

CHAPTER 203  
RULES OF EVIDENCE  
H. F. 779

AN ACT relating to the rules of evidence.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. The supreme court is requested to undertake a study of the federal rules of evidence for United States courts and magistrates for the purpose of determining which rules should be adopted for use in Iowa's state court system.

Sec. 2. Section 684.18, subsection 1, Code 1981, is amended to read as follows:

1. The supreme court shall have the power to prescribe all rules of pleading, practice, evidence, and procedure, and the forms of process, writs and notices, for all proceedings ~~of-a-civil-nature~~ in all courts of this state, for the purpose of simplifying the same, and of promoting the speedy determination of litigation upon its merits. ~~Said~~ These rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant.

Sec. 3. Section 1 of this Act shall not be printed in the Iowa Code.

Approved May 19, 1981

CHAPTER 204  
CERTAIN CRIMES  
S. F. 517

AN ACT relating to certain crimes including accessory after the fact, assault, terrorism, indecent contact with a child, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 703.3, Code 1981, is amended to read as follows:

703.3 ACCESSORY AFTER THE FACT.

1. Any person having knowledge that a felony public offense has been committed and that a certain person committed it, and who does not stand in the relation of husband or wife to the person ~~accused--of--committing~~ who committed the felony offense, ~~who, with intent to prevent the apprehension of the--accused--person,~~ harbors, aids or conceals the accused person who

committed the offense, with the intent to prevent the apprehension of the person who committed the offense, shall-be-guilty-of commits an aggravated misdemeanor if the public offense committed was a felony, or commits a simple misdemeanor if the public offense was a misdemeanor.

~~2.--Any-person-having-knowledge-that-a-misdemeanor-has-been-committed,-and who-does-not-stand-in-the-relation-of-husband-or-wife-to-the--person--accused of--committing--the-misdemeanor,-who,-with-intent-to-prevent-the-apprehension of-the-accused-person,-harbors,-aids-or-conceals-the-accused-person,-shall-be guilty-of-a-simple-misdemeanor.~~

Sec. 2. Section 704.1, Code 1981, is amended to read as follows:

704.1 REASONABLE FORCE. "Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss,~~and no more, except that the use of deadly force against another is reasonable only to resist a like force or threat~~ and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to ~~one's~~ one's life or safety, or the life or safety of a third party, or requires one to abandon or retreat from ~~his-or-her~~ one's dwelling or place of business or employment.

Sec. 3. Section 708.2, Code 1981, is amended to read as follows:

708.2 PENALTIES FOR ASSAULT.

1. A person who commits an assault, as defined in section 708.1, with the intent to inflict a serious injury upon another, ~~shall-be~~ is guilty of an aggravated misdemeanor.

2. A person who commits an assault, as defined in section 708.1, without the intent to inflict a serious injury upon another, and who causes bodily injury or disabling mental illness, is guilty of a serious misdemeanor.

~~2~~ 3. Any other assault, except as otherwise provided, is a simple misdemeanor.

Sec. 4. Section 708.3, Code 1981, is amended to read as follows:

708.3 ASSAULT WHILE PARTICIPATING IN A FELONY. Any person who commits an assault as defined in section 708.1 while participating in a felony other than a sexual abuse is guilty of a class "C" felony if the person thereby causes serious injury to any person; if no serious injury results, the person is guilty of a class "D" felony.

Sec. 5. Section 708.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

708.6 TERRORISM. A person commits a class "D" felony when the person, with the intent to injure or provoke fear or anger in another, shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

Sec. 6. Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE. Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse is guilty of a class "C" felony if the person thereby causes serious injury to any person and guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury. The person is guilty of an aggravated misdemeanor if no injury results.

Sec. 7. Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. INDECENT CONTACT WITH A CHILD. A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child.
2. Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child.
3. Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person.

Sec. 8. Chapter 713, Code 1981, is amended by adding the following new sections:

NEW SECTION. ATTEMPTED BURGLARY DEFINED. Any person, having the intent to commit a felony, assault or theft therein, who, having no right, license, or privilege to do so, attempts to enter an occupied structure or area enclosed in a manner to provide a place for the keeping of valuable property secure from theft or criminal mischief, the occupied structure or place not being open to the public, or who attempts to remain therein after it is closed to the public or after the person's right, license, or privilege to be there has expired, or any person having such intent who attempts to break an occupied structure or other place where anything of value is kept, commits attempted burglary.

NEW SECTION. ATTEMPTED BURGLARY IN THE FIRST DEGREE. A person commits attempted burglary in the first degree if, while perpetrating an attempted burglary, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts physical injury on any person. Attempted burglary in the first degree is a class "C" felony.

NEW SECTION. ATTEMPTED BURGLARY IN THE SECOND DEGREE. All attempted burglary which is not attempted burglary in the first degree is attempted burglary in the second degree. Attempted burglary in the second degree is a class "D" felony.

Sec. 9. Section 714.2, subsections 2 and 3, Code 1981, are amended to read as follows:

2. The theft ~~of any property not exceeding five hundred dollars in value by one who has before been twice convicted of theft, or the theft~~ by any other person of property exceeding five hundred dollars but not exceeding

five thousand dollars in value or theft of a motor vehicle as defined in chapter 321, irrespective of value, is theft in the second degree. Theft in the second degree is a class "D" felony.

3. The theft of property exceeding one hundred dollars but not exceeding five hundred dollars in value, or the theft of any property not exceeding one hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

Sec. 10. Section 802.3, Code 1981, is amended to read as follows:

802.3 FELONY-\*AGGRAVATED OR SERIOUS MISDEMEANOR. In all cases, except those enumerated in ~~sections~~ section 802.1 ~~and--802-2,~~ an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. 11. Section 802.5, Code 1981, is amended to read as follows:

802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH. If the period prescribed in ~~sections 802-2,~~ 802.3 and 802.4 has expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Sec. 12. Section 802.2, Code 1981, is repealed.

Approved June 19, 1981

CHAPTER 205  
TRESPASS ON PRIVATE PROPERTY

S. F. 289

AN ACT relating to trespass on private property and imposing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 716.7, subsection 2, paragraph a, Code 1981, is amended to read as follows:

a. Entering upon or in property ~~without--justification--or~~ without the ~~implied--or--actual~~ express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense ~~or,~~ to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property. This paragraph does not prohibit the unarmed pursuit of game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another.

Approved June 17, 1981

\*According to enrolled Act