

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

FEB 5 1987

HOUSE FILE 185
BY RUNNING

JUDICIARY: Doyle, Chair; Mann and Holt
Enforcement 3/26/87

Passed House, Date 3-23-87 (y. 730) Passed Senate, Date 3-29-87 (y. 1121)
Vote: Ayes 93 Nays 0 Vote: Ayes 48 Nays 0

Approved May 5, 1987

Approved House 4/11/87 (y. 1658)
71-0

Approved Senate 1/14/87 (y. 1391)
47-0

A BILL FOR

1 An Act to prohibit the instruction in and demonstration of the
2 use of dangerous weapons, offensive weapons, and explosives
3 for use in or in furtherance of a civil disorder and providing
4 a penalty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 185

1 Section 1. NEW SECTION. 718.7 TRAINING IN THE USE OF
2 WEAPONS OR EXPLOSIVES FOR USE IN CIVIL DISORDER PROHIBITED.

3 1. As used in this section:

4 a. "Civil disorder" means any public disturbance involving
5 acts of violence which causes an immediate danger of or
6 results in damage or injury to any real or personal property
7 or person.

8 b. "Dangerous weapon" means a dangerous weapon as defined
9 in section 702.7.

10 c. "Explosive" means an explosive as defined in section
11 101A.1.

12 d. "Offensive weapon" means an offensive weapon as defined
13 in section 724.1.

14 2. A person shall not:

15 a. Teach or demonstrate to any other person the use,
16 application, or manufacture of any dangerous weapon, offensive
17 weapon, explosive, or technique capable of causing injury or
18 death to persons, knowing or having reasonable cause to know
19 and intending that the weapon, explosive, or technique will be
20 unlawfully employed for use in or in furtherance of a civil
21 disorder.

22 b. Assemble with one or more persons for the purpose of
23 training with, practicing with, or being instructed in the use
24 of any dangerous weapon, offensive weapon, explosive, or
25 technique capable of causing injury or death to persons,
26 intending to employ the weapon, explosive, or technique
27 unlawfully for use in or in furtherance of a civil disorder.

28 3. A person convicted of a violation of this section is
29 guilty of a class "D" felony.

30 4. This section shall not apply to:

31 a. A peace officer of this or any other state in the
32 lawful performance of the officer's official duties.

33 b. A federal official required to carry firearms while
34 engaged in the lawful performance of the official's official
35 duties.

1 c. A member of the armed forces of the United States or of
2 the national guard while engaged in the lawful performance of
3 the member's official duties.

4 d. The conservation commission or any law enforcement
5 agency, hunting club, gun club, shooting range, or any other
6 organization or entity whose primary purpose is to teach the
7 safe handling or use of firearms, archery equipment, or other
8 weapons or techniques employed in connection with lawful
9 sporting or other lawful activity.

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EXPLANATION

11 This bill prohibits the teaching, demonstration, and
12 assembly for training and practice of the use of dangerous
13 weapons, offensive weapons, explosives, or techniques capable
14 of causing injury or death for use in or in the furtherance of
15 a civil disorder. A person convicted of a violation of this
16 section is guilty of a class "D" felony.

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HOUSE FILE 185

5428

1 Amend House File 185 as passed by the House as
2 follows:

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

5 "Section 1. NEW SECTION. 729.5 PROHIBITING
6 VIOLATIONS OF AN INDIVIDUAL'S CIVIL RIGHTS --
7 PENALTIES.

8 1. Persons within the state of Iowa have the right
9 to be free from any violence, or intimidation by
10 threat of violence, committed against their persons or
11 property because of their race, color, religion,
12 ancestry, national origin, political affiliation, or
13 sex.

14 2. A person who, by force or threat of force,
15 willfully injures, intimidates or interferes with, or
16 attempts to injure, intimidate or interfere with, or
17 oppresses or threatens any other person in the free
18 exercise or enjoyment of any right or privilege
19 secured to that person by the constitution or laws of
20 the state of Iowa or by the constitution or laws of
21 the United States, is upon conviction, guilty of a
22 class "D" felony.

23 3. A person who conspires with another person or
24 persons to injure, oppress, threaten, or intimidate or
25 interfere with any citizen in the free exercise or
26 enjoyment of any right or privilege secured to that
27 person by the constitution or laws of the state of
28 Iowa or by the constitution or laws of the United
29 States, and in furtherance of the conspiracy assembles
30 with one or more persons for the purpose of teaching
31 any technique or means capable of causing property
32 damage, bodily injury or death when the person or
33 persons intend to employ those techniques or means to
34 violate this section, is on conviction, guilty of a
35 class "D" felony.

36 4. The fact that a person committed a felony or
37 misdemeanor, or attempted to commit a felony, because
38 of the victim's race, color, religion, nationality, or
39 country of origin, shall be considered a circumstance
40 in aggravation of any crime in imposing sentence.

41 5. This section does not make unlawful the
42 teaching of any technique in self-defense.

43 6. This section does not make unlawful any
44 activity of:

45 a. Law enforcement officials of this or any other
46 jurisdiction while engaged in the lawful performance
47 of their official duties;

48 b. Federal officials required to carry firearms
49 while engaged in the lawful performance of their
50 official duties;

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- 1 c. Members of the armed forces of the United
- 2 States or the national guard while engaged in the
- 3 lawful performance of their official duties; or
- 4 d. Any conservation commission, law enforcement
- 5 agency, or any agency licensed to provide security
- 6 services, or any hunting club, gun club, shooting
- 7 range, or other organization or entity whose primary
- 8 purpose is to teach the safe handling or use of
- 9 firearms, archery equipment, or other weapons or
- 10 techniques employed in connection with lawful sporting
- 11 or other lawful activity."
- 12 2. Title page, by striking lines 1 through 4 and
- 13 inserting the following: "An Act relating to
- 14 violations of a person's civil rights and providing
- 15 penalties."

S-5428

Filed March 17, 1988

Adopted as amended by S 5639 3/29/88 (1127)

BY COMMITTEE ON JUDICIARY
DONALD V. DOYLE

HOUSE FILE 185

S-5639

- 1 Amend the amendment, H-5428, to House File 185, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "teaching" the words "or being instructed in".
- 5 2. Page 1, line 38, by striking the word "or".
- 6 3. Page 1, line 39, by inserting before the word
- 7 "shall" the words "political affiliation, or sex,".

S-5639

Filed March 29, 1988

ADOPTED
(p. 1127)

BY DONALD V. DOYLE

SENATE AMENDMENT TO HOUSE FILE 185

H-6088

1 Amend House File 185 as passed by the House as
2 follows:

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

5 "Section 1. NEW SECTION. 729.5 PROHIBITING
6 VIOLATIONS OF AN INDIVIDUAL'S CIVIL RIGHTS --
7 PENALTIES.

8 1. Persons within the state of Iowa have the right
9 to be free from any violence, or intimidation by
10 threat of violence, committed against their persons or
11 property because of their race, color, religion,
12 ancestry, national origin, political affiliation, or
13 sex.

14 2. A person who, by force or threat of force,
15 willfully injures, intimidates or interferes with, or
16 attempts to injure, intimidate or interfere with, or
17 oppresses or threatens any other person in the free
18 exercise or enjoyment of any right or privilege
19 secured to that person by the constitution or laws of
20 the state of Iowa or by the constitution or laws of
21 the United States, is upon conviction, guilty of a
22 class "D" felony.

23 3. A person who conspires with another person or
24 persons to injure, oppress, threaten, or intimidate or
25 interfere with any citizen in the free exercise or
26 enjoyment of any right or privilege secured to that
27 person by the constitution or laws of the state of
28 Iowa or by the constitution or laws of the United
29 States, and in furtherance of the conspiracy assembles
30 with one or more persons for the purpose of teaching
31 or being instructed in any technique or means capable
32 of causing property damage, bodily injury or death
33 when the person or persons intend to employ those
34 techniques or means to violate this section, is on
35 conviction, guilty of a class "D" felony.

36 4. The fact that a person committed a felony or
37 misdemeanor, or attempted to commit a felony, because
38 of the victim's race, color, religion, nationality,
39 country of origin, political affiliation, or sex,
40 shall be considered a circumstance in aggravation of
41 any crime in imposing sentence.

42 5. This section does not make unlawful the
43 teaching of any technique in self-defense.

44 6. This section does not make unlawful any
45 activity of:

46 a. Law enforcement officials of this or any other
47 jurisdiction while engaged in the lawful performance
48 of their official duties;

49 b. Federal officials required to carry firearms
50 while engaged in the lawful performance of their

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- 1 official duties;
- 2 c. Members of the armed forces of the United
- 3 States or the national guard while engaged in the
- 4 lawful performance of their official duties; or
- 5 d. Any conservation commission, law enforcement
- 6 agency, or any agency licensed to provide security
- 7 services, or any hunting club, gun club, shooting
- 8 range, or other organization or entity whose primary
- 9 purpose is to teach the safe handling or use of
- 10 firearms, archery equipment, or other weapons or
- 11 techniques employed in connection with lawful sporting
- 12 or other lawful activity."
- 13 2. Title page, by striking lines 1 through 4 and
- 14 inserting the following: "An Act relating to
- 15 violations of a person's civil rights and providing
- 16 penalties."

H-6088 FILED MARCH 30, 1988 RECEIVED FROM THE SENATE

*House amendment (6336) and
concerns 4/11 (p. 1658)*

HOUSE FILE 185

H-6336

- 1 Amend the Senate amendment, H-6088, to House File
- 2 185, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 14 through 22.
- 4 2. Page 1, line 29, by striking the words "in
- 5 furtherance of the conspiracy".
- 6 3. Page 1, line 34, by striking the words "to
- 7 violate this section" and inserting the following:
- 8 "in furtherance of the conspiracy".
- 9 4. By renumbering as necessary.

By ROSENBERG of Story

H-6336 FILED APRIL 8, 1988

Adopted 4/11 (p. 1658)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 185

S-5962

- 1 Amend the Senate amendment, H-6088, to House File
- 2 185, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 14 through 22.
- 4 2. Page 1, line 29, by striking the words "in
- 5 furtherance of the conspiracy".
- 6 3. Page 1, line 34, by striking the words "to
- 7 violate this section" and inserting the following:
- 8 "in furtherance of the conspiracy".
- 9 4. By renumbering as necessary.

S-5962

Filed April 13, 1988

RECEIVED FROM THE HOUSE

Senate amendment H-6088

HOUSE FILE 185

AN ACT

RELATING TO VIOLATIONS OF A PERSON'S CIVIL RIGHTS AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S CIVIL RIGHTS -- PENALTIES.

1. Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, or sex.

2. A person who conspires with another person or persons to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

3. The fact that a person committed a felony or misdemeanor, or attempted to commit a felony, because of the victim's race, color, religion, nationality, country of origin, political affiliation, or sex, shall be considered a circumstance in aggravation of any crime in imposing sentence.

4. This section does not make unlawful the teaching of any technique in self-defense.

5. This section does not make unlawful any activity of:

a. Law enforcement officials of this or any other jurisdiction while engaged in the lawful performance of their official duties;

b. Federal officials required to carry firearms while engaged in the lawful performance of their official duties;

c. Members of the armed forces of the United States or the national guard while engaged in the lawful performance of their official duties; or

d. Any conservation commission, law enforcement agency, or any agency licensed to provide security services, or any hunting club, gun club, shooting range, or other organization or entity whose primary purpose is to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sporting or other lawful activity.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 185, Seventy-second General Assembly.

JOSEPH O'HEARN
Chief Clerk of the House

Approved May 5, 1988

GERRY E. BRANSTAD
Governor

HF 185