

House File 517

H-1157

1 Amend the amendment, H-1152, to House File 517 as
2 follows:

3 1. By striking page 1, line 2, through page 2, line
4 10, and inserting

5 <___. By striking page 15, line 28, through page
6 18, line 12, and inserting:

7 <Sec. ___. Section 704.1, Code 2017, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 **704.1 Reasonable force.**

11 As used in this chapter, "*reasonable force*" is that
12 force and no more which a reasonable person, in similar
13 circumstances, would judge to be necessary to prevent
14 an injury to oneself or another person, or to prevent
15 the loss of, or damage to, real or personal property
16 belonging to oneself or another person.

17 Sec. ___. Section 704.2, Code 2017, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 **704.2 Legal immunity.**

21 A person who is justified in using reasonable force
22 against an aggressor in defense of oneself, another
23 person, or property is immune from criminal or civil
24 liability for all damages incurred by the aggressor
25 pursuant to the application of reasonable force.

26 Sec. ___. Section 704.3, Code 2017, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 **704.3 Defense of self or others.**

30 A person is justified in the use of reasonable
31 force, including deadly force, when the person
32 reasonably believes that such force is necessary for
33 either of the following purposes:

34 1. To prevent the imminent use of unlawful force
35 against oneself or another person.

1 2. To defend oneself or another person against the
2 present use of unlawful force.

3 Sec. _____. Section 704.4, Code 2017, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 **704.4 Deadly force.**

7 As used in this section, the term "*deadly force*"
8 means either of the following:

9 1. Force used for the purpose of causing death.

10 2. Force which the user knows or reasonably should
11 know will create a strong probability that death will
12 result.

13 Sec. _____. Section 704.5, Code 2017, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 **704.5 Defense of property.**

17 1. A person is justified in the use of reasonable
18 force to prevent or terminate criminal interference
19 with the person's real or personal property, or to aid
20 another in the lawful defense of the other person's
21 real or personal property.

22 2. For purposes of this section, reasonable force
23 does not include deadly force.

24 Sec. _____. Section 704.6, Code 2017, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 **704.6 No duty to retreat.**

28 A person has no duty to retreat before using
29 reasonable force in the justified defense of self,
30 others, or property unless doing so entails no risk to
31 the safety of the person or others, and doing so does
32 not require the person to abandon or retreat from the
33 person's dwelling and appurtenance thereto or from the
34 person's business or place of employment.

35 Sec. _____. Section 704.7, Code 2017, is amended by

1 striking the section and inserting in lieu thereof the
2 following:

3 **704.7 When defense is not available.**

4 The defense of justification is not available to the
5 following:

6 1. A person who is participating in a forcible
7 felony, riot, or duel.

8 2. A person who provokes the use of force against
9 oneself with the intent to use such use of force as an
10 excuse to inflict injury on the assailant.

11 3. One who initially provokes the use of force
12 against oneself by one's unlawful acts, except under
13 the following circumstances:

14 a. Such force is grossly disproportionate to the
15 provocation.

16 b. The person withdraws from physical contact with
17 the other and indicates clearly to the other that the
18 person desires to terminate the conflict but the other
19 continues or resumes the use of force.>>

20 _____. Page 21, after line 14 by inserting:

21 <DIVISION _____

22 MISCELLANEOUS PROVISIONS

23 Sec. _____. NEW SECTION. **148.15 Death.**

24 A physician or a person acting on the direct orders
25 of a physician who ceases to provide medical attention
26 to a person who is dead, as death is defined in
27 section 702.8, shall not be criminally liable for such
28 cessation of medical attention.

29 Sec. _____. NEW SECTION. **704A.1 Compulsion.**

30 An act, other than an act by which one intentionally
31 or recklessly causes physical injury to another, shall
32 not be a public offense if the person so acting is
33 compelled to do so by another's threat or menace of
34 serious injury, provided that the person reasonably
35 believes that such injury is imminent and can be

1 averted only by the person doing such act.

2 Sec. _____. NEW SECTION. 804.32 **Escape from place**
3 **of confinement.**

4 A correctional officer or peace officer is justified
5 in using reasonable force, including deadly force,
6 which is necessary to prevent the escape of any
7 person from any jail, penal institution, correctional
8 facility, or similar place of confinement, or place
9 of trial or other judicial proceeding, or to prevent
10 the escape from custody of any person who is being
11 transported from any such place of confinement, trial
12 or judicial proceeding to any other such place, except
13 that deadly force, as defined in section 704.4, may
14 not be used to prevent the escape of one who the
15 correctional officer or peace officer knows is confined
16 on a charge or conviction of any class of misdemeanor.

17 Sec. _____. NEW SECTION. 804.33 **Police activity.**

18 1. A peace officer or person acting as an agent
19 of or directed by any police agency who participates
20 in the commission of a crime by another person solely
21 for the purpose of gathering evidence leading to the
22 prosecution of such other person shall not be guilty of
23 that crime or of the crime of solicitation as set forth
24 in section 705.1, provided that all of the following
25 are true:

26 a. The officer or person is not an instigator of
27 the criminal activity.

28 b. The officer or person does not intentionally
29 injure a nonparticipant in the crime.

30 c. The officer or person acts with the consent
31 of superiors, or the necessity of immediate action
32 precludes obtaining such consent.

33 d. The officer's or person's actions are reasonable
34 under the circumstances.

35 2. This section is not intended to preclude the

1 use of undercover or surveillance persons by law
2 enforcement agencies in appropriate circumstances and
3 manner. It is intended to discourage such activity to
4 tempt, urge, or persuade the commission of offenses by
5 persons not already disposed to commit offenses of that
6 kind.

7 Sec. _____. NEW SECTION. 804.34 Use of force in
8 making an arrest.

9 A peace officer or other person making an arrest
10 or securing an arrested person may use such force as
11 is permitted by sections 804.8, 804.10, 804.13, and
12 804.15.

13 Sec. _____. REPEAL. Sections 704.8, 704.9, 704.10,
14 704.11, and 704.12, Code 2017, are repealed.>>

WOLFE of Clinton