses — Penalty —Arson in the second degree — Definition — Penalty —Arson in the third degree—Definition — Penalty —Reckless use of fire or explosives—Definition — Penalty
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11 \$ 9:12 \$ 9:13 \$ 9:14 \$ 9:15	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree ——Lesser-included offenses ——Penalty —Arson in the second degree ——Definition ——Penalty —Arson in the third degree—Definition ——Penalty —Reckless use of fire or explosives—Definition ——Penalty —Possession of explosives or incendiary materials—Definition
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11 \$ 9:12 \$ 9:13 \$ 9:14	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree — Lesser-included offenses — Penalty —Arson in the second degree — Definition — Penalty —Arson in the third degree—Definition — Penalty —Reckless use of fire or explosives—Definition — Penalty —Possession of explosives or incendiary materials—
\$ 9:1 \$ 9:2 \$ 9:3 \$ 9:4 \$ 9:5 \$ 9:6 \$ 9:7 \$ 9:8 \$ 9:9 \$ 9:10 \$ 9:11 \$ 9:12 \$ 9:13 \$ 9:14 \$ 9:15	Arson —Presumption —Consent as a defense —General intent versus specific intent —Arson in the first degree ——Lesser-included offenses ——Penalty —Arson in the second degree ——Definition ——Penalty —Arson in the third degree—Definition ——Penalty —Reckless use of fire or explosives—Definition ——Penalty —Possession of explosives or incendiary materials—Definition

§ 9:18 —Simulated explosive incendiary or explosive device § 9:19 —Penalty

§ 9:20 —False reports of arson—Definition
 § 9:21 — Penalty
 § 9:22 —Threats of arson
 § 9:23 — Definition
 § 9:24 — Penalty

## CHAPTER 10. BURGLARY

- § 10:1 Introduction
- § 10:2 —Breaking or entering
- § 10:3 —Lawful or unlawful entry structure open to the public
- § 10:4 —Occupied structure
- § 10:5 —Specific intent—Assault or theft
- § 10:6 ——Felony
- § 10:7 Lesser-included offenses of burglary—Theft
- § 10:8 —Criminal trespass
- § 10:9 —Attempted burglary
- § 10:10 —Assault
- § 10:11 Attempted burglary
- § 10:12 Burglary and attempted burglary in the first degree
- § 10:13 —Armed with a dangerous weapon
- § 10:14 —Assault
- § 10:15 —Penalties for burglary and attempted burglary in the first degree—Burglary in the first degree
- § 10:16 ——Attempted burglary in the first degree
- § 10:17 Burglary and attempted burglary in the second degree
- § 10:18 —Dangerous weapon
- § 10:19 —Penalties for burglary and attempted burglary in the second degree—Burglary in the second degree
- § 10:20 ——Attempted burglary in the second degree
- § 10:21 Burglary and attempted burglary in the third degree
- § 10:22 —Penalties for burglary and attempted burglary in the third degree—Burglary in the third degree
- § 10:23 ——Penalty—Attempted burglary in the third degree
- § 10:24 Possession of burglar's tools
- § 10:25 —Penalty

### CHAPTER 11. THEFT

- § 11:1 Introduction
- § 11:2 Theft by taking
- § 11:3 —Possession
- § 11:4 —Property
- § 11:5 —Intent to deprive

§ 11:6	Aggravated theft
§ 11:7	—Penalty
§ 11:8	Theft by taking—Defense—Claim of right
§ 11:9	—Multiple theories of theft
§ 11:10	Theft by misappropriation
§ 11:11	—Intent
§ 11:12	—Business or fiduciary relationships and
.,	misappropriation
§ 11:13	——Trusts
§ 11:14	——Partnerships
§ 11:15	——Contracts
§ 11:16	—Failure to return property
§ 11:17	——Failure to return property—Inference instruction
§ 11:17	—Inferences regarding intent
§ 11:19	Theft by deception
§ 11:10	—Deception
§ 11:20	—Materiality and fraud
§ 11:21	—Specific intent
§ 11:22	—Inference of deception
§ 11:24	Receiving or exercising control over stolen property
§ 11:24	—Continuing offenses and double jeopardy
§ 11:26	—Inference instruction
§ 11:27	-Knowledge
§ 11:27	—Intent
§ 11:29	Theft of property with a security interest
§ 11:30	Theft by check
§ 11:31	—Theft by check or theft by deception
§ 11:32	Degrees of theft and penalties
§ 11:33	—Theft in the first degree
§ 11:34	——Theft in the first degree—Penalty
§ 11:35	—Theft in the second degree
§ 11:36	——Theft in the second degree—Penalty
§ 11:37	—Theft in the third degree
§ 11:38	——Enhancement to theft in the third degree based
, 11.00	on prior convictions
§ 11:39	——Theft in the third degree—Penalty
§ 11:40	—Theft in the fourth degree
§ 11:41	——Theft in the fourth degree—Penalty
§ 11:42	—Theft in the fifth degree
§ 11:43	——Theft in the fifth degree—Penalty
§ 11:44	Value of the property
§ 11:45	—Aggregating the value
§ 11:46	——Aggregation—Single larceny rule
§ 11:47	———Double jeopardy
§ 11:48	——Jury instructions regarding value

## TABLE OF CONTENTS

§ 11:49	Miscellaneous thefts—Operating vehicle without
	owner's consent
§ 11:50	——Intent
§ 11:51	——Lesser-included offense
§ 11:52	——Penalty
§ 11:53	—Veteran's grave markers
§ 11:54	—Theft detection devices
§ 11:55	——Penalties
§ 11:56	—Identity theft
§ 11:57	——Identification information
§ 11:58	——Penalty
§ 11:59	— — Valuation
§ 11:60	—Identity theft passport
§ 11:61	—Video rental theft
§ 11:62	— — Valuation
§ 11:63	——Intent
§ 11:64	——Special defense
§ 11:65	——Degree of theft
§ 11:66	—Computer theft
§ 11:67	——Specific intent
§ 11:68	——Amount of loss
§ 11:69	——Degrees and penalties
§ 11:70	———Computer theft in the first degree
§ 11:71	———Computer theft in the second degree
§ 11:72	———Computer theft in the third degree
§ 11:73	———Computer theft in the fourth degree
§ 11:74	———Computer theft in the fifth degree
§ 11:75	—Intellectual property counterfeiting
§ 11:76	——Counterfeit mark
§ 11:77	——Amount of loss
§ 11:78	——Degrees and penalties
§ 11:79	———Intellectual property theft in the first degree
§ 11:80	———Intellectual property theft in the second
\$ 11.00	degree
§ 11:81	———Intellectual property theft in the third degree
§ 11:82	—Theft of pseudophedrine
§ 11:83	——Penalty
§ 11:84	—Scrap metal dealers—Reporting requirements
§ 11:85	Penalties for scrap metal reporting requirements
9	1 11 8 14 1 1
CTTAT	OTED 10 DACKETEEDING COIME

# CHAPTER 12. RACKETEERING CRIMES

- § 12:1 Ongoing criminal conduct
- § 12:2 —Acts of specified unlawful activity
- § 12:3 —Specified unlawful activity influenced enterprises

s,
ıme

§ 14:24	—Art fraud and simulating objects of antiquity or
01405	rarity
§ 14:25	—Antique fraud
§ 14:26	——Penalty
§ 14:27	—Art fraud and false certification
§ 14:28	——Penalty
§ 14:29	—Tampering with recordable instruments
§ 14:30	——Penalty
§ 14:31	—Tampering with records
§ 14:32	——Penalty
§ 14:33	—False academic degrees, grades, honors
§ 14:34	——Penalty
§ 14:35	—Illegal use of a scanning device or reencoder
§ 14:36	——Penalty
CHAP	TER 15. FRAUD
§ 15:1	Introduction
§ 15:2	—Fraudulent practices—False receipts
§ 15:3	—Fraud practices—Altering labels
§ 15:4	——False certificates
§ 15:5	——Altering public or business records
§ 15:6	——Altering serial numbers
§ 15:7	——False representation
§ 15:8	——Manufacture false tokens
§ 15:9	——Counterfeit labels
§ 15:10	——Altering measuring devices
§ 15:11	——Altering motor vehicles or motor vehicle parts
§ 15:12	——Assignment or transfer of property to receive
3 10.12	certain benefits
§ 15:13	———Inference of intent
§ 15:14	———Penalty—Special provision
§ 15:15	——Small business programs
§ 15:16	——Penalty—Special provision
§ 15:17	—Fraud practice—Livestock purchases
§ 15:18	———Special defense
§ 15:19	—Fraud practices—Deceptive communications
§ 15:20	——False information—Unclaimed property
§ 15:21	—Fraud practice—Meat packers confidentiality
§ 10.21	agreements
§ 15:22	—Fraud practices—Universal price Code labels
§ 15:23	Fraud practices—Miscellaneous provisions
§ 15:24	Specific intent to defraud
§ 15:25	Fraud practice degree and penalties
§ 15:26	—Fraud practice in the first degree
2 10.70	Trada practice in the mot degree

§ 15:27	——Penalty
§ 15:28	v
§ 15:29	-
§ 15:30	*
§ 15:31	· ·
§ 15:32	•
§ 15:33	· ·
§ 15:34	-
§ 15:35	·
§ 15:36	-
§ 15:37	Value in fraudulent practice cases
§ 15:38	—Aggregating the value
§ 15:39	—Jury instructions regarding value
CILAD	TED 16 CONSUMED EDAID
	TER 16. CONSUMER FRAUD
§ 16:1	
§ 16:2	•
§ 16:3	—Contingent price reductions
§ 16:4	<ul><li>Going out of business sales</li><li>Real estate</li></ul>
§ 16:5 § 16:6	—Alcoholic beverages
§ 16:6 § 16:7	—Loan brokers
§ 16.7 § 16:8	—Water treatment systems
§ 16.8 § 16:9	—Motor vehicles service and parts
§ 16.3 § 16:10	—Wood products
§ 16:10	—Penalties
§ 16:12	
5 10.12	instruction
§ 16:13	Miscellaneous unlawful practices
§ 16:14	—Penalty
§ 16:15	Prize promotions
§ 16:16	—Penalty
СНАР	TER 17. CRIMINAL MISCHIEF
§ 17:1	
0	——Interest in property
§ 17:3	——Specific intent
§ 17:4	——Criminal mischief degrees and penalties
§ 17:5	———Criminal mischief in the first degree
§ 17:6	Penalties
§ 17:7	—Criminal mischief in the second degree
§ 17:8	——Penalty
§ 17:9	—Criminal mischief in the third degree
§ 17:10	——Penalty

—Criminal mischief in the fourth degree § 17:11 § 17:12 ——Penalty —Criminal mischief in the fifth degree § 17:13 § 17:14 ——Penalty § 17:15 Aggregating multiple acts of criminal mischief § 17:16 Criminal mischief special interrogatory § 17:17 Miscellaneous types of criminal mischief § 17:18 Railroad vandalism § 17:19 —Degrees and penalties § 17:20 -- Railroad vandalism first degree and penalty § 17:21 --- Railroad vandalism second degree and penalty § 17:22 —Railroad vandalism third degree and penalty --- Railroad vandalism fourth degree and penalty § 17:23 § 17:24 —Railroad vandalism fifth degree and penalty § 17:25 — Railroad vandalism sixth degree and penalty § 17:26 — Railroad vandalism seventh degree and penalty § 17:27 Computer theft/damage § 17:28 —Computer theft § 17:29 —Specific intent § 17:30 -Amount of loss § 17:31 —Degrees and penalties § 17:32 ——Computer theft in the first degree and penalty § 17:33 ——Computer theft in the second degree and penalty § 17:34 ——Computer theft in the third degree and penalty § 17:35 ——Computer theft in the fourth degree and penalty § 17:36 ——Computer theft in the fifth degree and penalty Unauthorized access § 17:37 § 17:38 —Penalty

### CHAPTER 18. CRIMINAL TRESPASS

- § 18:1 Introduction
- § 18:2 —Intentional trespass
- § 18:3 —Remaining on property
- § 18:4 —Interfering with lawful use of property
- § 18:5 —Wrongful use
- § 18:6 —Trespass on railway property
- § 18:7 Property
- § 18:8 Trespass—Intentional viewing
- § 18:9 Intentional viewing—Penalties
- § 18:10 Penalties
- § 18:11 Stowing away
- § 18:12 —Penalty

# CHAPTER 19. HAZARDOUS WASTE

§ 19:1 Introduction

§ 19:2 —Unlawful disposal
§ 19:3 —Unlawful transportation
§ 19:4 —Unlawful storage
§ 19:5 Hazardous waste
§ 19:6 Knowledge requirement
§ 19:7 Penalties

# CHAPTER 20. CONTROLLED SUBSTANCES AND SENTENCING PROVISIONS

§ 20:1	Introduction
§ 20:2	Conspiracy to deliver or manufacture a controlled substance
§ 20:3	Possession with intent to deliver a controlled substance
§ 20:4	Delivery of a controlled substance
$\S~20:5$	—Delivery
§ 20:6	—Knowledge
§ 20:7	Possession—Manufacture of a controlled substance
§ 20:8	Possession
§ 20:9	—Constructive possession
$\S 20:10$	Possession of prescription drug
§ 20:11	Obtaining a prescription drug by fraud
§ 20:12	—Penalties
§ 20:13	Penalties for violations of the controlled substances statute
§ 20:14	—Hybrid class "A" felonies methamphetamine (ninety-nine years or life)
§ 20:15	—Mandatory minimum sentence for delivery of methamphetamine to minors
§ 20:16	—Reopening a sentence
$\S 20:17$	—Hybrid class "B" felonies (fifty years)
§ 20:18	—Class "B" felonies (twenty-five years)
§ 20:19	—Class "C" felonies (ten years)
§ 20:20	—Penalties for manufacturing or delivery of
	methamphetamine (less than five grams)
§ 20:21	—Marijuana & Schedule IV and V class "D" felonies (five years)
§ 20:22	Determining the amount of substance
§ 20:23	Aggregation of amounts for separate violations
§ 20:24	Accommodation offenses
$\S~20:25$	Possession of a controlled substance—Penalties
§ 20:26	Sale or possession of precursor substances
§ 20:27	Prohibitions on tampering with, possessing, or transporting anhydrous ammonia or anhydrous ammonia equipment

§ 20:28	Keeping a dwelling
§ 20:29	Distribution to minors
§ 20:30	Sentencing enhancement where minors are present (methamphetamine)
§ 20:31	Mandatory minimum sentences—Mandatory minimum one-third
§ 20:32	—Suspending the minimums on drug offenses
§ 20:33	—Acceptance of responsibility and cooperation
	reduction for methamphetamine cases
§ 20:34	—Suspending minimums—Not exercising discretion
§ 20:35	—Sentencing and mandatory minimum sentence for delivery or possession with intent to delivery to minors
§ 20:36	—Counterfeit substances to minors
§ 20:37	—Sentencing enhancement and mandatory minimum for distribution in certain geographic areas
§ 20:38	Mandatory enhancements for possession of firearms or offensive weapons
§ 20:39	—Doubling is mandatory
§ 20:40	—Immediate possession of a firearm
§ 20:41	Enhancements for second or subsequent offenses
§ 20:42	License suspension for drug offenses
§ 20:43	Destruction of controlled substances
§ 20:44	Collateral consequences of drug convictions—Student loan eligibility

# **CHAPTER 21. PUBLIC INTOXICATION**

§ 21:1	Introduction
§ 21:2	—Intoxicated
§ 21:3	—A public place
§ 21:4	Right to a chemical test
$\S 21:5$	Penalty & expungement
§ 21:6	Providing alcohol to a minor
§ 21:7	Penalties
§ 21:8	Underage consumption or possession of alcohol by
	minors

# CHAPTER 22. OPERATING MOTOR VEHICLES WHILE INTOXICATED AND SENTENCING PROVISIONS

§ 22:1	Introduction
§ 22:2	Operate
8 22.3	Motor vehicle

§ 21:9 Penalties

§ 22:4	Public or private lands
§ 22:5	Intent
§ 22:6	Under the influence/intoxication
§ 22:7	—Operating while intoxicated—No test
§ 22:8	——Test failure
§ 22:9	—Operating while drugged
§ 22:10	Possession of prescription drug—Prescription Drug Defense
§ 22:11	Implied consent—Factors triggering and procedure
§ 22:12	——Implied consent—Who may invoke
§ 22:13	——Requirements
§ 22:14	———Who can consent
§ 22:15	——Implied consent time constraint—Two-hour
	limitation
§ 22:16	——Implied consent—Who may administer test
§ 22:17	——Implied consent and search warrants
§ 22:18	—Permissible chemical tests—Preliminary screening
S 00.10	test or breath test (PBT)
§ 22:19	——Blood, breath, or urine tests—Admissibility
§ 22:20	—Test failure
§ 22:21	—Refusal
§ 22:22	Sentencing in OWI cases
§ 22:23	—Limitations on deferred judgments
§ 22:24	—Substance abuse evaluations
§ 22:25	—Credit for treatment
§ 22:26	Second or subsequent offenses
§ 22:27	—Enhanced sentencing for prior OWI conviction— Twelve year window
§ 22:28	—Prior convictions entered on the same day
§ 22:29	—Deferred judgments
§ 22:30	—Fines on second or subsequent offenses
§ 22:31	—Restitution
§ 22:32	—Changes in law—Effect on suspensions
§ 22:33	The Department of Transportation and license suspensions
§ 22:34	—Suspensions for first offense—Test failure or refusal—Minimum suspension
§ 22:35	The department of transportation and license
§ 22.00	suspensions—Second suspensions
§ 22:36	—Suspensions for a third or subsequent offense
§ 22:37	—License suspension—Operating a vehicle and
	underage drinking
§ 22:38	Enhanced suspensions
§ 22:39	—Serious injury
§ 22:40	—Death
§ 22:41	—Use of out of state convictions

- § 22:42 License suspension hearings
- § 22:43 —Burden of proof
- § 22:44 ——Licensee has burden of proof to establish margin
- § 22:45 —Appealing an adverse ruling
- § 22:46 Vehicle impoundment

# CHAPTER 23. OPERATING WHILE INTOXICATED MOTOR BOATS & SAILBOATS AND SENTENCING PROVISIONS

- § 23:1 Introduction
- § 23:2 Operation
- § 23:3 Motorboats and sailboats
- § 23:4 Penalties
- § 23:5 —First offense
- § 23:6 —Second offense
- § 23:7 —Third offense
- § 23:8 —Offenses that result in serious injury
- § 23:9 —Offenses that result in death
- § 23:10 Prior convictions
- § 23:11 Twelve-year window
- § 23:12 Implied consent—Factors triggering
- § 23:13 ——Who may invoke
- § 23:14 ——Duty to advise
- § 23:15 ——Two hour limit
- § 23:16 ——Search warrants
- § 23:17 ——Independent chemical test
- $\S 23:18$  —Test refusal
- § 23:19 Penalty

# CHAPTER 24. ANTICIPATORY CRIMES

- § 24:1 Solicitation
- § 24:2 —Corroboration of intent
- § 24:3 —Renunciation
- § 24:4 —Penalties
- § 24:5 Conspiracy—Advantages for the prosecution
- § 24:6 —Iowa conspiracy law
- § 24:7 —Elements
- § 24:8 ——Agreement
- § 24:9 ——Overt act
- § 24:10 —Scope of the conspiracy
- § 24:11 —Merger of conspiracy charges into substantive offenses

# CHAPTER 25. FALSE STATEMENTS, PERJURY AND WITNESS OR JUROR TAMPERING

§ 25:1	Introduction
§ 25:2	Impersonating a public official
§ 25:3	—Penalty
§ 25:4	Impersonating a decorated military veteran
§ 25:5	—Penalty
§ 25:6	Falsifying public documents
§ 25:7	—Public documents
§ 25:8	—Penalty
§ 25:9	False representation of public records or process
§ 25:10	—Public records
§ 25:11	—Penalty
§ 25:12	False reports
§ 25:13	—Reporting
§ 25:14	—Penalties
$\S 25:15$	Misuse of emergency phone service
§ 25:16	—Penalty
$\S 25:17$	Providing false information
§ 25:18	—Penalties
§ 25:19	Perjury
$\S 25:20$	—Oath or affirmation requirement
§ 25:21	—Materiality
§ 25:22	—Prior contradictory statements
§ 25:23	—Special defense—Retraction
§ 25:24	—Corroboration
§ 25:25	—Penalty
§ 25:26	Suborning perjury
§ 25:27	—Procure or induce
§ 25:28	—Penalty
§ 25:29	Tampering with witnesses or jurors
§ 25:30	—Penalty
§ 25:31	Malicious prosecution
§ 25:32	—Reasonable ground
§ 25:33	—Penalty
5 =0.00	- 0110110

# CHAPTER 26. OBSTRUCTION OF JUSTICE

- § 26:1 Introduction § 26:2 Insurrection
- $\S~26:3$  —Lesser-included offenses

§ 26:4 -Penalty § 26:5 Willful disturbance § 26:6 -Penalty § 26:7 Harassment of public officials or employees § 26:8 -Penalty Interference with official acts § 26:9 § 26:10 —Knowingly resist or obstruct § 26:11 -Intent —Penalties § 26:12 § 26:13 Interference with official act by inmates § 26:14 —Penalties § 26:15 Refusing to assist an officer § 26:16 —Penalty § 26:17 Preventing apprehension and obstruction of justice § 26:18 —Penalty § 26:19 Failure to appear § 26:20 —Penalties § 26:21 Escape from custody § 26:22 —Arrest—In custody § 26:23 —Facilities § 26:24 —Administrative punishment and criminal charges —Penalties § 26:25 —Consecutive sentences § 26:26 § 26:27 Escape of sexually violent predators § 26:28 Unlawful absence § 26:29 —Penalty § 26:30 —Consecutive sentences Unlawful flight to avoid prosecution § 26:31 § 26:32 —Penalty —Consecutive sentences § 26:33 Permitting an escape § 26:34 § 26:35 —Penalties § 26:36 Assisting an escape § 26:37 —Penalties § 26:38 Furnishing to or possession of contraband by inmates —Contraband § 26:39 § 26:40 -Penalty Furnishing controlled substance to inmates § 26:41 § 26:42 —Penalty

# CHAPTER 27. OFFENSES RELATING TO ANIMALS

§ 27:1 Introduction § 27:2 Livestock abuse

§ 27:3 -Penalty Livestock neglect § 27:4 § 27:5 -Penalties § 27:6 Offenses relating to animal facilities § 27:7 —Willful destruction § 27:8 ——Penalty § 27:9 —Exercising control with intent § 27:10 ——Penalty —Unauthorized entry § 27:11 § 27:12 ——Penalty Injury to animals other than livestock § 27:13 § 27:14 -Penalty § 27:15 Animal neglect § 27:16 —Intentional neglect resulting in serious injury or death § 27:17 —Penalties § 27:18 Animal torture § 27:19 —Penalty Animal Contest Events—Offenses § 27:20 § 27:21 —Penalties Abandonment of cats and dogs § 27:22 § 27:23 —Penalty § 27:24 Injury or interference with police dogs § 27:25 -Penalty § 27:26 Injury to a police dog § 27:27 —Penalty Causing a dangerous wild animal to escape § 27:28 § 27:29 -Elements —Penalty § 27:30

# CHAPTER 28. VICE, PROSTITUTION, GAMBLING, AND OBSCENITY

§ 28:1 Introduction § 28:2 Prostitution § 28:3 —Offer to sell or purchase § 28:4 -Sex act § 28:5 -Genitalia § 28:6 —Penalty § 28:7 **Pimping** § 28:8 -Prostitute -Penalty § 28:9 § 28:10 Pandering § 28:11 -Penalty

```
§ 28:13
         -Penalty
§ 28:14
         Human trafficking—Elements
§ 28:15
         —Penalties
§ 28:16
         Gambling offenses—Keeping a gambling house
§ 28:17
         ——Keeper
§ 28:18
         — Penalty
§ 28:19
         —Illegal gaming
§ 28:20
         ——Penalties
         ———Illegal gaming in the first degree
§ 28:21
§ 28:22
         ———Illegal gaming in the second degree
         ———Illegal gaming in the third degree
§ 28:23
§ 28:24
         ———Illegal gaming in the fourth degree
        -Possession of gambling devices
§ 28:25
§ 28:26
         ——Gambling devices
         ——Penalty
§ 28:27
§ 28:28
        -Pools
§ 28:29
        ——Penalty
§ 28:30
        —Animal contests events
§ 28:31
        —Animal contests—Penalty
§ 28:32
        —Protection money
§ 28:33
        ——Penalty
        —Collection services
§ 28:34
§ 28:35
        ——Penalty
§ 28:36
         Obscenity—Dissemination and exhibition to minors
§ 28:37
         ——Disseminating obscene material
§ 28:38
         ——Contemporary community standard
§ 28:39
         ---Minor
         — — Defense—Mistake of fact—Age
§ 28:40
§ 28:41
         ——Penalty
         —Admitting minors/children to premises exhibiting
§ 28:42
          obscene material
§ 28:43
        ——Penalty
        —Admitting children to premises
§ 28:44
§ 28:45
         ——Penalty
§ 28:46
        —Rental or sale of pornography
§ 28:47
        ——Pornography
§ 28:48
        ——Penalty
§ 28:49
         —Public indecent exposure in certain establishments
§ 28:50
         ——Statutory exemptions
         ——Penalty
§ 28:51
§ 28:52
        —Sexual exploitation of a minor
         ——Exhibition or production of materials sexually
§ 28:53
          exploiting minors
        ———Knowledge
§ 28:54
         ———Prohibited sex act
§ 28:55
```

0.00-	
	——Penalty
§ 28:57	
§ 28:58	•
§ 28:59	———Promotion
§ 28:60	— — — Material
§ 28:61	———Penalty
§ 28:62	——Possession of materials sexually exploiting
	minors
§ 28:63	———Material prohibited sex act and knowledge
§ 28:64	———Statutory exemptions
$\S 28:65$	———Penalty
§ 28:66	——Statutory exemptions for libraries and
	educational institutions
$\S 28:67$	—Commercial film processors—Depictions of minors
§ 28:68	———Prohibited sex act
§ 28:69	———Penalty
§ 28:70	—Telephone dissemination of obscene materials to
	minors
§ 28:71	——Disseminate obscene materials
§ 28:72	——Contemporary community standards
§ 28:73	——Penalty
§ 28:74	—Invasion of privacy
§ 28:75	
§ 28:76	- · · · · · · · · · · · · · · · · · · ·
§ 28:77	
5	
CHAF	PTER 29. WEAPONS
§ 29:1	Possession of offensive weapons
§ 29:2	Knowledge
§ 29:3	—Offensive weapons
§ 29:4	——Machine guns
§ 29:5	——Short barreled rifles or shotguns
§ 29:6	——Oversized barrel bore weapons
§ 29:7	——Bombs and rockets
§ 29:8	——Ballistic knives
0	
§ 29:9	——Conversion parts or kits
§ 29:10	——Explosive bullets & flamethrowers
§ 29:11	——Silencers
§ 29:12	—Multiple charges
§ 29:13	—Exceptions as defenses
§ 29:14	V 1
§ 29:15	—Penalty
§ 29:16	Carrying weapons
§ 29:17	—Concealed weapons
-	•

```
§ 29:18
         ——Dangerous weapons
§ 29:19
         -Going armed
§ 29:20
         ——Concealment
         —Pistols, revolvers, loaded firearms within city limits
§ 29:21
§ 29:22
         —Transportation of pistols or revolvers in vehicles
§ 29:23
         —Penalty
§ 29:24
         Carrying concealed knives
§ 29:25
         —Penalties
§ 29:26
         Exceptions to carrying weapons
§ 29:27
         —Persons dwelling or business
         —Peace officers
§ 29:28
§ 29:29
         —Armed forces personnel
§ 29:30
         —Correctional officers
§ 29:31
         —Unloaded weapons—Containers
§ 29:32
         ——Cargo or luggage compartment
§ 29:33
         —Target ranges and hunting
§ 29:34
         -Knives used in hunting and fishing
§ 29:35
         —Permit to carry
         —Law enforcement from other states
§ 29:36
§ 29:37
         Weapons free zones—Enhanced penalties
§ 29:38
         ——Carrying weapons on school grounds
§ 29:39
         ———School
         ———Exceptions
§ 29:40
§ 29:41
         ——Penalty
§ 29:42
         Permit to acquire pistols or revolvers
§ 29:43
         —Penalties
§ 29:44
         False information to obtain permit to acquire
§ 29:45
         -Penalty
§ 29:46
         Failure to carry permit
§ 29:47
         —Penalty
         Trafficking in stolen firearms
§ 29:48
         -Penalty
§ 29:49
§ 29:50
         Sale to minors or persons under twenty-one
         Illegal transfer of rifles and shotguns to minors
§ 29:51
§ 29:52
         -Minors
         -Penalties
§ 29:53
         Illegal transfer of pistols or revolver to person under
§ 29:54
          twenty-one
§ 29:55
         —Penalties
§ 29:56
         —Exceptions
§ 29:57
         Access to firearms by children
§ 29:58
         -Firearm
§ 29:59
         -Penalty
         Receipt, transportation, dominion and control of
§ 29:60
          firearms and offensive weapons by felons
```

§ 29:61	—Constitutional challenges
§ 29:62	—Dominion and control
§ 29:63	Possession, receipt, transportation, or dominion and control of firearms, offensive weapons, and ammunition by persons subject to a protective order
§ 29:64	—Penalty
§ 29:65	Receipt, transportation, dominion and control of firearms and offensive weapons by felons—Felony
§ 29:66	——Proving out of state convictions
§ 29:67	——Exception—Restoration of citizenship
§ 29:68	——Pardon or restoration of citizenship—Mistake of law or fact defense
§ 29:69	—Penalty
§ 29:70	Prohibited attachments for firearms
§ 29:71	—Penalty
§ 29:72	Reckless use of a firearm —Reckless
§ 29:73	TVCCIIICSS
§ 29:74	—Penalty
	TER 30. CRIMINAL STREET GANGS
§ 30:1	Criminal gang participation
§ 30:2	—Criminal street gang
§ 30:3	—Pattern of criminal gang activity
§ 30:4	—Criminal acts
§ 30:5	— — Constitutional challenges—Vagueness, overbreadth, due process and fundamental fairness
§ 30:6	——Double jeopardy
§ 30:7	—Penalty
§ 30:8	Criminal street gang recruitment
§ 30:9	—Minor—Definition
§ 30:10	—Penalty
	TER 31. BRIBERY AND OFFICIAL
MISC	ONDUCT
§ 31:1	Bribery
§ 31:2	—Penalty
	Accepting a bribe
§ 31:4	—Penalty
§ 31:5	Bribery in sports
§ 31:6	—Penalty
§ 31:7	Commercial bribery
§ 31:8	—Gratuity
§ 31:9	—Penalty

Student athlete recruitment offenses

§ 31:10

§ 31:11	—Accepting or soliciting improper recruitment incentives
\$ 91.19	——Student athlete
§ 31:12	
§ 31:13	——Immediate family members
§ 31:14	—Penalty
§ 31:15	Offenses regarding misuse of office or public property
§ 31:16	Felonious misconduct in office
§ 31:17	—Penalty
§ 31:18	Non—Felonious misconduct in office
§ 31:19	——Penalty
§ 31:20	Solicitation of public employees
§ 31:21	—Penalty
§ 31:22	Using public motor vehicles for political purposes
§ 31:23	—Penalty
§ 31:24	Campaigning by state employees
$\S 31:25$	—Penalty
§ 31:26	Offenses relating to elections and voting
$\S 31:27$	Election misconduct—First degree
§ 31:28	——Penalties
§ 31:29	—Second degree
§ 31:30	Election Misconduct—Second Degree—Penalties
§ 31:31	—Third Degree
§ 31:32	Election misconduct—Third degree—Penalties
§ 31:33	—Fourth degree
§ 31:34	Election Misconduct—Fourth Degree—Penalties
CHAP	TER 32. SENTENCING IN IOWA
§ 32:1	Introduction
§ 32:2	Felonies—Maximum sentences for felonies
§ 32:3	Misdemeanors—Maximum sentences for
Ü	misdemeanors
§ 32:4	Discretionary sentences—Non-mandatory sentences
§ 32:5	——Factors to be considered
§ 32:6	——Impermissible factors
§ 32:7	——Juvenile records considered by the sentencing
Ü	court
§ 32:8	———Prior criminal records considered by the
_	sentencing court
§ 32:9	———Acquittals considered by the sentencing court
§ 32:10	———Unprosecuted offenses considered by the
	sentencing court
§ 32:11	———Dismissed charges
§ 32:12	———Sentencing alternatives presented to the
	defendant
§ 32:13	———Difficulty explaining sentence
	• •

# CRIMINAL LAW

§ 32:14	Presentence investigations
§ 32:15	—Felonies—Mandatory presentence investigation
§ 32:16	reports —Waiving the use of the presentence investigation
8 02.10	report
§ 32:17	-Misdemeanors-Non-mandatory presentence
0	investigations
§ 32:18	—Distribution of the presentence investigation
§ 32:19	Substance abuse evaluation
§ 32:20	—Waiving the use of the evaluation
§ 32:21	—Failure to cooperate with the evaluation
§ 32:22	Sentencing procedures
§ 32:23	—Setting the date
§ 32:24	—Court options
§ 32:25	—Court's duty to advise
§ 32:26	—Other obligations by the court
§ 32:27	—Allocution
§ 32:28	—Reason for the sentence
§ 32:29	Sentencing options—Deferred judgments
§ 32:30	——Deferred judgment not subject to appeal
§ 32:31	——Charges where the court cannot defer judgment
§ 32:32	Sentencing Juveniles—Individualized sentencing
§ 32:33	Sentencing options—Deferred judgments—Fee for
	deferred judgments
§ 32:34	—Deferred sentence
§ 32:35	—Suspended sentence
§ 32:36	Probation
§ 32:37	—Fees for probation
§ 32:38	—Conditions of probation
§ 32:39	—Types of probation
§ 32:40	——Commitment to a residential facility
§ 32:41	—Length of probation
§ 32:42	—Drivers license suspension
§ 32:43	——Suspensions for controlled substance violations
§ 32:44	——Suspensions for operating while intoxicated
§ 32:45	Incarceration
§ 32:46	—Place of confinement—Misdemeanor
§ 32:47	———Work release—Misdemeanors
§ 32:48	——Felony
§ 32:49	———Department of corrections
§ 32:50	—Reduction of sentences
§ 32:51	——Credit for time served
§ 32:52	——Credit for time served in another jurisdiction
§ 32:53	——Credit for time in a hospital or house arrest
§ 32:54	——Good conduct time

# TABLE OF CONTENTS

§ 32:55	—Loss or forfeiture of good conduct time
§ 32:56	Reconsideration of sentences
$\S 32:57$	—Felony reconsideration
$\S 32:58$	—Misdemeanor reconsideration
§ 32:59	—Sentence of confinement
§ 32:60	Consecutive sentences
§ 32:61	—Mandatory consecutive sentences
§ 32:62	Fines
§ 32:63	—Restitution as a fine
§ 32:64	——Restitution/fine and double jeopardy
$\S 32:65$	——Restitution/fine and due process
§ 32:66	——Restitution/fine a dissenting view
$\S 32:67$	—Community service in lieu of fines
§ 32:68	Mandatory sentences
§ 32:69	—Forcible felonies
§ 32:70	——Felonious assaults
§ 32:71	—Mandatory reporters of abuse
§ 32:72	—Homicide or injury by a vehicle
§ 32:73	—Controlled substances
§ 32:74	—Contempt sentences for domestic abuse
§ 32:75	Mandatory minimum sentences—Domestic abuse
	cases
$\S 32:76$	—Use of a firearm
$\S 32:77$	—Convictions of a prior forcible felony
$\S 32:78$	——Prior forcible felony
$\S 32:79$	—The seventy percent provisions
§ 32:80	——Seventy percent provisions as cruel and unusual
	punishment
§ 32:81	——Seventy percent provisions and equal
	protection—Rational basis
§ 32:82	——Seventy percent provisions and separation of
	powers
§ 32:83	——Seventy percent provisions as a bill of attainder
§ 32:84	Sentencing enhancements—Habitual offenders
$\S 32:85$	——Enhancements for multiple crimes arising from
	the same transaction
§ 32:86	——Enhancements based on prior convictions
§ 32:87	— Other sentencing enhancement statutes and the
	habitual offender statute
§ 32:88	———Controlled substance enhancements and the
	habitual offender statute
§ 32:89	———Sexually predatory enhancements and the
	habitual offender statute
§ 32:90	——The habitual offender statute and fines
§ 32:91	Sentencing enhancements hate crimes

§ 32:92	Issue preservation for improper sentences	
§ 32:93	—Remedy for an improper sentences	
§ 32:94	Resentencing-judicial vindictiveness and aggregate sentencing	
§ 32:95	Expungement	
§ 32:96	Immigration consequences of convictions in criminal cases	
CHAP	TER 33. RESTITUTION	
§ 33:1	Introduction	
§ 33:2	When ordered	
§ 33:3	—Restitution or community service can be ordered by sentencing court	
§ 33:4	Determining restitution—Statement of restitution	
§ 33:5	—Petition for restitution hearing	
§ 33:6	Restitution hearings	
§ 33:7	—Burden of proof	
§ 33:8	—Proximate cause	
§ 33:9	—Comparative fault	
§ 33:10	—Amount of restitution	
§ 33:11	——150,000 fixed restitution/fine in death cases	
§ 33:12	———A dissenting view	
§ 33:13	—Insurance offset	
§ 33:14	—Third-party payment offset	
§ 33:15	Restitution as a condition of probation—Payment plan	
§ 33:16	Judgment—Enforcement	
§ 33:17	— Victim restitution and order of payment	
	TER 34. VICTIMS RIGHTS ACT	
§ 34:1	Introduction	
§ 34:2	Registration, notification, and rights in criminal proceedings	
§ 34:3	Victim counselor and privilege	
§ 34:4	Victim impact statements	
§ 34:5	Civil injunctions and protective orders	
§ 34:6	—Employment discrimination	
§ 34:7	Protections for children and other special victims	
§ 34:8		
	—Victims of domestic abuse	
	—Victims of juveniles	
§ 34:11	Victim compensation	
CHAPTER 35. PROBATION AND PAROLE		

# REVOCATIONS

§ 35:1 Introduction

# TABLE OF CONTENTS

§ 35:2	Probation and parole revocation hearings
§ 35:3	—Arrest and initial appearance
§ 35:4	—Time of hearing
§ 35:5	—Bond
§ 35:6	Revocation hearing
§ 35:7	—Burden of proof
§ 35:8	—Evidentiary questions
§ 35:9	——Confrontation
§ 35:10	——Defendant's silence
§ 35:11	——Defendant's absence
§ 35:12	——Revocation based on new charges
§ 35:13	——Revocation based on nonpayment of fees
§ 35:14	—Findings
§ 35:15	—Disposition
§ 35:16	——Continue parole or probation
§ 35:17	——Extending probation
§ 35:18	——Contempt for probationers
§ 35:19	— — Violator's facility
§ 35:20	——Revocation
§ 35:21	——Credit for time on parole not probation

# **Table of Laws and Rules**

# **Table of Cases**

# Index