

Senate File 384

S-3100

1 Amend Senate File 384 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

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"

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.>

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ROBERT M. HOGG

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CHARLES SCHNEIDER