

IOWA CRIMINAL STATUTES SUMMARY CHART—2010

Introduction (08/16/10)

INSTRUCTIONS FOR USE: This chart is designed as a checklist and alert to major sentencing issues and statutes. Code cites and text are abbreviated. All code sections are from 2009 Iowa Code updated through the 2010 legislative session, and are in numerical order from top to bottom along left margin. The author will attempt to update this chart after every legislative session. If the EndNote column (far right) shows an “10”, that code section or chapter was amended effective 7/1/10 (or upon enactment); or if it shows “12/10”, that code section or chapter was amended effective 12/01/10; if it shows a “9”, that code section or chapter was amended effective 7/1/09 (or upon enactment). The EndNotes column will also reference the legislation. **WARNING!! This chart applies to offenses which occur after 6/30/10, and may not be reliable for offenses which occur before 7/1/10 or after 6/30/11. Prior versions should be retained for use concerning offenses which occurred prior to 7/1/09; I did not prepare a separate chart for the period 7/1/09-6/30/10.**

Across the top of each page are headings and footnote references (e.g., "n.A" means "Note A"). Those footnotes are at the bottom of this introductory page. If the EndNotes column shows an asterisk (*), then refer to the EndNotes section on the last pages for references to other sections, alerts and footnotes that may relate to the code section listed in the column on the left margin. At the end of the Code section summaries are selected criminal procedure sections.

In the columns, a "y" means "yes", "n" means "no", "y/n" means "yes/no", "n/a" means "not applicable." A "y/n", "n/y" or "?", means you should review the applicable statutes.

NEW: See pages 2-3 of this introduction for Practice Pointers.

FOOTNOTES

Note A: See chs. 901, 902, 903 outlined below; if "C" or "D" habitual felon, see [902.9\(3\)](#); if forcible felony, see [902.7](#).

Note B: Parole per ch. 906; min. per [902.7](#) (5 yrs. dang. weap.), [902.8](#) (3 yrs. habitual), [902.8A](#)(124.401D), [902.11](#)(prior forcibles), [902.12](#)(70% forcibles) (see also sec. [702.11](#) defines "forcible felony").

Note C: 35% surcharge effective 5/27/09 (32% from 7/1/05-5/26/09) on fines/forfeitures per [911.1](#); may suspend pro rata with fine; n/a to parking violations.

Note D: \$10 DARE surcharge for each offense per [911.2](#); not assessed if defer sentence/judgment or suspend sentence.

Note E: County surcharge, if any, per [911.4](#) only simple mis. and only if county has adopted.

Note F: \$125 Law Enforcement Initiative Surcharge per [911.3](#), if guilty or deferred judgment.

Note G: Drivers license revocation per [901.5\(10\)](#).

Note H: DNA profile required per [81.2](#) and [901.5\(8A\)](#), all felony convictions and def. judg., all sexually violent predators per [229A.7\(5A\)](#), persons required to register as sex offenders, if guilty by reason of insanity, includes juveniles per [232.52\(10\)](#), and others if the court determines appropriate per [901.5\(8A\)](#).

Note I: Ch. 692A Sex Offender Registry as amended by 2009 S.F. 340, 2010 S.F. 2305, 2010 H.F. 2286, 2392, 2526, and 2531.

Note J: [901.5\(11\)-\(12\)](#) consider denying certain federal benefits and certain state benefits.

Note K: [124.409\(2\)](#) may order commitment for treatment if charged and consent to treatment, or if convicted, under [124.401](#) if addicted/dependent/chronic abuser.

WARNING--THIS IS NOT YET COMPLETE--WORK IN PROGRESS!!

Comments, corrections, suggestions and requests for updates can be sent to:

Michael R. Mullins, 224 W. Main St., Washington, IA 52353

Copyright © 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010 Michael R. Mullins

PRACTICE POINTERS

CAVEAT: This chart is intended as a checklist, reminder, and issue spotter for judges and lawyers--NOT as a definitive listing of all issues that need to be addressed under any particular use. I have attempted to incorporate decisions from the appellate courts, but lack the resources to annotate to case decisions.

NEW FEATURE: Online versions of the chart contain hyperlinks to most Iowa Code sections and 2010 legislation.

Below I have added a couple of items from prior CLE presentations that I thought might be useful as ready references.

ATTORNEY FEES RESTITUTION: When ordering restitution, *State v. Dudley*, 766 N.W.2d 606, 620-23 (Iowa 2009) limits the amount of court-appointed attorney fees that a defendant can be ordered to pay under Iowa Code section [815.9](#). The amounts are set forth in IAC 493-12.6(1) as follows:

Class A felonies	\$18,000
Class B felonies	\$3,600
Class C felonies	\$1,800
Class D felonies	\$1,200
Aggravated misdemeanors	\$1,200
Serious misdemeanors	\$600
Simple misdemeanors	\$300
Simple misdemeanor appeals to district court	\$300
Contempt/show cause proceedings	\$300
Proceedings under Iowa Code chapter 229A	\$10,000
Probation/parole violation	\$300
Extradition	\$300
Postconviction relief--the greater of \$1,000 or one-half of the fee limitation for the conviction from which relief is sought.	

06/08

$$\vdots$$
$$\begin{array}{c} | \\ | \\ | \\ | \\ \mathbf{V} \end{array}$$

$\frac{V}{\sqrt{\ln n}}$
 $|$
 $|$
 $|$
 $|$
 V

$$\vdots$$

V
ba
ci
en

|
|
|
|

V

$$\overline{\mathbf{v}}$$
$$\frac{\mathbf{V} \mathbf{d} \mathbf{s}}{\mathbf{l} \mathbf{r}}$$
$$\begin{array}{c} | \\ | \\ | \\ | \\ \mathbf{v} \end{array}$$

V
n c
su
ce
l t

|
|
|
|

111

Examples (not a complete list)
902.12 – 70% prevails over 902.8 3 yr. min.
 < - - - - - 124.413 – 1/3 min. prevails over 902.8 3 yr. min.

Code Sec.	Description	Class	*****PRISON/JAIL*****				*****FINE*****			***SURCHARGES***				Lic.	DNA	Sex.	Deny	
			Max.	Min.	Parole?	Sus/Def	Max.	Min.	Sus.	35% DARE	Co.	\$125	Rev.	Test	Reg.	Ben?	See End Note	
(Version 081610)			n.A	n.A	n.B	907.3	n.A	n.A	907.3	n.C	n.D	n.E	n.F	n.G	n.H	n.I	n.J	
Ch. 321 Motor Vehicle (simple misdemeanors) (sections omitted from this draft)																		
Ch. 321J OWI																		
321J.2(2)(a)	1st OWI	ser	1 yr.	48 hours	n/a	if<.15	1250	1250	n/other	y	y	n	n	180-1	n	n	n	*12/10 SF 431 (1)
321J.2(2)(b)	2nd OWI	agg	2 yrs.	7 days	y	not min.	6250	1875	y	y	y	n	n	1 yr.	n	n	n	*12/10 SF 431 (1)
321J.2(2)(c)	3rd OWI	D	5 yrs.	30 days	y	not min.	9375	3125	y	y	y	n	n	6 yr.	y	n	n	*12/10 SF 431 (1)
321J.21	driv.revoked,etc.	ser	1 yr.	0	n/a	y	1000	1000	y	y	y	n	n	add	n	n	n	
Misc.																		
453B.12	tax stamp	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	y	180	y	n	n	*
Ch. 462A Boat OWI																		
462A.14(2)(a)	1st OWI-boat	ser	1 yr.	48 hours	n/a	if<.15	1000	1000	n/other	y	n	n	n	1yr	n	n	n	*
462A.14(2)(b)	2nd OWI-boat	agg	2 yrs.	7 days	y	not min.	5000	1500	y	y	n	n	n	2yr	n	n	n	*
462A.14(2)(c)	3rd OWI-boat	D	5 yrs.	30 days	y	not min.	7500	2500	y	y	n	n	n	6yr	y	n	n	*
462A.14(2)(d)	OWI-boat & inj.	D	5 yrs.	30 days	y	not min.	7500	2500	y	y	n	n	n	add1	y	n	n	*
462A.14(2)(e)	OWI-boat,death	B	25 yrs.	n.B	y	n	0	0	n/a	n/a	n	n	n	6yr	y	n	n	*
Ch. 664A No Contact/Protective Orders																		
664A.7(3)	violation-contempt	n/a	**	7 days	n/a	not min.	**	0	y	y	n	n	n	n	n	n	n	*
664A.7(4)	violation-sim.misd.	sim	30 days	0	n/a	n	625	65	n	y	n	n	n	n	n	n	n	
Ch. 692A Sex Offender Registry																		
692A.111	Fail to Register	ser.	to Class C, and limitations on supending fines or deferring sentences/judgments															
Ch. 705 Solicitation/Conspiracy/Ongoing Conduct/Money Laundering																		
705.1	felony solic.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
705.1	agg.mis.solic.	agg	2 yrs.	0	y	y	6250	625	y	y	n	n	n	n	n	n	n	
706.1 and 3	consp.forc.f	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
706.1 and 3	consp.felony	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
706.1 and 3	consp.misd.	simple to agg., same as underlying offense >>>>>>>>							y/n	y	n	n	n	n	n	n		
706A.2(1)	ongoing conduct	B	25 yrs.	n.B	y	y	0	0	n/a	n/a	n	n	n	n	y	n	n	
706A.2(2)	crim. network	B	25 yrs.	n.B	y	y	0	0	n/a	n/a	n	n	n	n	y	n	n	
706A.2(4)	unlawful activities	B	25 yrs.	n.B	y	y	0	0	n/a	n/a	n	n	n	n	y	n	n	
706B.2	money launder	C/D	10/5yr	n.B	y	y	varies	?	y	y	n	n	n	n	y	n	n	
Ch. 707 Homicide and Related Crimes																		
707.2	Murder 1st	A	life	Life	n	n	0	0	n/a	y	n	n	n	n	y	n/y	n	* 9 SF340
707.3	Murder 2nd	B	50 yrs.	50 yrs.	at 70%	n	0	0	n/a	n/a	n	n	n	n	y	n/y	n	* 9 SF340
707.4	Vol.Mansltr	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n/y	n	* 9 SF340
707.5(1)	Invol.Mansltr	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n/y	n	* 9 SF340
707.5(2)	Invol.Mansltr	agg.	2 yrs.	0	y	y	6250	625	y	y	n	n	n	n	n	n/y	n	* 9 SF340
707.6A(1)	Veh.Homicide--OWI	B	25 yrs.	n.B	y or 70%	y/n	0	0	n/a	n/a	n	n	n	6yr	y	n	n	*10 HF 2452 (12)
707.6A(2)	Veh. Hom.rkles/elud	C	10 yrs.	n.B	y or 70%	y/n	10000	1000	y	y	n	n	n	n	y	n	n	*
707.6A(3)	Veh.Homicide-racing	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	*
707.6A(4)	Veh.injury--OWI	D	5 yrs.	n.B	y	n	7500	750	n	y	n	n	n	n	y	n	n	*
707.7(1),(3)	Feticide	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	* 9 SF449
707.7(2)	Att.Feticide	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	* 9 SF449
707.8(1)	Term.Preg.FF	B	25 yrs.	n.B	y	y	0	0	n/a	n/a	n	n	n	n	y	n	n	
707.8(2)-(5)	Term.Preg.	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
707.8(6)	Term.Preg.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
707.8(7)-(9)	Term.Preg.	agg	2 yrs.	0	y	y	6250	625	y	y	n	n	n	n	n	n	n	
707.8(10)	Term.Preg.	ser	1 yr.	0	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
707.9	MurderFetus	B	25 yrs.	n.B	y	y	0	0	n/a	n/a	n	n	n	n	y	n	n	
707.10-	FailFetusAliv	ser	1 yr.	0	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
707.11	Att.murder	B	25 yrs.	25 yrs.	at 70%	n	0	0	n/a	n/a	n	n	n	n	y	n/y	n	* 9 SF340
Ch. 707A Assisting Suicide																		
707A.2	Assisting suicide	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
Ch. 707C Stem Cell Research (sections omitted from this draft)(new 2007 SF 162)																		
Ch. 708 Assault																		
708.2(1)	w/intent to ser.injur.	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	n	n	
708.2(2)	causing injury	ser.	1 yr.	0-	n/a	y/n	1875	315	n	y	n	n	n	n	n	n	n	
708.2(3)	w/ dang.weapon	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	n	n	
708.2(4)	causing serious inj.	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	*10 HF 2372 (2)
708.2(4A)	w/obj. to penetrate	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n	n	
708.2(5)	all others	sim.	30 days	0	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
708.2A(2)(a)	dom.abuse 1st	sim.	30 days	2 days	n/a	y/n	625	65	n	y	n	?	n	n	n	n	n	*
708.2A(2)(b)	dom.ab.w/inj. 1st	ser.	1 yr.	2 days	n/a	y/n	1875	315	n	y	n	n	n	n	n	n	n	*
708.2A(2)(c)	dom.ab.w/int.,weap.	agg.	2 yrs.	2 days	y	y/n	6250	625	y	y	n	n	n	n	n	n	n	*
708.2A(3)	enhanced offenses	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	*
708.2A(4)	dom.ab.3rd	D	5 yrs.	1 yr.	at 1 yr	n	7500	750	y	y	n	n	n	n	y	n	n	*
708.2C(2)	hate crime w/int.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
708.2C(3)	hate crime w/injury	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	

Code Sec.	Description	Class	*****PRISON/JAIL*****				*****FINE*****			***SURCHARGES***				Lic.	DNA	Sex.	Deny	
			Max.	Min.	Parole?	Sus/Def	Max.	Min.	Sus.	35%	DARE	Co.	\$125					
(Version 081610)			n.A	n.A	n.B	907.3	n.A	n.A	907.3	n.C	n.D	n.E	n.F	n.G	n.H	n.I	n.J	
708.2C(4)	hate crime w/weap.	D	5 yrs.	5 yrs.	at 5 yr	n	7500	750	y	y	n	n	n	n	y	n	n	
708.2C(5)	other hate crimes	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
708.3-	Ass./Felony w/inj.	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n	n	
	Ass./Felony w/o inj.	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	
708.3A(1)	vs.peace ofr. w/int.	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	
708.3A(2)	vs.ofr.w/weapon	D	5 yrs.	5 yrs.	at 5 yr	n	7500	750	y	y	n	n	n	n	y	n	n	
708.3A(3)	vs.ofr.w/injury	agg.	2 yrs.	0-	y	n	6250	625	y	y	n	n	n	n	n	n	n	
708.3A(4)	vs.officer	ser.	1 yr.	0-	n/a	n	1875	315	n	y	n	n	n	n	n	n	n	
708.3B	inmate assaults	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	
708.4(1)	willful inj.--ser.inj.	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n	n	
708.4(2)	willful inj.--bodily inj.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	*
708.5	admin.harmful sub.	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	
708.6	intimidation-weapon	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n	n	
	intimidation-weapon	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	
	intim.-weap.-threat	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
	intim.-weap.-threat	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
708.7(2)	harrasment 1st	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n/y	n	* 9 SF340
708.7(3)	harrasment 2nd	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	* 9 SF340
708.7(4)	harrasment 3rd	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n/y	n	* 9 SF340
708.8	armed w/intent	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
708.9	spring guns/traps	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
708.10(2)	hazing	sim.	30 days	0-	n/a	y	6250	625	n	y	n	?	n	n	n	n	n	
708.10(3)	hazing w/injury	ser.	1 yr	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
708.11(3)(a)	stalking 3rd offense	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n/y	n	* 9 SF340
708.11(3)(b)	stalking--specifics	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n/y	n	* 9 SF340
708.11(3)(c)	stalking--other	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n/y	n	* 9 SF340
708.13(2)	disarming officer	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	
708.13(3)	disarm ofr.,discharg	C	10 yrs.	5 yrs.	at 5 yr	n	10000	1000	y	y	n	n	n	n	y	n	n	
708.14(2)	abuse of corpse	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n	n	*10 HF 2392 (3)
Ch. 708A Terrorism																		
708A.2	terrorism	B	50 yrs.	n. B	y	y	0	0	n/a	n/a	n	n	n	n	y	n	n	*
708A.4-6	acts of terrorism	D,C,B	5,10,25	n. B	y	y	0-10k	0-750	y	y	n	n	n	n	y	n	n	*
Ch. 709 Sexual Abuse																		
709.2	SexAb.1st deg.	A	Life	Life	n	n	0	0	n/a	n/a	n	n	n	n	y	y	n	*903B life
709.3	SexAb.2nd deg.1st	B	25 yrs.	25 yrs.	at 70%	n	0	0	n/a	n/a	n	n	n	n	y	y	n	*903B life
709.3	SexAb.2nd deg.2nd	A	Life	Life	n	n	0	0	n/a	n/a	n	n	n	n	y	y	n	*903B life
709.4	SexAb.3rd deg.	C	10 yrs.	n.B	y	y/n	10000	1000	y	y	n	n	n	n	y	y	n	*903B life
709.4	SexAb.3rd deg.2nd	A	Life	Life	n	n	0	0	n/a	n/a	n	n	n	n	y	y	n	*903B life
709.7	Detention in brothel	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n/y	n	*10HF2286 rep'l(3)
709.8(1),(2)	Las.Acts w/child	C	10 yrs.	n.B	y	y/n	10000	1000	y	y	n	n	n	n	y	y	n	*903B life
709.8(1),(2)	Las.Acts w/ch.2nd	A	Life	Life	n	n	0	0	n/a	n/a	n	n	n	n	y	y	n	*903B life
709.8(3),(4)	Las.Acts w/child	D	5 yrs.	n.B	y	y/n	7500	750	y	y	n	n	n	n	y	y	n	*903B 10 yrs.
709.9	Ind.Exp.	ser.	1 yr.	0-	n/a	y/n	1875	315	n	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.11	Sex Ab.Ass.ser.inj.	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	y	n	*903B life
	Sex.Ab.Ass.w/inj.	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	y	n	*903B 10 yrs.
	Sex.Ab.Ass.w/o inj.	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.12	Ind.Cont.Ch	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	n/y	n	*903B 10 yrs.
709.14	Las.w/minor	ser.	1 yr.	0-	n/a	y/n	1875	315	n	y	n	n	n	n	yn	n/y	n	*903B 10 yrs.
709.15(4)(a)	By Couns/Ther'p'st	D	5 yrs.	n.B	y	y/n	7500	750	y	y	n	n	n	n	y	y	n	*903B 10 yrs.
709.15(4)(b)	By Couns/Ther'p'st	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.15(4)(c)	By Couns/Ther'p'st	ser.	1 yrs.	0-	n/a	y/n	1875	315	n	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.15(5)(a)	By School Emp'ee	D	5 yrs.	n.B	y	y/n	7500	750	y	y	n	n	n	n	y	y	n	*903B 10 yrs.
709.15(5)(b)	By School Emp'ee	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.16(1)	w/offender	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.16(2)	w/juvenile	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.16(3)	w/jail prisnr	agg.	2 yrs.	0-	y	y/n	6250	625	y	y	n	n	n	n	n	y	n	*903B 10 yrs.
709.18(2)	w/corpse	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	y	n/y	n	*10 HF2392 903B
709.21	invasion privacy	ser.	1 yr	0-	n/a	y/n	1875	315	n	y	n	n	n	n	n	n	n	*903B 10 yrs.
Ch. 709A Contributing to Juvenile Delinquency																		
709A.6	use of juv.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
Ch. 709C Criminal Transmission of HIV																		
709C.1	trans.HIV	B	25 yrs.	n.B	y	y	0	0	n/a	n/a	n	n	n	n	y	n/y	n	* 9 SF340
Ch. 710 Kidnapping and Related Offenses																		
710.2	Kidnap1st	A	Life	Life	n	n	0	0	n/a	n/a	n	n	n	n	y	n/y	n	* 9 SF340
710.3	Kidnap2nd	B	25 yrs.	25 yrs.	at 70%	n	0	0	n/a	n/a	n	n	n	n	y	n/y	n	* 9 SF340
710.4	Kidnap3rd	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n/y	n	* 9 SF340
710.5	Ch.stealing	C	10 yrs.	n.B	y	n	10000	1000	y	y	n	n	n	n	y	n/y	n	* 9 SF340
710.6	Vio.Custody	D	5 yrs.	n.B	y	n	7500	750	y	y	n	n	n	n	n	y	n/y	n
		ser.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n/y	n	
710.7	False Imprison	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n/y	n/y	n	*
710.8	Har.Runwy	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n/y	n	

Code Sec.	Description	Class	*****PRISON/JAIL*****				*****FINE*****			***SURCHARGES***				Lic.	DNA	Sex.	Deny	
			Max.	Min.	Parole?	Sus/Def	Max.	Min.	Sus.	35% DARE	Co.	\$125	Rev.	Test	Reg.	Ben?	See End Note	
(Version 081610)			n.A	n.A	n.B	907.3	n.A	n.A	907.3	n.C	n.D	n.E	n.F	n.G	n.H	n.I	n.J	
Ch. 721 Official Misconduct																		
721.1	fel.misconduct	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
721.2	misconduct	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
721.7	misc.miscondct	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	*
721.9	fail.to label veh.	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
721.10-	misuse of record	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
721.11	interest in contr.	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
721.12	profit from inmate	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
Ch. 722 Bribery and Corruption																		
722.1	Bribery	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	*
722.2	Accept Bribe	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	*
722.3	Bribery-sports	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
722.10(3)	Commercial bribery	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
722.11(2)(e)	student ath.	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
722.11(3)(c)	student ath.	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
Ch. 723 Public Disorder																		
723.1	Riot	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
723.2	unlaw. assembly	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
723.3	fail.to disburse	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
723.4	disord. conduct	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
723.5(3)(a)	dis.cond.funeral	sim.	30 days	0-	n/a	y	625	65	n	y	n	n	n	n	n	n	n	
723.5(3)(b)	dis.cond.fun'l 2nd	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
723.5(3)(c)	dis.cond.fun'l 3rd	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
Ch. 723A Criminal Street Gangs																		
723A.2	participation	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
723A.3(1)	recruitment	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
723A.3(2)	conspire to recruit	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
Ch. 724 Weapons																		
724.3	poss.off.weapon	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	*
724.4(1)	concealed firearm	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	*
724.4(2)	concealed knife	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
724.4(3)(a)	knife blade >8"	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
724.4(3)(b)	knife blade 5-8"	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
724.4B(1)	gun at school	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
724.5	fail. to show permit	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
724.10-	false app.for permit	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	10 SF 2379 (8)
724.16(1)	improper transfer	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
724.16(2)	...to prohibited pers.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
724.16A	stolen firearms 1st	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
	...2nd	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
724.17	false st. on app.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	10 SF 2379 (13)
724.21	false info.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
724.22(1)-(2)	gun to minor 1st	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
	gun to minor 2nd	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
724.22(7)	access to child	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n	n	
724.26(1)	poss. by felon	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	10 SF 2357 (4)
724.26(2)	pro. order /dom.ab.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	10 SF 2357 (4)
724.29	firearm devices	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
724.30(1)	reckless/ser.injury	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	n	n	y	n	n	
724.30(2)	reckless/bodily inj.	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	n	n	y	n	n	
724.30(3)	reckless/prop.dam.	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n	n	
724.30(4)	reckless--other	sim.	30 days	0-	n/a	y	625	65	n	y	n	?	n	n	n	n	n	
Ch. 725 Vice																		
725.1	Prostitution	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	y	n	n	n/y	n	
725.2	Pimping	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	y	n	y	n/y	n	
725.3(1)	Pandering	D	5 yrs.	n.B	y	y	7500	750	y	y	n	n	y	n	y	n/y	n	
725.3(2)	Pandering minor	C	10 yrs.	n.B	y	y	10000	1000	y	y	n	n	y	n	y	n/y	n	*
725.4	Leasing for prost'n	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	
725.5	Gambling house	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	
725.7(2)(a)	Gaming and betting---serious misd. to C felony	>	>	>	>	>	>	>	>	>	n	>	>	>	>	>	>	
725.9(4)	gambling devices	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	
725.10-	betting pools	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	
725.12(1)	sale of lottery tick't	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	
725.16	violation of Ch.99B	ser.	1 yr.	0-	n/a	y	1875	315	n	y	n	n	n	n	n	n/y	n	*
725.17	protection money	agg.	2 yrs.	0-	y	y	6250	625	y	y	n	n	n	n	n	n/y	n	

CRIMINAL PROCEDURE AND RELATED MATTERS (outline, abbreviated)

Ch. 801 Criminal Procedure Scope and Definitions

Ch. 802 Limitation of Criminal Actions

Ch. 803 Jurisdiction of Public Offenses and Place of Trial

Ch. 804 Commencement of Actions--Arrest--Dispositions of Prisoners

Ch. 805 Citations in Lieu of Arrest

805.8 Scheduled violations

805.11 Other violations--can't suspend fines for scheduled violations

Ch. 806 Uniform Fresh Pursuit Law

Ch. 807 Proceedings Against Corporations

Ch. 808 Search and Seizure

Ch. 808A Student Seizures

Ch. 808B Interception of Communications

Ch. 809 Disposition of Seized Property

Ch. 809A Forfeiture Reform Act

Ch. 810 Nontestimonial Identification

Ch. 811 Pretrial Release--Bail

Ch. 812 Confinement of Dangerous Persons, Persons with Mental Incompetence

Ch. 814 Appeals from the District Court

Ch. 815 Costs--Compensation and Fees--Indigent Defense

Ch. 816 Double Jeopardy

Chs. 817-821 re: Special Powers, Extradition, and Witnesses from out of state and prisoners

Ch. 822 Postconviction Procedure

CRIMINAL CORRECTIONS STATUTES (selected for quick reference)

Ch. 901 Judgment and Sentencing Procedures

[901.4A](#) Substance Abuse Evaluation[901.5](#) Pronouncing judgment and sentence

901.5(7) shall inform defendant of mandatory minimum sentence, if applicable

901.5(8A) order DNA profiling for convictions and def. judg. per 81.2

901.5(9) shall announce (for agg or felony) that incarceration may be reduced for earned time/work credit/program credits, may be eligible for parole, and whether multiple sentences are consecutive or concurrent

901.5(12) shall consider denial of certain federal benefits per 901.5(11) and 21 USC sec. 862; and state benefits

901.5(13) sentence per 903B.1 or 903B.2 if required

[901.8](#) Consecutive sentences[901.10-](#) Reduction of sentences

Ch. 901A Enhanced sentencing for sexually predatory offenses--

[901A.1\(1\)](#) "Sexually predatory offense": any ser/agg/felony violation of ch. 709, sec. 728.12(1), sec. 725.3(2), or attempt to commit such offenses[901A.2\(1\)](#) 2nd offense sexual predator, serious/agg misdemeanor, 2x maximum incarceration prior to parole or work release; serve **minimum 85%**[901A.2\(2\)](#) 3rd offense sexual predator, serious/agg misdemeanor, sentence 10 yrs.; serve **minimum 85%**[901A.2\(3\)](#) 2nd offense sexual predator, felony, greater of 2x maximum incarceration or 25 yrs unless 901A.2(5) applies; serve minimum 85%[901A.2\(4\)](#) 3rd offense sexual predator, felony, life sentence as class "A" felony under 902.1 unless 901A.2(5) applies[901A.2\(5\)](#) 2nd offense 709.3(2), life sentence as class "A" felony under chs. 901-909[901A.2\(6\)](#) If sentenced under 901A.2, no deferred judgment/sentence or suspended sentence[901A.2\(7\)](#) If convicted under subsections 1, 2, or 3, add up to 2 yrs of parole/work release

Ch. 901B Intermediate Criminal Sanctions

Ch. 902 Felonies

[902.1](#) Class A felony[902.3](#) Indeterminate sentence, except may sentence a "D" to up to one yr. in county jail[902.3A](#) **Determinate sentencing for certain Class D felonies**--remember to add consecutive 2 yrs. indeterminate[902.4](#) Reconsideration of felon's sentence[902.7](#) Minimum sentence--use of a dangerous weapon: If **forcible felony** (defined in 702.11) and dangerous weapon = min. 5 years before parole[902.8](#) Minimum sentence--**habitual offender**: If convicted of Class "C" or "D" and 2 prior felonies = min.3 years before parole[902.8A](#) Minimum sentence for conspiring to mfg or deliver amphetamine or meth to minor under 124.401D = min. 10 years before parole[902.9](#) Maximum sentence for felons

902.9(1) 99 years for 1st offense of 124.401D: no parole until after 10 yrs. per 902.8A

902.9(2) "B" felony up to 25 yrs.

902.9(3) **habitual offender** (2 prior "C" or "D"s), no more than 15 yrs, and no parole until serve 3 yrs per 902.8; and no fine

902.9(4) "C" felony (not habitual) up to 10 yrs. + fine of \$1,000-10,000

902.9(5) "D" felony (not habitual) up to 5 yrs. + \$750-7,500; 3rd OWI can sentence to up to one yr. in county jail

END NOTES--by Code section**Notes: (Enhancement/Sentencing/Other)**

Code Sec.	Description	Notes/Enhancements/Other
124.401(1)(a)	large quantities	-401(1)(e)-(f); -.401A,B,C,D,E; -.411-.413; 902.9(2); 907.3(1)(k), (2)(e), (3)(e); n.J.; (1/3 n/a marij.)
124.401(1)(b)	less quantity	-401(1)(e)-(f); -.401A,B,C,D,E; -.411-.413; 902.9(2); 907.3(1)(k), (2)(e), (3)(e); n.J.; 124.401(b)(8); (1/3 n/a marij.)
124.401(1)(c)	less quantity	124.401E(1),(2); 124.411; 124.412; 124.413; 902.9(4); n.J.; (1/3 n/a marij.)
124.401(1)(d)	50 kilo marij	124.411; 124.412; 124.413; n.J
	OR	
124.401(1)(e)	(1)w/firearm	124.412; 124.413; n.J
124.401(1)(f)	(1)w/weapon	see 124.401(1)(a)-(b); 124.411; 124.412; 124.413
124.401(3)	ephedrine,etc.	124.411; 124.412; 124.413; n.J
124.401(4)	ephedrine,etc.	124.411; 124.412; 124.413; n.J
124.401(5)	possess-1st	124.412; 124.413; conditional discharge/testing per 124.409; n.J
	possess-2nd	124.412; 124.413; testing, n.J
	possess-3rd	124.412; 124.413; testing, n.J
	poss-marij-1st	124.412; 124.413; testing, n.J
	poss-marij-2nd	124.412; 124.413; testing, n.J
	poss-marij-3rd	124.412; 124.413; testing, n.J
124.401A	<18 w/in 1000ft.	applies to chap. 124 distribution or poss.w/intent of sch. I, II, or III
124.401B	w/in 1000ft.	may + 100 hrs. comm. svc.; if poss. w/in 1000 ft. of schools,etc.
124.401C	mfg.meth near minor	see 124.401(1)(a),(b); am. by 2004 HF 2150 to omit the +5 years if sentence under 726.6(1)(g)
124.401D.1(b)	mfg.to deliv.to minor	see 124.401(1)(a),(b); 902.8A; 902.9(1); (renumbered by 2009 SF 446)
124.401D.1(c)	2nd off.	see 124.401(1)(a),(b); 902.1; 902.8A; (renumbered by 2009 SF 446)
124.401D.2(b)	deliv. meth to minor	see 124.401(1)(a),(b); 902.8A; 902.9(1); (renumbered by 2009 SF 446)
124.401D.2(c)	2nd off.	see 124.401(1)(a),(b); 902.1; 902.8A; (renumbered by 2009 SF 446)
124.401E(1).(2)	mfg./del.meth.1st	if under 124.401(1)(c); may order t'ment, send to resid. fac. 1 yr.
124.401E(3)	del./intent meth.2nd	any violation of 124.401(1) w/meth, sent. per 124.413
124.401F	anhydrous	124.412; may add \$1875 civil penalty
124.402(1)(a)	violate 124.308	see 124.412
124.402(1)(b)	violate regist.	see 124.412
124.402(1)(c)	records failure	see 124.412
124.402(1)(d)	refuse inspect	see 124.412
124.402(1)(e)	wrong storage	see 124.412
124.403-	misc.proh.acts	see 124.412
124.406(1)(a)	dist.sch.I-II	see 124.412
	w/in 1000ft.	see 124.412
124.406(1)(b)	sch.III >3yrs	see 124.412
124.406(1)(c)	sch.IV >3yr	see 124.412
124.406(2)(a)	sch.I-II cntrft	see 124.412
	w/in 1000ft.	see 124.412
124.406(2)(b)	sch.III cntrft>3	see 124.412
124.406(2)(c)	sch.IV-Vcntrft>3	see 124.412
124.406(3)	consp.to del.	see 124.412
124.406A	consp.w/minor	see 124.412
124.407	unlawful mtg.	may grant an injunction
	if marij. only	may grant an injunction
124.410-	mj accom.	1/2 oz. or less marij. only, sentence per 124.401(5); 1st offense may conditional discharger per 124.409(1)
124.411(1)	2nd offense ch.124	n/a to 124.401(5)
321J.2(2)(a)	1st OWI	may waive \$625 of fine, may do comm. svc.; eval/t'ment per (2)(a)(4) and (3)(b)-(c)
321J.2(2)(b)	2nd OWI	eval/t'ment per (2)(a)(4) and (3)(b)-(c); impound per 321J.4B(2)
321J.2(2)(c)	3rd OWI	eval/t'ment per (2)(a)(4) and (3)(b)-(c); impound per 321J.4B(2)
453B.12	tax stamp	453B.16 requires notice and info to DOT
462A.14(2)(a)	1st OWI-boat	may waive \$500 of fine, may do comm. svc.; eval/t'ment per (2)(a)(4)
462A.14(2)(b)	2nd OWI-boat	eval and t'ment per (2)(b)(4)
462A.14(2)(c)	3rd OWI-boat	eval and t'ment per (2)(c)(4)
462A.14(2)(d)	OWI-boat & inj.	eval and t'ment per (2)(c)(d)
462A.14(2)(e)	OWI-boat,death	eval and t'ment per (2)(c)(e)
664A.7(3)	violation-contempt	max. penalties for contempt per 665.4: App. Cts. \$1000 and/or 6 mos.; Dist. Ct. \$500 and/or 6 mos.; Mag. Ct. \$100 and/or 30 days.
707.2	Murder 1st	sex reg. if sex abuse occurs, or if crime is sexually motivated per 2009 SF 340
707.2	Murder 2nd	sex reg. if sex abuse occurs; 902.12(1); or if crime is sexually motivated per 2009 SF 340
707.4	Vol.Mansltr	sex. registry if crime is sexually motivated per 2009 SF 340
707.5(1)	Invol.Mansltr	sex. registry if crime is sexually motivated per 2009 SF 340
707.5(2)	Invol.Mansltr	sex. registry if crime is sexually motivated per 2009 SF 340
707.6A(1)	Veh.Homicide--OWI	eval./classes per 707.6A(1)(b),(d); no def/susp. per 907.3(1)(j),(2)(d) (Note under 707.6A(2) applies here also)
707.6A(2)	Veh.Hom. r.kles/elud	Prison is suspendable UNLESS convicted of 321.261(4), then 70% rule applies; see 902.12(6)
707.6A(3)	Veh.Homicide-racing	in violation of 321.278
707.6A(4)	Veh.injury--OWI	refers to 321J.2(1),(2); 707.6A(7)

[illegible]