

House File 2302

S-5180

1 Amend House File 2302, as passed by the House, as follows:

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

4 <Section 1. Section 708.3A, subsections 1, 2, 3, and 4, Code
5 2024, are amended to read as follows:

6 1. A person who commits an assault, as defined in section
7 708.1, against a peace officer, jailer, correctional or
8 juvenile detention staff, member or employee of the board
9 of parole, health care provider, employee of the department
10 of health and human services, employee of the department of
11 inspections, appeals, and licensing, employee of the department
12 of revenue, national guard member engaged in national
13 guard duty or state active duty, civilian employee of a law
14 enforcement agency, civilian employee of a fire department, or
15 fire fighter, whether paid or volunteer, with the knowledge
16 that the person against whom the assault is committed is a
17 peace officer, jailer, correctional or juvenile detention
18 staff, member or employee of the board of parole, health care
19 provider, employee of the department of health and human
20 services, employee of the department of inspections, appeals,
21 and licensing, employee of the department of revenue, national
22 guard member engaged in national guard duty or state active
23 duty, civilian employee of a law enforcement agency, civilian
24 employee of a fire department, or fire fighter and with the
25 intent to inflict a serious injury upon the peace officer,
26 jailer, correctional or juvenile detention staff, member or
27 employee of the board of parole, health care provider, employee
28 of the department of health and human services, employee
29 of the department of inspections, appeals, and licensing,
30 employee of the department of revenue, national guard member
31 engaged in national guard duty or state active duty, civilian
32 employee of a law enforcement agency, civilian employee of a
33 fire department, or fire fighter, is guilty of a class "D" "C"
34 felony.

35 2. A person who commits an assault, as defined in section

1 708.1, against a peace officer, jailer, correctional or
2 juvenile detention staff, member or employee of the board
3 of parole, health care provider, employee of the department
4 of health and human services, employee of the department
5 of inspections, appeals, and licensing, employee of the
6 department of revenue, national guard member engaged in
7 national guard duty or state active duty, civilian employee
8 of a law enforcement agency, civilian employee of a fire
9 department, or fire fighter, whether paid or volunteer, who
10 knows that the person against whom the assault is committed is
11 a peace officer, jailer, correctional or juvenile detention
12 staff, member or employee of the board of parole, health care
13 provider, employee of the department of health and human
14 services, employee of the department of inspections, appeals,
15 and licensing, employee of the department of revenue, national
16 guard member engaged in national guard duty or state active
17 duty, civilian employee of a law enforcement agency, civilian
18 employee of a fire department, or fire fighter and who uses or
19 displays a dangerous weapon in connection with the assault, is
20 guilty of a class "D" "C" felony.

21 3. A person who commits an assault, as defined in section
22 708.1, against a peace officer, jailer, correctional or
23 juvenile detention staff, member or employee of the board
24 of parole, health care provider, employee of the department
25 of health and human services, employee of the department
26 of inspections, appeals, and licensing, employee of the
27 department of revenue, national guard member engaged in
28 national guard duty or state active duty, civilian employee
29 of a law enforcement agency, civilian employee of a fire
30 department, or fire fighter, whether paid or volunteer, who
31 knows that the person against whom the assault is committed is
32 a peace officer, jailer, correctional or juvenile detention
33 staff, member or employee of the board of parole, health care
34 provider, employee of the department of health and human
35 services, employee of the department of inspections, appeals,

1 and licensing, employee of the department of revenue, national
2 guard member engaged in national guard duty or state active
3 duty, civilian employee of a law enforcement agency, civilian
4 employee of a fire department, or fire fighter, and who causes
5 bodily injury or mental illness, is guilty of an aggravated
6 misdemeanor a class "D" felony.

7 4. Any other assault, as defined in section 708.1, including
8 an assault causing another to come into contact with saliva by
9 throwing, tossing, spitting, or expelling the fluid, committed
10 against a peace officer, jailer, correctional or juvenile
11 detention staff, member or employee of the board of parole,
12 health care provider, employee of the department of health and
13 human services, employee of the department of inspections,
14 appeals, and licensing, employee of the department of revenue,
15 national guard member engaged in national guard duty or
16 state active duty, civilian employee of a law enforcement
17 agency, civilian employee of a fire department, or fire
18 fighter, whether paid or volunteer, by a person who knows
19 that the person against whom the assault is committed is a
20 peace officer, jailer, correctional or juvenile detention
21 staff, member or employee of the board of parole, health care
22 provider, employee of the department of health and human
23 services, employee of the department of inspections, appeals,
24 and licensing, employee of the department of revenue, national
25 guard member engaged in national guard duty or state active
26 duty, civilian employee of a law enforcement agency, civilian
27 employee of a fire department, or fire fighter, is a serious
28 an aggravated misdemeanor. A person convicted of violating
29 this subsection shall serve a minimum term of seven days of
30 the sentence imposed by law, and shall not be eligible for
31 suspension of the minimum sentence.

32 Sec. 2. Section 708.3B, Code 2024, is amended to read as
33 follows:

34 **708.3B Inmate assaults — bodily fluids or secretions.**

35 A person who, while confined in a jail or in an institution

1 or facility under the control of the department of corrections,
2 commits any of the following acts commits a class "D" felony:

3 1. An assault, as defined under [section 708.1](#), upon an
4 employee of the jail or institution or facility under the
5 control of the department of corrections, ~~which~~ that results
6 in the employee's contact with blood, seminal fluid, urine,
7 saliva, or feces.

8 2. An act ~~which~~ that is intended to cause pain or injury
9 or be insulting or offensive and ~~which~~ that results in blood,
10 seminal fluid, urine, saliva, or feces being cast or expelled
11 upon an employee of the jail or institution or facility under
12 the control of the department of corrections.>

DAVID D. ROWLEY