



## City Attorney's Office

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515 Clark Avenue, P. O. Box 811  
Ames, IA 50010

Phone: 515-239-5146 • Fax: 515-239-5142

December 14, 2009

### Item #5

The Honorable Ann Campbell, Mayor,  
and Members of the City Council  
of the City of Ames, Iowa

Re: Proposed Addition to City of Ames Criminal Code

Dear Mayor Campbell and Council Members:

Principles of criminal justice generally hold that repeat violations should be treated more severely and punished more harshly than an initial violation. This is true in federal, state and local criminal codes. As an example, under the state code, a first offense possession of alcohol under the legal age charge carries a penalty of \$200 while a second violation carries a mandatory penalty of \$500. The general belief is that this type of enhanced penalty helps to deter crime and repeat offenders.

From the City's perspective, problems have arisen with our criminal prosecutions when prior offenses have occurred in a different municipality or when they have been charged under the state code. For example, if someone is charged with a public intoxication charge in Ames, under the Ames Municipal Code, and they already have a prior conviction for public intoxication, but that conviction is from Iowa City, we are restricted to charging the new violation as a first offense. This is because our current municipal code does not explicitly state that prior offenses, regardless of where they occur, will count when charging someone with a subsequent offense.

In order to correct this, the City Attorney's office proposes adding a new section to Chapter 17 that defines what can properly be charged as a subsequent offense. This new section should clearly state that prior judgments from other jurisdictions will be considered appropriate prior offenses to justify charging the new offense in Ames as a subsequent offense.

The City Attorney's office has consulted with the police department regarding this proposal and the police department supports these actions. The City Attorney's office believes that by adding this new section, we will be better able to enforce the laws of the City of Ames.

Sincerely,

Kristine Stone  
Assistant City Attorney