

House File 2751

H-8275

1 Amend House File 2751 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 708.3A, Code 2026, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 **708.3A Assaults on members of protected occupations.**

7 1. For purposes of this section, unless the context
8 otherwise requires:

9 a. *"Assault"* means the same as defined in section 708.1.

10 b. *"Correctional staff"* means a person, who is not a peace
11 officer, who is employed by the department of corrections or
12 a judicial district department of correctional services to
13 work at or in a correctional institution, community-based
14 correctional facility, or an institution under the management
15 of the Iowa department of corrections that is used for the
16 purposes of confinement of persons who have committed public
17 offenses.

18 c. *"Employee of the department of health and human services"*
19 means a person who is an employee of an institution controlled
20 by the director of health and human services that is listed in
21 section 218.1, or who is an employee of the civil commitment
22 unit for sex offenders operated by the department of health and
23 human services. A person who commits an assault under this
24 section against an employee of the department of health and
25 human services at a department of health and human services
26 institution or unit is presumed to know that the person against
27 whom the assault is committed is an employee of the department
28 of health and human services.

29 d. *"Employee of the department of revenue"* means a person
30 who is employed as an auditor, agent, tax collector, or any
31 contractor or representative acting in the same capacity. The
32 employee, contractor, or representative shall maintain current
33 identification indicating that the person is an employee,
34 contractor, or representative of the department.

35 e. *"Health care provider"* means an emergency medical care

1 provider as defined in section 147A.1, or a person licensed
2 or registered under chapter 148, 148C, 148D, or 152, who is
3 providing or who is attempting to provide emergency medical
4 services as defined in section 147A.1, or anyone who is
5 working, volunteering, or participating in an educational
6 course of instruction at a hospital or rural emergency hospital
7 as defined in section 135B.1, or at a nursing facility as
8 defined in section 135C.1. A person who commits an assault
9 under this section against a health care provider in a
10 hospital, or at the scene or during out-of-hospital patient
11 transportation in an ambulance, is presumed to know that the
12 person against whom the assault is committed is a health care
13 provider.

14 *f. "Jailer"* means a person, who is not a peace officer,
15 who is employed by a county or other political subdivision
16 of the state to work at a county jail or other facility used
17 for purposes of the confinement of persons who have committed
18 public offenses.

19 *g. "Member of a protection occupation"* means a person who
20 is a peace officer; a jailer; correctional staff; juvenile
21 detention staff; a member or employee of the board of parole;
22 a health care provider; an employee of the department of
23 health and human services; an employee of the department of
24 inspections, appeals, and licensing who conducts investigations
25 or inspections; an employee of the department of revenue; a
26 national guard member engaged in national guard duty or state
27 active duty; a civilian employee of a law enforcement agency;
28 a civilian employee of a fire department; or a fire fighter,
29 whether paid or volunteer.

30 *h. "National guard"* means the same as defined in section
31 29A.1.

32 *i. "National guard duty"* means the same as defined in
33 section 29A.1.

34 *j. "State active duty"* means the same as defined in section
35 29A.1.

1 2. An assault against a member of a protected occupation
2 with the knowledge that the person against whom the assault is
3 committed is a member of a protected occupation is a class "C"
4 felony.

5 3. An assault against a member of a protected occupation
6 using or displaying a dangerous weapon is a class "C" felony.

7 4. An assault against a member of a protected occupation
8 that causes bodily injury or mental illness is a class "D"
9 felony.

10 5. Any other assault, including an assault causing another
11 to come into contact with saliva by throwing, tossing,
12 spitting, or expelling the fluid, committed against a member of
13 a protected occupation is an aggravated misdemeanor. A person
14 convicted of violating this subsection shall serve a minimum
15 term of seven days of the sentence imposed by law, and shall
16 not be eligible for deferral or suspension of the minimum term
17 of seven days.

18 6. *a.* A person who is a victim of an assault under
19 subsection 2, 3, 4, or 5 that resulted in the victim coming in
20 contact with the blood, seminal fluid, urine, saliva, or feces
21 of the person committing the assault, when there is reason to
22 believe that the person committing the assault has or may have
23 a communicable disease, may request that law enforcement make
24 application to the court for the issuance of a search warrant,
25 in accordance with chapter 808, for the purpose of requiring
26 the person committing the assault to submit to testing by a
27 medical professional for communicable diseases.

28 *b.* The medical professional conducting testing of the person
29 committing the assault for communicable diseases shall, as soon
30 as practicable upon receipt of the test results, contact the
31 victim of the assault with the test results.>

32 2. Title page, line 1, after <to> by inserting <criminal
33 acts against persons in certain occupations, including
34 testing for communicable diseases for certain persons who
35 have committed an assault against a member of a protected

1 occupation, and>

2 3. By renumbering as necessary.

GJERDE of Linn

LUNDGREN of Dubuque