

FILED JAN 29 1992

SENATE FILE 2065
BY COMMITTEE ON JUDICIARY
Approved 1/29
(SUCCESSOR TO SSB 2042)

Passed Senate, Date 3/7/92 (p. 248) Passed House, Date 4/15/92 (p. 1495)
Vote: Ayes 48 Nays 0 Vote: Ayes 96 Nays 2

Approved April 29, 1992 (p. 1697)

Re-passed 4/17/92 (p. 1472)

Ayes 44 - Nays 3

A BILL FOR

1 An Act relating to violations of an individual's rights, and
2 establishing additional criminal offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2065

1 Section 1. Section 729.5, subsection 3, Code 1991, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. c. Commits an act of trespass, as defined
4 in section 716.7, subsection 2, upon property which is the
5 property or the place of residence, place of employment, place
6 of education or training, or place of religious worship of
7 that person or a third person.

8 NEW PARAGRAPH. d. Commits an act of harassment, as
9 provided in section 708.7, against that person or a third
10 person.

11 EXPLANATION

12 This bill adds to the offenses included within section
13 729.5, the "hate crimes" provision. The bill provides that a
14 person who maliciously and intentionally intimidates or
15 interferes with another person because of that person's race,
16 color, religion, ancestry, national origin, political
17 affiliation, sex, sexual orientation, age, or disability, and
18 while doing so commits an act of criminal trespass or
19 harassment upon that person or a third person, commits an
20 aggravated misdemeanor. Commission of these offenses may also
21 result in civil liability, as provided in section 729.5, under
22 the bill. The provision of the bill relating to criminal
23 trespass would include acts committed on either public or
24 private property, as long as the other elements of the offense
25 are established.

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SENATE FILE 2065
FISCAL NOTE

A fiscal note for Amendment S-5719 to Senate File 2065 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment S-5719 (House Amendment) to SF 2065 strikes everything after the enacting clause. The amendment requires the Iowa Law Enforcement Academy (ILEA) to provide training to all law enforcement officers in the area of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The training is required to be provided by December 31, 1994. The Prosecuting Attorneys Training Coordinator is required to develop a course of instruction for law enforcement personnel and prosecuting attorneys regarding violations of individual rights, and the criteria for determining whether a violation of individual rights has occurred. The amendment provides for a graduated system of penalties for violating a person's individual rights, ranging from a serious misdemeanor to a Class B felony.

The maximum sentence for a serious misdemeanor is no more than 1 year imprisonment, or a maximum of \$1,000 fine, or both. A convicted offender may also be sentenced to probation with supervision provided by Community Based Corrections (CBC). The maximum sentence for a Class B felony is no more than 25 years in prison.

Assumptions

1. There have been no convictions for persons charged with a hate crime in Iowa through FY 1991.
2. The creation of a new offense or enhancing the penalty for an existing offense increases the demand for criminal justice system resources. This includes the cost of incarceration pending trial or sentencing, increased criminal court cases, prosecution and defense costs, increased CBC caseloads, and increased county jail and State prison costs upon sentencing.
3. The ILEA will incur costs for providing in-service training for law enforcement personnel.
4. The Attorney General's Office will incur costs for providing sensitivity training to law enforcement personnel and prosecuting attorneys.

Fiscal Impact

The number of offenders charged and convicted under Amendment H - 5573 cannot be predicted. Therefore, it is not possible to estimate the costs to the criminal justice system.

The ILEA estimates the one-time costs to be \$10,000 for creating and mailing a

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packet of training materials to all current law enforcement personnel. The training will be included in future basic training courses for new law enforcement personnel, so there are no ongoing costs associated with this legislation.

The Attorney General's Office estimates the one-time costs to be \$10,000 for creating a training packet of materials.

For those costs which can be estimated, the fiscal impact is estimated to be \$20,000.

Sources: Departments of Public Safety and Inspections and Appeals
Department of Corrections
Iowa Law Enforcement Academy and Attorney General's Office
Department of Human Rights
Iowa State Association of Counties (LSB 5361sv.3, BAL)

FILED APRIL 16, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2065
FISCAL NOTE**

A fiscal note for Senate File 2065 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2065 provides that a person who maliciously and intentionally intimidates or interferes with another person because of that person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, and while doing so commits an act of criminal trespass or harassment, commits an aggravated misdemeanor.

The maximum sentence for an aggravated misdemeanor is no more than 2 years in confinement (jail or State prison), or a maximum of \$5,000 fine, or both. A convicted offender may also be sentenced to probation with supervision provided by Community Based Corrections.

It is not possible to predict the number of offenders who would be sentenced under this legislation. However, Senate File 2065 may increase prison admissions, Community Based Corrections' caseloads, and county jail costs. Other criminal justice system costs may also increase. This includes the cost of incarceration pending trial or sentencing, increased criminal court cases, and prosecution and defense costs.

Sources: Iowa Association of Counties
Department of Corrections
Department of Inspections and Appeals

(LSB 5361sv, BAL)

FILED FEBRUARY 7, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2065
H5573 TO SENATE FILE 2065
FISCAL NOTE

A fiscal note for Amendment H-5573 to Senate File 2065 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-5573 to SF 2065 strikes everything after the enacting clause. The amendment requires the Iowa Law Enforcement Academy (ILEA) to provide training to all law enforcement officers in the area of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The amendment requires the Attorney General's Office to develop a course of instruction for law enforcement personnel and prosecuting attorneys regarding violations of individual rights, and the criteria for determining whether a violation of individual rights has occurred. The amendment provides for a graduated system of penalties for violating a person's individual rights, ranging from a serious misdemeanor to a Class B felony.

The maximum sentence for a serious misdemeanor is no more than 1 year imprisonment, or a maximum of \$1,000 fine, or both. A convicted offender may also be sentenced to probation with supervision provided by Community Based Corrections. The maximum sentence for a Class B felony is no more than 25 years in prison.

Assumptions

1. There have been no convictions for persons charged with a hate crime in Iowa through FY 1991.
2. The creation of a new offense or enhancing the penalty for an existing offense increases the demand for criminal justice system resources. This includes the cost of incarceration pending trial or sentencing, increased criminal court cases, prosecution and defense costs, increased Community Based Corrections' (CBC) caseloads, and increased county jail and State prison costs upon sentencing.
3. The ILEA will incur costs for providing in-service training for law enforcement personnel.
4. The Attorney General's Office will incur costs for providing sensitivity training to law enforcement personnel and prosecuting attorneys.

Fiscal Impact

The number of offenders charged and convicted under Amendment H - 5573 cannot be predicted. Therefore, it is not possible to estimate the costs to the criminal justice system.

The ILEA estimates the one-time costs to be \$10,000 for creating and mailing a

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packet of training materials to all current law enforcement personnel. The training will be included in future basic training courses for new law enforcement personnel, so there are no ongoing costs associated with this legislation.

The Attorney General's Office estimates the one-time costs to be \$10,000 for creating a training packet of materials.

For those costs which can be estimated, the fiscal impact is estimated to be \$20,000. Amendment H - 5573 to SF 2065 provides FY 1993 General Fund appropriations of \$10,000 to the ILEA and \$10,000 to the Attorney General's Office.

Sources: Iowa Association of Counties
Department of Corrections and Public Safety
Iowa Law Enforcement Academy and Attorney General's Office
Department of Human Rights (LSB 5361sv.2, BAL)

FILED MARCH 31, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

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1 person committing an offense under this subsection is
2 acting pursuant to another law of this state or of the
3 United States.

4 2. A violation of this section resulting in bodily
5 injury is a class "D" felony.

6 3. A violation of this section not resulting in
7 bodily injury is an aggravated misdemeanor.

8 Sec. 15. There is appropriated from the general
9 fund of the state to the Iowa law enforcement academy
10 for the fiscal year beginning July 1, 1992, and ending
11 June 30, 1993, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:

14 For in-service training as provided for in section
15 1 of this Act:

16 \$ 10,000

17 Sec. 16. There is appropriated from the general
18 fund of the state to the department of justice for the
19 fiscal year beginning July 1, 1992, and ending June
20 30, 1993, the following amount or so much thereof as
21 is necessary, to be used for the purpose designated:

22 For a course of instruction as provided in section
23 13 of this Act:

24 \$ 10,000".

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
JAY of Appanoose, CHAIRPERSON

H-5573 FILED MARCH 27, 1992

Placed o/o 4/15

SENATE FILE 2065

H-5696

1 Amend the amendment, H-5573, to Senate File 2065,
2 as passed by the Senate, as follows:

3 1. Page 1, lines 14 and 15, by striking the words
4 "sexual orientation,".

5 2. Page 3, lines 22 and 23, by striking the words
6 "sexual orientation,".

7 3. Page 4, line 17, by striking the words "sexual
8 orientation,".

9 4. Page 4, lines 31 and 32, by striking the words
10 "sexual orientation,".

11 5. Page 4, line 44, by striking the words "sexual
12 orientation,".

By BARTZ of Worth
MERTZ of Kossuth
HURLEY of Fayette

KREBSBACH of Mitchell
BANKS of Plymouth
SVOBODA of Tama

H-5696 FILED APRIL 2, 1992

Placed o/o 4/15

SENATE FILE 2065

H-5573

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:

5 "Section 1. Section 80B.11, subsection 3, Code
6 Supplement 1991, is amended by adding the following
7 new unnumbered paragraphs:

8 NEW UNNUMBERED PARAGRAPH. In-service training
9 under this subsection shall include the requirement
10 that by December 31, 1994, all law enforcement
11 officers complete a course on investigation,
12 identification, and reporting of public offenses based
13 on the race, color, religion, ancestry, national
14 origin, political affiliation, sex, sexual
15 orientation, age, or disability of the victim. The
16 director shall consult with the civil rights
17 commission, the department of public safety, and the
18 prosecuting attorneys training coordinator in
19 developing the requirements for this course and may
20 contract with outside providers for this course.

21 NEW UNNUMBERED PARAGRAPH. The director shall also
22 adopt rules for the required reporting of hate crimes.

23 Sec. 2. NEW SECTION. 706.5 CONSPIRACY IN
24 VIOLATION OF INDIVIDUAL RIGHTS.

25 1. A person commits conspiracy in violation of
26 individual rights if the person conspires to commit a
27 hate crime as defined in section 729A.1.

28 2. The penalties for conspiracy in violation of
29 individual rights are as follows:

30 a. A person who conspires to commit a hate crime
31 which is a forcible felony is guilty of a class "B"
32 felony.

33 b. A person who conspires to commit a hate crime
34 which is a felony, other than a forcible felony is
35 guilty of a class "C" felony.

36 c. A person who conspires to commit a hate crime
37 which is a misdemeanor is guilty of a class "D" felony
38 if the underlying misdemeanor is an aggravated
39 misdemeanor, is guilty of an aggravated misdemeanor if
40 the underlying misdemeanor is a serious misdemeanor,
41 and is guilty of a serious misdemeanor if the
42 underlying misdemeanor is a simple misdemeanor.

43 Sec. 3. Section 707.5, Code 1991, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 3. A person commits a class "B"
46 felony when the person unintentionally causes the
47 death of another person by the commission of a hate
48 crime, as defined in section 729A.1, other than a
49 forcible felony.

50 Sec. 4. NEW SECTION. 708.2C ASSAULT IN VIOLATION

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1 OF INDIVIDUAL RIGHTS -- PENALTIES.

2 1. For the purposes of this chapter, "assault in
3 violation of individual rights" means an assault, as
4 defined in section 708.1, which is a hate crime as
5 defined in section 729A.1.

6 2. A person who commits an assault in violation of
7 individual rights, with the intent to inflict a
8 serious injury upon another, is guilty of a class "D"
9 felony.

10 3. A person who commits an assault in violation of
11 individual rights without the intent to inflict a
12 serious injury upon another, and who causes bodily
13 injury or disabling mental illness, is guilty of an
14 aggravated misdemeanor.

15 4. A person who commits an assault in violation of
16 individual rights and uses or displays a dangerous
17 weapon in connection with the assault, is guilty of a
18 class "D" felony.

19 5. Any other assault in violation of individual
20 rights, except as otherwise provided, is a serious
21 misdemeanor.

22 Sec. 5. NEW SECTION. 708.11 VIOLATIONS OF
23 INDIVIDUAL RIGHTS -- PENALTIES.

24 A violation of section 708.3, 708.4, 708.5, 708.6,
25 708.7, 708.8, or 708.9, which is also a hate crime as
26 defined in section 729A.1, shall be classified and
27 punished as an offense one degree higher than the
28 underlying offense. However, this section does not
29 apply to a violation of section 708.7, subsection 1,
30 paragraph "a".

31 Sec. 6. NEW SECTION. 712.9 VIOLATIONS OF
32 INDIVIDUAL RIGHTS -- PENALTIES.

33 A violation of sections 712.3 through 712.8, which
34 is also a hate crime as defined in section 729A.1,
35 shall be classified and punished as an offense one
36 degree higher than the underlying offense.

37 Sec. 7. NEW SECTION. 713.8 VIOLATIONS OF
38 INDIVIDUAL RIGHTS -- PENALTIES.

39 A violation of section 713.5 or 713.6, which is
40 also a hate crime as defined in section 729A.1, shall
41 be classified and punished as an offense one degree
42 higher than the underlying offense.

43 Sec. 8. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN
44 VIOLATION OF INDIVIDUAL RIGHTS.

45 A violation of sections 716.3 through 716.6, which
46 is also a hate crime as defined in section 729A.1,
47 shall be classified and punished as an offense one
48 degree higher than the underlying offense.

49 Sec. 9. Section 716.8, Code 1991, is amended by
50 adding the following new subsections:

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1 NEW SUBSECTION. 3. A person who knowingly
2 trespasses on the property of another with the intent
3 to commit a hate crime, as defined in section 729A.1,
4 commits a serious misdemeanor.

5 NEW SUBSECTION. 4. A person committing a trespass
6 as defined in section 716.7 with the intent to commit
7 a hate crime which results in injury to any person or
8 damage in an amount more than one hundred dollars to
9 anything, animate or inanimate, located thereon or
10 therein commits an aggravated misdemeanor.

11 Sec. 10. NEW SECTION. 723.5 VIOLATIONS OF
12 INDIVIDUAL RIGHTS -- PENALTIES.

13 A violation of sections 723.1 through 723.4, which
14 is also a hate crime as defined in section 729A.1
15 shall be classified and punished as an offense one
16 degree higher than the underlying offense.

17 Sec. 11. NEW SECTION. 729A.1 VIOLATION OF
18 INDIVIDUAL RIGHTS -- HATE CRIME.

19 "Hate crime" means a public offense committed
20 against a person or a person's property because of the
21 person's race, color, religion, ancestry, national
22 origin, political affiliation, sex, sexual
23 orientation, age, or disability.

24 The following offenses are hate crimes:

25 1. Conspiracy in violation of individual rights
26 under section 706.5.

27 2. Involuntary manslaughter under section 707.5,
28 subsection 3.

29 3. Assault in violation of individual rights under
30 section 708.2C and violations of individual rights
31 under section 708.11.

32 4. Violations of individual rights under section
33 712.9.

34 5. Violations of individual rights under section
35 713.8.

36 6. Criminal mischief in violation of individual
37 rights under section 716.7A.

38 7. Trespass in violation of individual rights
39 under section 716.8, subsections 3 and 4.

40 8. Violations of individual rights under section
41 723.5.

42 Sec. 12. NEW SECTION. 729A.2 LOCAL ORDINANCES.

43 This chapter does not prohibit political
44 subdivisions from enacting ordinances which are
45 consistent with this chapter. Local ordinances
46 reasonably regulating the time, place, or manner of
47 the exercise of constitutional rights are permissible.

48 Sec. 13. NEW SECTION. 729A.3 VIOLATION OF
49 INDIVIDUAL RIGHTS -- SENSITIVITY TRAINING.

50 The attorney general shall develop a course of

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1 instruction for law enforcement personnel and
2 prosecuting attorneys designed to sensitize those
3 persons to the existence of violations of individual
4 rights and the criteria for determining whether a
5 violation of individual rights has occurred. The
6 attorney general shall consult with the civil rights
7 commission and the department of public safety
8 regarding the content and provision of this course of
9 instruction.

10 Sec. 14. NEW SECTION. 729B.1 INTIMIDATION IN
11 HOUSING.

12 1. A person commits intimidation in housing when
13 the person intimidates, interferes with, or attempts
14 to intimidate or interfere with any of the following:

15 a. An individual because of that individual's
16 race, color, religion, ancestry, national origin,
17 political affiliation, sex, sexual orientation, age,
18 or disability, and because the individual is or has
19 been selling, purchasing, renting, financing,
20 occupying, or contracting or negotiating for the sale,
21 purchase, rental, financing, or occupation of any
22 dwelling or applying for or participating in any
23 service, organization, or facility relating to the
24 business of selling or renting dwellings.

25 b. An individual because the individual is or has
26 been, or in order to intimidate such individual or any
27 other individual or any class of individuals from any
28 of the following:

29 (1) Participating, without discrimination on
30 account of race, color, religion, ancestry, national
31 origin, political affiliation, sex, sexual
32 orientation, age, or disability, in any of the
33 activities, services, organizations, or facilities
34 described in paragraph "a".

35 (2) Affording another individual or class of
36 individuals opportunity or protection to so
37 participate.

38 c. An individual because the individual is or has
39 been participating, or in order to discourage such
40 individual or any other individual from lawfully
41 aiding or encouraging other individuals to
42 participate, without discrimination on account of
43 race, color, religion, ancestry, national origin,
44 political affiliation, sex, sexual orientation, age,
45 or disability, in any of the activities, services,
46 organizations, or facilities described in paragraph
47 "a", or the individual is or has been participating
48 lawfully in speech or peaceful assembly opposing any
49 denial of the opportunity to so participate.

50 This subsection applies regardless of whether the

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SENATE FILE 2065

H-5715

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 729.5, subsection 1, Code
6 1991, is amended to read as follows:

7 1. Persons within the state of Iowa have the right
8 to be free from any violence, or intimidation by
9 threat of violence, committed against their persons or
10 property because of their race, color, religion,
11 ancestry, national origin, political affiliation, sex,
12 ~~sexual-orientation~~, age, or disability.

13 Sec. 2. Section 729.5, subsection 3, unnumbered
14 paragraph 1, Code 1991, is amended to read as follows:

15 A person who maliciously and intentionally
16 intimidates or interferes with another person because
17 of that person's race, color, religion, ancestry,
18 national origin, political affiliation, sex, ~~sexual~~
19 ~~orientation~~, age, or disability and while doing so
20 commits any of the following acts, is guilty of an
21 aggravated misdemeanor:".

22 2. Page 1, by inserting after line 10, the
23 following:

24 "Sec. ____ . Section 729.5, subsection 4, Code 1991,
25 is amended to read as follows:

26 4. The fact that a person committed a felony or
27 misdemeanor, or attempted to commit a felony, because
28 of the victim's race, color, religion, ancestry,
29 national origin, political affiliation, sex, ~~sexual~~
30 ~~orientation~~, age, or disability, shall be considered a
31 circumstance in aggravation of any crime in imposing
32 sentence and fine. Evidence of such fact includes,
33 but is not limited to, the burning of crosses and
34 other symbols, and a rebuttable presumption of the
35 fact arises where such an act is shown to have been
36 committed."

37 3. By renumbering as necessary.

By BARTZ of Worth

H-5715 FILED APRIL 3, 1992

Class. o/o 4/15

SENATE FILE 2065

H-5719

1 Amend the amendment, H-5573, to Senate File 2065,
2 as passed by the Senate, as follows:

3 1. Page 3, by inserting after line 16, the
4 following:

5 "Sec. ____ . Section 729.5, subsection 1, Code 1991,
6 is amended to read as follows:

7 1. Persons within the state of Iowa have the right
8 to be free from any violence, or intimidation by
9 threat of violence, committed against their persons or
10 property because of their race, color, religion,
11 ancestry, national origin, political affiliation, sex,
12 ~~sexual-orientation~~, age, or disability.

13 Sec. ____ . Section 729.5, subsection 3, unnumbered
14 paragraph 1, Code 1991, is amended to read as follows:

15 A person who maliciously and intentionally
16 intimidates or interferes with another person because
17 of that person's race, color, religion, ancestry,
18 national origin, political affiliation, sex, ~~sexual~~
19 ~~orientation~~, age, or disability and while doing so
20 commits any of the following acts, is guilty of an
21 aggravated misdemeanor:

22 Sec. ____ . Section 729.5, subsection 4, Code 1991,
23 is amended to read as follows:

24 4. The fact that a person committed a felony or
25 misdemeanor, or attempted to commit a felony, because
26 of the victim's race, color, religion, ancestry,
27 national origin, political affiliation, sex, ~~sexual~~
28 ~~orientation~~, age, or disability, shall be considered a
29 circumstance in aggravation of any crime in imposing
30 sentence and fine. Evidence of such fact includes,
31 but is not limited to, the burning of crosses and
32 other symbols, and a rebuttable presumption of the
33 fact arises where such an act is shown to have been
34 committed."

35 2. By renumbering as necessary.

By BARTZ of Worth.

H-5719 FILED APRIL 6, 1992

Placed on file 4/15

SENATE FILE 2065

H-5772

1 Amend the amendment, H-5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, lines 14 and 15, by striking the words
4 "sexual orientation,".
5 2. Page 3, lines 22 and 23, by striking the words
6 "sexual orientation,".
7 3. Page 4, line 17, by striking the words "sexual
8 orientation,".
9 4. Page 4, lines 31 and 32, by striking the words
10 "sexual orientation,".
11 5. Page 4, line 44, by striking the words "sexual
12 orientation,".

By BARTZ of Worth
HURLEY of Fayette
KREBSBACH of Mitchell

H-5772 FILED APRIL 7, 1992

Placed o/c 4/15

SENATE FILE 2065

H-5760

1 Amend the amendment, H-5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, line 7, by striking the word
4 "paragraphs" and inserting the following:
5 "paragraph".
6 2. Page 1, by striking lines 21 and 22.
7 3. Page 1, by inserting before line 23 the
8 following:
9 "Sec. ____ . Section 692.15, Code 1991, is amended
10 by adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
12 in section 729A.1 are subject to the reporting
13 requirements of this section."
14 4. Page 3, line 19, by striking the words "a
15 public offense" and inserting the following: "one of
16 the following public offenses when".
17 5. Page 3, line 23, by striking the word
18 "disability." and inserting the following:
19 "disability:".
20 6. Page 3, by striking line 24.
21 7. Page 3, line 50, by striking the words
22 "attorney general" and inserting the following:
23 "prosecuting attorneys training coordinator".
24 8. Page 4, line 6, by striking the words
25 "attorney general" and inserting the following:
26 "prosecuting attorneys training coordinator".
27 9. Page 4, line 7, by inserting after the word
28 "commission" the following: ", the office of the
29 attorney general,".
30 10. By striking page 4, line 10, through page 5,
31 line 7.
32 11. Page 5, line 18, by inserting after the word
33 "to" the following: "the prosecuting attorneys
34 training coordinator in".
35 12. Page 5, by inserting after line 24 the
36 following:
37 "Sec. ____ . Section 80.40, Code 1991, is repealed."
By BEATTY of Warren

H-5760 FILED APRIL 7, 1992

Placed o/c 4/15

SENATE FILE 2065

H-5793

1 Amend the amendment, H-5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, line 7, by striking the word
4 "paragraphs" and inserting the following:
5 "paragraph".
6 2. Page 1, by striking lines 21 and 22.
7 3. Page 1, by inserting before line 23 the
8 following:
9 "Sec. ____ . Section 692.15, Code 1991, is amended
10 by adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
12 in section 729A.1 are subject to the reporting
13 requirements of this section."
14 4. Page 3, by inserting before line 17, the
15 following:
16 "Sec. ____ . Section 729.5, subsections 1, 3, 4, and
17 5, Code 1991, are amended by striking the
18 subsections."
19 5. Page 3, line 19, by striking the words "a
20 public offense" and inserting the following: "one of
21 the following public offenses when".
22 6. Page 3, line 23, by striking the word
23 "disability." and inserting the following:
24 "disability:".
25 7. Page 3, by striking line 24.
26 8. Page 3, line 50, by striking the words
27 "attorney general" and inserting the following:
28 "prosecuting attorneys training coordinator".
29 9. Page 4, line 6, by striking the words
30 "attorney general" and inserting the following:
31 "prosecuting attorneys training coordinator".
32 10. Page 4, line 7, by inserting after the word
33 "commission" the following: ", the office of the
34 attorney general,".
35 11. Page 4, by inserting after line 9, the
36 following:
37 "Sec. ____ . NEW SECTION. 729A.4 CIVIL REMEDIES.
38 A victim who has suffered physical, emotional, or
39 financial harm as a result of a violation of this
40 chapter due to the commission of a hate crime is
41 entitled to injunctive relief, general and special
42 damages, reasonable attorney fees, and costs.
43 However, a victim who is a member of a protected class
44 and who has suffered physical, emotional, or financial
45 harm as a result of a violation of this chapter which
46 occurred because of the victim's status as a member of
47 a protected class, shall not be entitled to any relief
48 or damages pursuant to this section unless the victim
49 has exhausted all administrative review provided for
50 under chapter 601A.

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1 Upon a finding that a discriminatory or unfair
2 practice prohibited under chapter 601A has occurred,
3 the remedies provided under that chapter are the
4 exclusive remedies available to the victim.

5 An action brought pursuant to this section must be
6 brought within two years after the date of the
7 violation of this chapter. However, the filing of a
8 complaint under chapter 601A tolls the statute of
9 limitations for the purposes of the commencement of an
10 action under this section."

11 12. By striking page 4, line 10, through page 5,
12 line 7.

13 13. Page 5, line 18, by inserting after the word
14 "to" the following: "the prosecuting attorneys
15 training coordinator in".

16 14. Page 5, by inserting after line 24 the
17 following:

18 "Sec. ____ . Section 80.40, Code 1991, is repealed."

By BEATTY of Warren

H-5793 FILED APRIL 7, 1992

Placed o/s 4/15 (p 1494)

SENATE FILE 2065

H-5872

1 Amend the amendment, H-5573, to Senate File 2065,
2 as passed by the Senate, as follows:

3 1. Page 3, line 19, by striking the words "a
4 public offense" and inserting the following: "one of
5 the following public offenses when".

6 2. Page 3, line 23, by striking the word
7 "disability." and inserting the following:
8 "disability, or the person's association with a person
9 of a certain race, color, religion, ancestry, national
10 origin, political affiliation, sex, sexual
11 orientation, age, or disability:".

12 3. Page 4, by inserting after line 9, the
13 following:

14 "Sec. ____ . NEW SECTION. 729A.4 CIVIL REMEDIES.

15 A victim who has suffered physical, emotional, or
16 financial harm as a result of a violation of this
17 chapter due to the commission of a hate crime is
18 entitled to and may bring an action for injunctive
19 relief, general and special damages, reasonable
20 attorneys fees, and costs.

21 An action brought pursuant to this section must be
22 brought within two years after the date of the
23 violation of this chapter.

24 In an action brought pursuant to this section, the
25 burden of proof shall be the same as in other civil
26 actions for similar relief.

27 This section does not apply to complaints or
28 discriminatory or unfair practices under chapter
29 601A."

30 4. By renumbering as necessary.

By CARPENTER of Polk
BEATTY of Warren
SHONING of Woodbury

H-5872 FILED APRIL 13, 1992

Placed o/s 4/15

SENATE FILE 2065

H-5918

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:

5 "Section 1. Section 80B.11, subsection 3, Code
6 Supplement 1991, is amended by adding the following
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. In-service training
9 under this subsection shall include the requirement
10 that by December 31, 1994, all law enforcement
11 officers complete a course on investigation,
12 identification, and reporting of public offenses based
13 on the race, color, religion, ancestry, national
14 origin, political affiliation, sex, sexual
15 orientation, age, or disability of the victim. The
16 director shall consult with the civil rights
17 commission, the department of public safety, and the
18 prosecuting attorneys training coordinator in
19 developing the requirements for this course and may
20 contract with outside providers for this course.

21 Sec. 2. Section 692.15, Code 1991, is amended by
22 adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
24 in section 729A.2 are subject to the reporting
25 requirements of this section.

26 Sec. 3. NEW SECTION. 708.2C ASSAULT IN VIOLATION
27 OF INDIVIDUAL RIGHTS -- PENALTIES.

28 1. For the purposes of this chapter, "assault in
29 violation of individual rights" means an assault, as
30 defined in section 708.1, which is a hate crime as
31 defined in section 729A.2.

32 2. A person who commits an assault in violation of
33 individual rights, with the intent to inflict a
34 serious injury upon another, is guilty of a class "D"
35 felony.

36 3. A person who commits an assault in violation of
37 individual rights without the intent to inflict a
38 serious injury upon another, and who causes bodily
39 injury or disabling mental illness, is guilty of an
40 aggravated misdemeanor.

41 4. A person who commits an assault in violation of
42 individual rights and uses or displays a dangerous
43 weapon in connection with the assault, is guilty of a
44 class "D" felony.

45 5. Any other assault in violation of individual
46 rights, except as otherwise provided, is a serious
47 misdemeanor.

48 Sec. 4. NEW SECTION. 712.9 VIOLATIONS OF
49 INDIVIDUAL RIGHTS -- PENALTIES.

50 A violation of sections 712.3 through 712.8, which

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Page 2

1 is also a hate crime as defined in section 729A.2,
2 shall be classified and punished as an offense one
3 degree higher than the underlying offense.

4 Sec. 5. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN
5 VIOLATION OF INDIVIDUAL RIGHTS.

6 A violation of sections 716.5 through 716.6, which
7 is also a hate crime as defined in section 729A.2,
8 shall be classified and punished as an offense one
9 degree higher than the underlying offense.

10 Sec. 6. Section 716.8, Code 1991, is amended by
11 adding the following new subsections:

12 NEW SUBSECTION. 3. A person who knowingly
13 trespasses on the property of another with the intent
14 to commit a hate crime, as defined in section 729A.2,
15 commits a serious misdemeanor.

16 NEW SUBSECTION. 4. A person committing a trespass
17 as defined in section 716.7 with the intent to commit
18 a hate crime which results in injury to any person or
19 damage in an amount more than one hundred dollars to
20 anything, animate or inanimate, located thereon or
21 therein commits an aggravated misdemeanor.

22 Sec. 7. Section 729.5, subsections 1, 3, 4, and 5,
23 Code 1991, are amended by striking the subsections.

24 Sec. 8. NEW SECTION. 729A.1 VIOLATIONS OF AN
25 INDIVIDUAL'S RIGHTS PROHIBITED.

26 1. Persons within the state of Iowa have the right
27 to be free from any violence, or intimidation by
28 threat of violence, committed against their persons or
29 property because of their race, color, religion,
30 ancestry, national origin, political affiliation, sex,
31 sexual orientation, age, or disability.

32 Sec. 9. NEW SECTION. 729A.2 VIOLATION OF
33 INDIVIDUAL RIGHTS -- HATE CRIME.

34 "Hate crime" means one of the following public
35 offenses when committed against a person or a person's
36 property because of the person's race, color,
37 religion, ancestry, national origin, political
38 affiliation, sex, sexual orientation, age, or
39 disability, or the person's association with a person
40 of a certain race, color, religion, ancestry, national
41 origin, political affiliation, sex, sexual
42 orientation, age, or disability:

43 1. Assault in violation of individual rights under
44 section 708.2C.

45 2. Violations of individual rights under section
46 712.9.

47 3. Criminal mischief in violation of individual
48 rights under section 716.7A.

49 4. Trespass in violation of individual rights
50 under section 716.8, subsections 3 and 4.

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Page 3

1 Sec. 10. NEW SECTION. 729A.3 LOCAL ORDINANCES.

2 This chapter does not prohibit political
3 subdivisions from enacting ordinances which are
4 consistent with this chapter. Local ordinances
5 reasonably regulating the time, place, or manner of
6 the exercise of constitutional rights are permissible.

7 Sec. 11. NEW SECTION. 729A.4 VIOLATION OF
8 INDIVIDUAL RIGHTS -- SENSITIVITY TRAINING.

9 The prosecuting attorneys training coordinator
10 shall develop a course of instruction for law
11 enforcement personnel and prosecuting attorneys
12 designed to sensitize those persons to the existence
13 of violations of individual rights and the criteria
14 for determining whether a violation of individual
15 rights has occurred. The prosecuting attorneys
16 training coordinator shall consult with the civil
17 rights commission, the office of the attorney general,
18 and the department of public safety regarding the
19 content and provision of this course of instruction.

20 Sec. 12. NEW SECTION. 729A.5 CIVIL REMEDIES.

21 A victim who has suffered physical, emotional, or
22 financial harm as a result of a violation of this
23 chapter due to the commission of a hate crime is
24 entitled to and may bring an action for injunctive
25 relief, general and special damages, reasonable
26 attorneys fees, and costs.

27 An action brought pursuant to this section must be
28 brought within two years after the date of the
29 violation of this chapter.

30 In an action brought pursuant to this section, the
31 burden of proof shall be the same as in other civil
32 actions for similar relief.

33 This section does not apply to complaints or
34 discriminatory or unfair practices under chapter 601A.

35 Sec. 13. There is appropriated from the general
36 fund of the state to the Iowa law enforcement academy
37 for the fiscal year beginning July 1, 1992, and ending
38 June 30, 1993, the following amount, or so much
39 thereof as is necessary, to be used for the purpose
40 designated:

41 For in-service training as provided for in section
42 1 of this Act:
43 \$ 10,000

44 Sec. 14. There is appropriated from the general
45 fund of the state to the prosecuting attorneys
46 training coordinator in the department of justice for
47 the fiscal year beginning July 1, 1992, and ending
48 June 30, 1993, the following amount or so much thereof
49 as is necessary, to be used for the purpose
50 designated:

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Page 4

1 For a course of instruction as provided in section
2 13 of this Act:

3 \$ 10,000

4 Sec. 15. Section 80.40, Code 1991, is repealed."

By HIBBARD of Madison

CARPENTER of Polk

BEATTY of Warren

SHONING of Woodbury

H-5918 FILED APRIL 15, 1992

ADOPTED *as amended by 5921 (p. 1494)*

SENATE FILE 2065

H-5921

1 Amend amendment H-5918, to Senate File 2065, as

2 passed by the Senate, as follows:

3 1. By striking page 3, line 35 through page 4,

4 line 3.

By GRUBBS of Scott

H-5921 FILED APRIL 15, 1992

ADOPTED *(p. 1494)*

HOUSE AMENDMENT TO
SENATE FILE 2065

S-5719

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:

5 "Section 1. Section 80B.11, subsection 3, Code
6 Supplement 1991, is amended by adding the following
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. In-service training
9 under this subsection shall include the requirement
10 that by December 31, 1994, all law enforcement
11 officers complete a course on investigation,
12 identification, and reporting of public offenses based
13 on the race, color, religion, ancestry, national
14 origin, political affiliation, sex, sexual
15 orientation, age, or disability of the victim. The
16 director shall consult with the civil rights
17 commission, the department of public safety, and the
18 prosecuting attorneys training coordinator in
19 developing the requirements for this course and may
20 contract with outside providers for this course.

21 Sec. 2. Section 692.15, Code 1991, is amended by
22 adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
24 in section 729A.2 are subject to the reporting
25 requirements of this section.

26 Sec. 3. NEW SECTION. 708.2C ASSAULT IN VIOLATION
27 OF INDIVIDUAL RIGHTS -- PENALTIES.

28 1. For the purposes of this chapter, "assault in
29 violation of individual rights" means an assault, as
30 defined in section 708.1, which is a hate crime as
31 defined in section 729A.2.

32 2. A person who commits an assault in violation of
33 individual rights, with the intent to inflict a
34 serious injury upon another, is guilty of a class "D"
35 felony.

36 3. A person who commits an assault in violation of
37 individual rights without the intent to inflict a
38 serious injury upon another, and who causes bodily
39 injury or disabling mental illness, is guilty of an
40 aggravated misdemeanor.

41 4. A person who commits an assault in violation of
42 individual rights and uses or displays a dangerous
43 weapon in connection with the assault, is guilty of a
44 class "D" felony.

45 5. Any other assault in violation of individual
46 rights, except as otherwise provided, is a serious
47 misdemeanor.

48 Sec. 4. NEW SECTION. 712.9 VIOLATIONS OF
49 INDIVIDUAL RIGHTS -- PENALTIES.

50 A violation of sections 712.3 through 712.8, which

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Page 2

1 is also a hate crime as defined in section 729A.2,
2 shall be classified and punished as an offense one
3 degree higher than the underlying offense.

4 Sec. 5. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN
5 VIOLATION OF INDIVIDUAL RIGHTS.

6 A violation of sections 716.5 through 716.6, which
7 is also a hate crime as defined in section 729A.2,
8 shall be classified and punished as an offense one
9 degree higher than the underlying offense.

10 Sec. 6. Section 716.8, Code 1991, is amended by
11 adding the following new subsections:

12 NEW SUBSECTION. 3. A person who knowingly
13 trespasses on the property of another with the intent
14 to commit a hate crime, as defined in section 729A.2,
15 commits a serious misdemeanor.

16 NEW SUBSECTION. 4. A person committing a trespass
17 as defined in section 716.7 with the intent to commit
18 a hate crime which results in injury to any person or
19 damage in an amount more than one hundred dollars to
20 anything, animate or inanimate, located thereon or
21 therein commits an aggravated misdemeanor.

22 Sec. 7. Section 729.5, subsections 1, 3, 4, and 5,
23 Code 1991, are amended by striking the subsections.

24 Sec. 8. NEW SECTION. 729A.1 VIOLATIONS OF AN
25 INDIVIDUAL'S RIGHTS PROHIBITED.

26 1. Persons within the state of Iowa have the right
27 to be free from any violence, or intimidation by
28 threat of violence, committed against their persons or
29 property because of their race, color, religion,
30 ancestry, national origin, political affiliation, sex,
31 sexual orientation, age, or disability.

32 Sec. 9. NEW SECTION. 729A.2 VIOLATION OF
33 INDIVIDUAL RIGHTS -- HATE CRIME.

34 "Hate crime" means one of the following public
35 offenses when committed against a person or a person's
36 property because of the person's race, color,
37 religion, ancestry, national origin, political
38 affiliation, sex, sexual orientation, age, or
39 disability, or the person's association with a person
40 of a certain race, color, religion, ancestry, national
41 origin, political affiliation, sex, sexual
42 orientation, age, or disability:

43 1. Assault in violation of individual rights under
44 section 708.2C.

45 2. Violations of individual rights under section
46 712.9.

47 3. Criminal mischief in violation of individual
48 rights under section 716.7A.

49 4. Trespass in violation of individual rights
50 under section 716.8, subsections 3 and 4.

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Page 3

1 Sec. 10. NEW SECTION. 729A.3 LOCAL ORDINANCES.

2 This chapter does not prohibit political
3 subdivisions from enacting ordinances which are
4 consistent with this chapter. Local ordinances
5 reasonably regulating the time, place, or manner of
6 the exercise of constitutional rights are permissible.

7 Sec. 11. NEW SECTION. 729A.4 VIOLATION OF
8 INDIVIDUAL RIGHTS -- SENSITIVITY TRAINING.

9 The prosecuting attorneys training coordinator
10 shall develop a course of instruction for law
11 enforcement personnel and prosecuting attorneys
12 designed to sensitize those persons to the existence
13 of violations of individual rights and the criteria
14 for determining whether a violation of individual
15 rights has occurred. The prosecuting attorneys
16 training coordinator shall consult with the civil
17 rights commission, the office of the attorney general,
18 and the department of public safety regarding the
19 content and provision of this course of instruction.

20 Sec. 12. NEW SECTION. 729A.5 CIVIL REMEDIES.

21 A victim who has suffered physical, emotional, or
22 financial harm as a result of a violation of this
23 chapter due to the commission of a hate crime is
24 entitled to and may bring an action for injunctive
25 relief, general and special damages, reasonable
26 attorneys fees, and costs.

27 An action brought pursuant to this section must be
28 brought within two years after the date of the
29 violation of this chapter.

30 In an action brought pursuant to this section, the
31 burden of proof shall be the same as in other civil
32 actions for similar relief.

33 This section does not apply to complaints or
34 discriminatory or unfair practices under chapter 601A.

35 Sec. 13. Section 80.40, Code 1991, is repealed."

RECEIVED FROM THE HOUSE

S-5719 FILED APRIL 16, 1992

Concurred 4/17 (p. 1472)

STURGEON, CH.
VARN
SLIFE

SSB 2042
JUDICIARY NOW
SENATE FILE 2065

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON STURGEON)

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

A BILL FOR

1 An Act relating to violations of an individual's rights, and
2 establishing additional criminal offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2042

1 Section 1. Section 729.5, subsection 3, Code 1991, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. c. Commits an act of trespass, as defined
4 in section 716.7, subsection 2, upon property which is the
5 property or the place of residence, place of employment, place
6 of education or training, or place of religious worship of
7 that person or a third person.

8 NEW PARAGRAPH. d. Commits an act of harassment, as
9 provided in section 708.7, against that person or a third
10 person.

11 EXPLANATION

12 This bill adds to the offenses included within section
13 729.5, the "hate crimes" provision. The bill provides that a
14 person who maliciously and intentionally intimidates or
15 interferes with another person because of that person's race,
16 color, religion, ancestry, national origin, political
17 affiliation, sex, sexual orientation, age, or disability, and
18 while doing so commits an act of criminal trespass or
19 harassment upon that person or a third person, commits an
20 aggravated misdemeanor. Commission of these offenses may also
21 result in civil liability, as provided in section 729.5, under
22 the bill. The provision of the bill relating to criminal
23 trespass would include acts committed on either public or
24 private property, as long as the other elements of the offense
25 are established.

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SENATE FILE 2065

AN ACT

RELATING TO VIOLATIONS OF AN INDIVIDUAL'S RIGHTS, AND ESTABLISHING ADDITIONAL CRIMINAL OFFENSES.

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

Section 1. Section 80B.11, subsection 3, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In-service training under this subsection shall include the requirement that by December 31, 1994, all law enforcement officers complete a course on investigation, identification, and reporting of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The director shall consult with the civil rights commission, the department of public safety, and the prosecuting attorneys training coordinator in developing the requirements for this course and may contract with outside providers for this course.

Sec. 2. Section 692.15, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.

Sec. 3. NEW SECTION. 708.2C ASSAULT IN VIOLATION OF INDIVIDUAL RIGHTS -- PENALTIES.

1. For the purposes of this chapter, "assault in violation of individual rights" means an assault, as defined in section 708.1, which is a hate crime as defined in section 729A.2.

2. A person who commits an assault in violation of individual rights, with the intent to inflict a serious injury upon another, is guilty of a class "D" felony.

3. A person who commits an assault in violation of individual rights without the intent to inflict a serious injury upon another, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

4. A person who commits an assault in violation of individual rights and uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

5. Any other assault in violation of individual rights, except as otherwise provided, is a serious misdemeanor.

Sec. 4. NEW SECTION. 712.9 VIOLATIONS OF INDIVIDUAL RIGHTS -- PENALTIES.

A violation of sections 712.3 through 712.8, which is also a hate crime as defined in section 729A.2, shall be classified and punished as an offense one degree higher than the underlying offense.

Sec. 5. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN VIOLATION OF INDIVIDUAL RIGHTS.

A violation of sections 716.5 through 716.6, which is also a hate crime as defined in section 729A.2, shall be classified and punished as an offense one degree higher than the underlying offense.

Sec. 6. Section 716.8, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 3. A person who knowingly trespasses on the property of another with the intent to commit a hate crime, as defined in section 729A.2, commits a serious misdemeanor.

NEW SUBSECTION. 4. A person committing a trespass as defined in section 716.7 with the intent to commit a hate crime which results in injury to any person or damage in an amount more than one hundred dollars to anything, animate or inanimate, located thereon or therein commits an aggravated misdemeanor.

Sec. 7. Section 729.5, subsections 1, 3, 4, and 5, Code 1991, are amended by striking the subsections.

Sec. 8. NEW SECTION. 729A.1 VIOLATIONS OF AN INDIVIDUAL'S RIGHTS PROHIBITED.

1. Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability.

Sec. 9. NEW SECTION. 729A.2 VIOLATION OF INDIVIDUAL RIGHTS -- HATE CRIME.

"Hate crime" means one of the following public offenses when committed against a person or a person's property because of the person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability:

1. Assault in violation of individual rights under section 708.2C.

2. Violations of individual rights under section 712.9.

3. Criminal mischief in violation of individual rights under section 716.7A.

4. Trespass in violation of individual rights under section 716.8, subsections 3 and 4.

Sec. 10. NEW SECTION. 729A.3 LOCAL ORDINANCES.

This chapter does not prohibit political subdivisions from enacting ordinances which are consistent with this chapter. Local ordinances reasonably regulating the time, place, or manner of the exercise of constitutional rights are permissible.

Sec. 11. NEW SECTION. 729A.4 VIOLATION OF INDIVIDUAL RIGHTS -- SENSITIVITY TRAINING.

The prosecuting attorneys training coordinator shall develop a course of instruction for law enforcement personnel and prosecuting attorneys designed to sensitize those persons to the existence of violations of individual rights and the criteria for determining whether a violation of individual rights has occurred. The prosecuting attorneys training coordinator shall consult with the civil rights commission, the office of the attorney general, and the department of public safety regarding the content and provision of this course of instruction.

Sec. 12. NEW SECTION. 729A.5 CIVIL REMEDIES.

A victim who has suffered physical, emotional, or financial harm as a result of a violation of this chapter due to the commission of a hate crime is entitled to and may bring an action for injunctive relief, general and special damages, reasonable attorneys fees, and costs.

An action brought pursuant to this section must be brought within two years after the date of the violation of this chapter.

In an action brought pursuant to this section, the burden of proof shall be the same as in other civil actions for similar relief.

This section does not apply to complaints or discriminatory or unfair practices under chapter 601A.

Sec. 13. Section 80.40, Code 1991, is repealed.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2065, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 28, 1992

TERRY E. BRANSTAD
Governor

SF 2065