

House File 557

H-1250

1 Amend House File 557 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 Section 1. Section 702.11, subsection 2, Code 2013,
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. *h.* Removal of an officer's
7 communication or control device in violation of section
8 708.12, subsection 3, paragraph "f".

9 Sec. 2. NEW SECTION. 708.12 Removal of an
10 officer's communication or control device.

11 1. As used in this section, "officer" means peace
12 officer as defined in section 724.2A or a correctional
13 officer.

14 2. A person who knowingly or intentionally removes
15 or attempts to remove a communication device or any
16 device used for control from the possession of an
17 officer, when the officer is in the performance of any
18 act which is within the scope of the lawful duty or
19 authority of that officer and the person knew or should
20 have known the individual to be an officer, commits the
21 offense of removal of an officer's communication or
22 control device.

23 3. *a.* A person who removes or attempts to remove
24 an officer's communication or control device is guilty
25 of a simple misdemeanor.

26 *b.* A person who knowingly or intentionally removes
27 or attempts to remove a communication or control device
28 from the possession of an officer with the intent to
29 interfere with the communications or duties of the
30 officer, is guilty of a serious misdemeanor.

31 *c.* If a violation of paragraph "a" results in
32 bodily injury to the officer the person is guilty of a
33 serious misdemeanor.

34 *d.* If a violation of paragraph "a" results in
35 serious injury to the officer the person is guilty of
36 an aggravated misdemeanor.

37 *e.* If a violation of paragraph "a" occurs and the
38 person knowingly or intentionally causes bodily injury
39 to the officer the person is guilty of an aggravated
40 misdemeanor.

41 *f.* If a violation of paragraph "a" occurs and the
42 person knowingly or intentionally causes serious injury
43 to the officer the person is guilty of a class "D"
44 felony.

45 Sec. 3. Section 719.1, subsections 1 and 2, Code
46 2013, are amended to read as follows:

47 1. *a.* A person who knowingly resists or obstructs
48 anyone known by the person to be a peace officer,
49 emergency medical care provider under chapter 147A,
50 or fire fighter, whether paid or volunteer, in the

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1 performance of any act which is within the scope of the
2 lawful duty or authority of that officer, emergency
3 medical care provider under chapter 147A, or fire
4 fighter, whether paid or volunteer, or who knowingly
5 resists or obstructs the service or execution by any
6 authorized person of any civil or criminal process or
7 order of any court, commits a simple misdemeanor. In
8 addition to any other penalties, the punishment imposed
9 for a violation of this subsection shall include
10 assessment of a fine of not less than two hundred fifty
11 dollars. ~~However, if~~

12 b. If a person commits interference with official
13 acts, as defined in this subsection, which results
14 in bodily injury, the person commits a serious
15 misdemeanor.

16 c. If a person commits interference with official
17 acts, as defined in this subsection, which results
18 in serious injury, the person commits an aggravated
19 misdemeanor.

20 d. If a person commits an interference with
21 official acts, as defined in this subsection, and in so
22 doing inflicts bodily injury other than serious injury,
23 that person commits an aggravated misdemeanor.

24 e. If a person commits an interference with
25 official acts, as defined in this subsection, and in so
26 doing inflicts or attempts to inflict serious injury,
27 or displays a dangerous weapon, as defined in section
28 702.7, or is armed with a firearm, that person commits
29 a class "D" felony.

30 2. a. A person under the custody, control, or
31 supervision of the department of corrections who
32 knowingly resists, obstructs, or interferes with a
33 correctional officer, agent, employee, or contractor,
34 whether paid or volunteer, in the performance of
35 the person's official duties, commits a serious
36 misdemeanor.

37 b. If a person violates this subsection and in so
38 doing commits an assault, as defined in section 708.1,
39 the person commits an aggravated misdemeanor.

40 c. If a person violates this subsection and the
41 violation results in bodily injury to another, the
42 person commits an aggravated misdemeanor.

43 d. If a person violates this subsection and the
44 violation results in serious injury to another, the
45 person commits a class "D" felony.

46 e. If a person violates this subsection and in so
47 doing inflicts or attempts to inflict bodily injury
48 other than serious injury to another, displays a
49 dangerous weapon, as defined in section 702.7, or is
50 armed with a firearm, the person commits a class "D"

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1 felony.
2 f. If a person violates this subsection and uses
3 or attempts to use a dangerous weapon, as defined in
4 section 702.7, or inflicts serious injury to another,
5 the person commits a class "C" felony.
6 2. Title page, by striking lines 1 through 4 and
7 inserting <An Act relating to removing or attempting
8 to remove a communication or control device from
9 the possession of a peace officer or correctional
10 officer, interference with official acts, and providing
11 penalties.>

WORTHAN of Buena Vista

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