

FILED
JAN 11 1973

SENATE FILE 2142
BY FUHRMAN, TAYLOR, TINSMAN,
LIND, PATE, CORNING, and
HAGERLA

(COMPANION TO LSB 7637H
BY VAN MAANEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to violations of civil rights involving physical,
2 emotional, or financial harm, providing for the collection and
3 dissemination of information relating to such violations,
4 providing for recovery of reasonable attorney fees, and
5 providing penalties.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7
8
9
10
11
12
13
14
15
16
17
18
19
20

SC
2142

1 Section 1. Section 729.5, Code 1989, is amended to read as
2 follows:

3 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S CIVIL
4 RIGHTS -- PENALTIES.

5 1. Persons within the state of Iowa have the right to be
6 free from any violence, or intimidation by threat of violence,
7 committed against their persons or property ~~because of their~~
8 ~~race, color, religion, ancestry, national origin, political~~
9 ~~affiliation, or sex~~ as protected under chapter 601A.

10 2. A person who conspires with another person or persons
11 to injure, oppress, threaten, or intimidate, or interfere with
12 any citizen in the free exercise or enjoyment of any right or
13 privilege secured to that person by the constitution or laws
14 of the state of Iowa or by the constitution or laws of the
15 United States, and assembles with one or more persons for the
16 purpose of teaching or being instructed in any technique or
17 means capable of causing property damage, bodily injury, or
18 death when the person or persons intend to employ those
19 techniques or means in furtherance of the conspiracy, ~~is on~~
20 ~~conviction, guilty of~~ commits a class "B" "C" felony.

21 3. A person who maliciously and intentionally intimidates
22 or interferes with another person because of the personal
23 characteristics of the person as protected under chapter 601A,
24 commits a class "D" felony if the act results in any of the
25 following:

26 a. Physical injury to that person.

27 b. Physical damage to or destruction of that person's
28 property.

29 c. Communication in a manner, or action in a manner,
30 intended to result in either of the following:

31 (1) To place the other person in fear of physical contact
32 which will be injurious, insulting, or offensive, coupled with
33 the apparent ability to execute the act.

34 (2) To place the other person in fear of harm to the other
35 person's property, or harm to the person or property of a

1 third person.

2 3 4. The fact that a person committed a felony or
3 misdemeanor, or attempted to commit a felony, ~~because of the~~
4 ~~victim's race, color, religion, nationality, country of~~
5 ~~origin, political affiliation, or sex~~ because of the victim's
6 personal characteristics as protected under chapter 601A,
7 shall be considered a circumstance in aggravation of any crime
8 in imposing sentence.

9 5. A victim who has suffered physical, emotional, or
10 financial harm as a result of a violation of this section is
11 entitled to injunctive relief, reasonable attorney fees, and
12 costs.

13 4 6. This section does not make unlawful the teaching of
14 any technique in self-defense.

15 5 7. This section does not make unlawful any activity of:

16 a. Law enforcement officials of this or any other
17 jurisdiction while engaged in the lawful performance of their
18 official duties;

19 b. Federal officials required to carry firearms while
20 engaged in the lawful performance of their official duties;

21 c. Members of the armed forces of the United States or the
22 national guard while engaged in the lawful performance of
23 their official duties; or

24 d. Any conservation commission, law enforcement agency, or
25 any agency licensed to provide security services, or any
26 hunting club, gun club, shooting range, or other organization
27 or entity whose primary purpose is to teach the safe handling
28 or use of firearms, archery equipment, or other weapons or
29 techniques employed in connection with lawful sporting or
30 other lawful activity.

31 Sec. 2. NEW SECTION. 729.6 CIVIL RIGHTS VIOLATIONS CRIME
32 INFORMATION.

33 Criminal justice agencies, as defined in section 692.1,
34 shall collect and maintain information on crimes involving
35 violations of chapter 601A or section 729.5 pursuant to

1 chapter 692, and shall provide the information to the
2 department of public safety in the manner prescribed by the
3 department. The department of public safety shall receive and
4 maintain the information, including information on the
5 personal characteristics and identities of perpetrators and
6 victims of these crimes. The department shall maintain the
7 confidentiality of information which individually identifies
8 perpetrators or victims of these crimes, except the department
9 may disseminate the identifying information to a criminal
10 justice agency if necessary for the performance of the
11 official duties of the agency. The department may provide
12 nonidentifying information on individual crimes involving
13 violations of chapter 601A or section 729.5 to persons
14 conducting bona fide research.

15 Sec. 3. TIME SCHEDULE.

16 Planning for the collection and maintenance of information
17 pursuant to section 729.6 shall be completed and data
18 collection shall commence no later than January 1, 1991.

19 EXPLANATION

20 This bill provides that malicious and intentional
21 intimidation or interference with another person in violation
22 of chapter 601A (civil rights) is a class "D" felony if the
23 intimidation or interference results in physical injury to the
24 person, physical damage to the person's property, or
25 communication or action intended to place the person in fear
26 of such injury.

27 The bill increases the level of the crime of conspiracy in
28 violation of section 729.5 to injure, oppress, threaten, or
29 intimidate another or interfere with the free exercise of any
30 secured right or privilege from a class "D" felony to a class
31 "C" felony.

32 A person who suffers physical, emotional, or financial harm
33 as a result of a violation of section 729.5 is entitled to
34 injunctive relief, reasonable attorney fees, and costs.

35 The bill also provides that criminal justice agencies are

1 to collect and maintain information on crimes involving viola-
2 tions of chapter 601A or section 729.5. The department of
3 public safety is to receive and maintain the information and
4 may disseminate the information to a criminal justice agency
5 if necessary for the performance of the duties of the agency,
6 or to persons conducting bona fide research. Planning for
7 this information collection shall be completed and collection
8 of the information shall commence no later than January 1,
9 1991.

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35