

4-4-95 Judiciary
4-10-95 Do Pass

FILED MAR 20 1995

SENATE FILE **443**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 86)

Passed Senate, Date (P.1001) 4-3-95 Passed House, Date (P.1574) 4/13/95
Vote: Ayes 49 Nays 0 Vote: Ayes 92 Nays 0
Approved April 26, 1995

A BILL FOR

1 An Act to prohibit assaults upon peace officers and fire fighters
2 by providing penalties and enhancing penalties for resisting
3 or obstructing peace officers and fire fighters who are
4 performing their duties.

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

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S.F. 443

1 Section 1. NEW SECTION. 708.3A ASSAULTS ON PEACE
2 OFFICERS AND FIRE FIGHTERS.

3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer or fire fighter, whether paid
5 or volunteer, with the knowledge that the person against whom
6 the assault is committed is a peace officer or fire fighter
7 and the intent to inflict a serious injury upon the peace
8 officer or fire fighter, is guilty of a class "D" felony.

9 2. A person who commits an assault, as defined in section
10 708.1, against a peace officer or fire fighter, whether paid
11 or volunteer, who knows that the person against whom the
12 assault is committed is a peace officer or fire fighter and
13 who uses or displays a dangerous weapon in connection with the
14 assault, is guilty of a class "D" felony.

15 3. A person who commits an assault, as defined in section
16 708.1, against a peace officer or fire fighter, whether paid
17 or volunteer, without the intent to inflict a serious injury
18 upon another, and who knows that the person against whom the
19 assault is committed is a peace officer or fire fighter and
20 who causes bodily injury or disabling mental illness, is
21 guilty of an aggravated misdemeanor.

22 4. Any other assault, as defined in section 708.1,
23 committed against a peace officer or fire fighter, whether
24 paid or volunteer, by a person who knows that the person
25 against whom the assault is committed is a peace officer or
26 fire fighter, is a serious misdemeanor.

27 Sec. 2. Section 719.1, subsection 1, Code 1995, is amended
28 to read as follows:

29 1. A person who knowingly resists or obstructs anyone
30 known by the person to be a peace officer or fire fighter,
31 whether paid or volunteer, in the performance of any act which
32 is within the scope of the lawful duty or authority of that
33 officer or fire fighter, whether paid or volunteer, or who
34 knowingly resists or obstructs the service or execution by any
35 authorized person of any civil or criminal process or order of

1 any court, commits a simple serious misdemeanor. However, if
2 a person commits an interference with official acts, as
3 defined in this subsection, and in so doing inflicts bodily
4 injury other than serious injury, that person commits a
5 serious an aggravated misdemeanor. If a person commits an
6 interference with official acts, as defined in this
7 subsection, and in so doing inflicts or attempts to inflict
8 serious injury, or displays a dangerous weapon, as defined in
9 section 702.7, or is armed with a firearm, that person commits
10 an-aggravated-misdemeanor a class "D" felony.

11 EXPLANATION

12 This bill creates the offense of assault upon a peace
13 officer or fire fighter. Assault upon a peace officer or fire
14 fighter is a class "D" felony if the assault is committed with
15 the knowledge that the person being assaulted is a peace
16 officer or fire fighter and the person either has the intent
17 to inflict serious injury or a dangerous weapon is displayed
18 or used in the commission of the assault. If the assault is
19 committed with the knowledge that the person assaulted is a
20 peace officer or fire fighter, but without the intent to
21 inflict serious injury but bodily injury or disabling mental
22 illness is caused as a result of the assault, then the person
23 is guilty of an aggravated misdemeanor. All other assaults
24 against known peace officers or fire fighters are serious
25 misdemeanors.

26 The bill also enhances the penalties applicable to inter-
27 ference with official acts of peace officers and fire
28 fighters. Interference which involves the infliction or
29 attempt to inflict serious injury is enhanced from an
30 aggravated misdemeanor to a class "D" felony. Interference
31 which results in bodily injury other than serious injury is
32 enhanced from a serious to an aggravated misdemeanor. Other
33 forms of interference are elevated from a simple to a serious
34 misdemeanor.

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S-3319

1 Amend Senate File 443 as follows:

- 2 1. Page 1, line 4, by inserting after the word
3 "officer" the following: ", basic emergency medical
4 care provider under chapter 147, an advanced emergency
5 medical care provider under chapter 147A,".
- 6 2. Page 1, line 6, by inserting after the word
7 "officer" the following: ", basic emergency medical
8 care provider under chapter 147, an advanced emergency
9 medical care provider under chapter 147A,".
- 10 3. Page 1, line 8, by inserting after the word
11 "officer" the following: ", basic emergency medical
12 care provider under chapter 147, an advanced emergency
13 medical care provider under chapter 147A,".
- 14 4. Page 1, line 10, by inserting after the word
15 "officer" the following: ", basic emergency medical
16 care provider under chapter 147, an advanced emergency
17 medical care provider under chapter 147A,".
- 18 5. Page 1, line 12, by inserting after the word
19 "officer" the following: ", basic emergency medical
20 care provider under chapter 147, an advanced emergency
21 medical care provider under chapter 147A,".
- 22 6. Page 1, line 16, by inserting after the word
23 "officer" the following: ", basic emergency medical
24 care provider under chapter 147, an advanced emergency
25 medical care provider under chapter 147A,".
- 26 7. Page 1, line 19, by inserting after the word
27 "officer" the following: ", basic emergency medical
28 care provider under chapter 147, an advanced emergency
29 medical care provider under chapter 147A,".
- 30 8. Page 1, line 23, by inserting after the word
31 "officer" the following: ", basic emergency medical
32 care provider under chapter 147, an advanced emergency
33 medical care provider under chapter 147A,".
- 34 9. Page 1, line 25, by striking the word "of" and
35 inserting the following: ", basic emergency medical
36 care provider under chapter 147, an advanced emergency
37 medical care provider under chapter 147A, or".
- 38 10. Page 1, line 30, by inserting after the word
39 "officer" the following: ", basic emergency medical
40 care provider under chapter 147, an advanced emergency
41 medical care provider under chapter 147A,".
- 42 11. Page 1, line 33, by inserting after the word
43 "officer" the following: ", basic emergency medical
44 care provider under chapter 147, an advanced emergency
45 medical care provider under chapter 147A,".
- 46 12. Title page, line 1, by inserting after the
47 word "officers" the following: ", basic emergency
48 medical care providers, advanced emergency medical
49 care providers,".
- 50 13. Title page, line 3, by inserting after the

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Page 2

- 1 word "officers" the following: ", basic emergency
2 medical care providers, advanced emergency medical
3 care providers,".

By EUGENE FRAISE

SENATE FILE 443

S-3315

1 Amend Senate File 443 as follows:

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

4 "Section 1. Section 708.2A, subsection 2,
5 paragraph b, Code 1995, is amended to read as follows:

6 b. A serious misdemeanor, if the domestic abuse
7 assault ~~is committed without the intent to inflict a~~
8 ~~serious injury upon another, and the assault~~ causes
9 bodily injury or disabling mental illness.

10 Sec. ____ . Section 708.2C, subsection 3, Code 1995,
11 is amended to read as follows:

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

17 2. Page 1, by striking lines 17 and 18 and
18 inserting the following: "or volunteer, who knows
19 that the person against whom the".

20 3. Page 1, line 19, by striking the word
21 "fighter" and inserting the following: "fighter,".

22 4. By numbering and renumbering as necessary.

By DONALD B. REDFERN

S-3315 FILED MARCH 30, 1995

Adopted

4-3-95

(P. 1001)

**SENATE FILE 443
FISCAL NOTE**

A fiscal note for **Senate File 443** 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 443 prohibits assaults upon peace officers and fire fighters by providing penalties and enhancing penalties for resisting or obstructing peace officers and fire fighters who are performing their duties.

Fiscal Effect

There is not sufficient information available to estimate the number of convictions which may occur as a result of SF 443.

Judicial Department: It is estimated that SF 443 will have minimal fiscal impact on judicial operations.

Sources

Judicial Department

(LSB 1420sv, LAM)

FILED MARCH 29, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 443

AN ACT

TO PROHIBIT ASSAULTS UPON PEACE OFFICERS, BASIC EMERGENCY MEDICAL CARE PROVIDERS, ADVANCED EMERGENCY MEDICAL CARE PROVIDERS, AND FIRE FIGHTERS BY PROVIDING PENALTIES AND ENHANCING PENALTIES FOR RESISTING OR OBSTRUCTING PEACE OFFICERS, BASIC EMERGENCY MEDICAL CARE PROVIDERS, ADVANCED EMERGENCY MEDICAL CARE PROVIDERS, AND FIRE FIGHTERS WHO ARE PERFORMING THEIR DUTIES.

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

Section 1. Section 708.2A, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. A serious misdemeanor, if the domestic abuse assault is committed without the intent to inflict a serious injury upon another, and the assault causes bodily injury or disabling mental illness.

Sec. 2. Section 708.2C, subsection 3, Code 1995, is amended to read as follows:

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.

Sec. 3. NEW SECTION. 708.3A ASSAULTS ON PEACE OFFICERS AND FIRE FIGHTERS.

1. A person who commits an assault, as defined in section 708.1, against a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter and the intent to inflict a serious injury upon the peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, is guilty of a class "D" felony.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault

is committed is a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, is a serious misdemeanor.

Sec. 4. Section 719.1, subsection 1, Code 1995, is amended to read as follows:

1. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, basic emergency medical care provider under chapter 147, an advanced emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple serious misdemeanor. However, if a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits a serious an aggravated misdemeanor. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in

section 702.7, or is armed with a firearm, that person commits an-aggravated-misdemeanor a class "D" felony.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 443, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1995

TERRY E. BRANSTAD
Governor