

CHAPTER 65**FELONY PENALTIES AND DEFINITIONS — ASSAULT AND WILLFUL INJURY***H.F. 501*

AN ACT relating to the definitions and penalties applicable to conviction of certain felonies, by making changes related to the offenses of assault and willful injury and making changes in the mandatory minimum penalties for certain felony offenses.

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

Section 1. Section 124.401, subsection 1, paragraph d, Code 1999, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana is a class “D” felony, ~~and in addition to the provisions of section 902.9, subsection 4, shall be punished by a fine of not less than one thousand dollars nor more than seven thousand five hundred dollars.~~

Sec. 2. Section 702.11, Code 1999, is amended to read as follows:

702.11 FORCIBLE FELONY.

1. A “forcible felony” is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, or burglary in the first degree. ~~However, sexual~~

2. Notwithstanding subsection 1, the following offenses are not forcible felonies:

a. Willful injury in violation of section 708.4, subsection 2.

b. Sexual abuse in the third degree committed between spouses, ~~sexual,~~

c. Sexual abuse in violation of section 709.4, subsection 2, paragraph “c”, subparagraph (4), ~~or sexual,~~

d. Sexual exploitation by a counselor or therapist in violation of section 709.15, ~~is not a “forcible felony”.~~

Sec. 3. Section 708.2, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 3A. A person who commits an assault, as defined in section 708.1, and who causes serious injury, is guilty of a class “D” felony.

Sec. 4. Section 708.2A, subsection 6, paragraph b, Code 1999, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 4, ~~committed to the custody of the director of the department of corrections, and shall be assessed a fine of at least seven hundred fifty dollars. The person and shall be denied parole or work release until the person has served a minimum of one year of the person’s sentence. Notwithstanding section 901.5, subsection 3, and section 907.3, subsection 3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.~~

Sec. 5. Section 708.4, Code 1999, is amended to read as follows:

708.4 WILLFUL INJURY.

Any person who does an act which is not justified and which is intended to cause ~~and does cause~~ serious injury to another commits a the following:

1. A class “C” felony, if the person causes serious injury to another.

2. A class “D” felony, if the person causes bodily injury to another.

Sec. 6. Section 902.9, subsection 3, Code 1999, is amended to read as follows:

3. A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition ~~may~~ shall be sentenced to a fine of at least ~~five hundred~~ one thousand dollars but not more than ten thousand dollars.

Sec. 7. Section 902.9, subsection 4, Code 1999, is amended to read as follows:

4. A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition ~~may~~ shall be sentenced to a fine of at least ~~five~~ seven hundred ~~fifty~~ dollars but not more than seven thousand five hundred dollars. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.

Approved April 26, 1999

CHAPTER 66

IOWA AGRICULTURAL INDUSTRY FINANCE ACT — MISCELLANEOUS PROVISIONS

H.F. 676

AN ACT amending provisions in the Iowa agricultural industry finance Act.

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

Section 1. Section 15E.205, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. ~~At Agricultural producers must hold at least fifty-one percent of the corporation's common stock must be held by agricultural producers. At and at least fifty-one percent of the corporation's voting stock must be held by agricultural producers. The status of an agricultural producer shall be determined at the time of the transfer of stock from the corporation to the shareholder in a manner and as provided in the corporation's articles of incorporation or bylaws.~~

Sec. 2. Section 15E.208, subsection 5, paragraph d, subparagraph (5), unnumbered paragraph 1, Code 1999, is amended to read as follows:

The execution of an agreement between the corporation and an eligible recipient as required by the department as a condition of providing financing, in which the eligible recipient agrees to become a shareholder in the corporation. If the eligible recipient is an agricultural producer as provided in section 15E.209, the agreement shall ~~not be executed unless the agricultural producer holds~~ provide that the agricultural producer becomes a shareholder of voting common stock in the corporation equal to at least five percent of the financing provided to the agricultural producer pursuant to the agreement. The agreement shall be for a period of not less than ten years. An agreement shall at least provide all of the following:

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