

sun. Jud.
H.F. 672 (p. 1203)

MAR 29 1989

Place On Calendar

HOUSE FILE 672
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 242)

Passed House, Date 3-23-89 (p. 976) Passed Senate, Date 4-11-89 (p. 1336)
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved May 26, 1989

A BILL FOR

1 An Act relating to harassment and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H F 672

1 Section 1. Section 708.7, Code 1989, is amended to read as
2 follows:

3 708.7 HARASSMENT.

4 1. A person commits harassment when, with intent to
5 intimidate, annoy or alarm another person, the person does any
6 of the following:

7 1 a. Communicates with another by telephone, telegraph,
8 or writing without legitimate purpose and in a manner likely
9 to cause the other person annoyance or harm.

10 2 b. Places any a simulated explosive or simulated
11 incendiary device in or near any a building, vehicle,
12 airplane, railroad engine or railroad car, or boat occupied by
13 ~~such~~ another person.

14 3 c. Orders merchandise or services in the name of
15 another, or to be delivered to another, without ~~such~~ the other
16 person's knowledge or consent.

17 4 d. Reports or causes to be reported false information
18 to a law enforcement authority implicating another in some
19 criminal activity, knowing that the information is false, or
20 reports the alleged occurrence of a criminal act, knowing the
21 ~~same~~ act did not occur.

22 ~~Harassment-is-a-simple-misdemeanor-~~

23 2. A person commits harassment in the first degree when
24 the person commits harassment involving a threat to commit a
25 forcible felony, or commits harassment and has previously been
26 convicted of harassment three or more times under this section
27 or any similar statute during the preceding ten years.

28 Harassment in the first degree is an aggravated
29 misdemeanor.

30 3. A person commits harassment in the second degree when
31 the person commits harassment involving a threat to commit
32 bodily injury, or commits harassment and has previously been
33 convicted of harassment two times under this section or any
34 similar statute during the preceding ten years.

35 Harassment in the second degree is a serious misdemeanor.

1 4. Any other act of harassment is harassment in the third
2 degree. Harassment in the third degree is a simple
3 misdemeanor.

4 EXPLANATION

5 This bill provides that harassment involving a threat to
6 commit a forcible felony, or when a person has previously been
7 convicted of harassment three or more times under this section
8 or any other similar statute in another jurisdiction, or when
9 the person has committed a series of ten or more acts of
10 harassment within any six-month period, is harassment in the
11 first degree. Harassment in the first degree is made an
12 aggravated misdemeanor.

13 Harassment involving a threat to commit bodily injury, or
14 when the person has previously been convicted of harassment
15 two times under this section or any other similar statute in
16 another jurisdiction, or when the person has committed a
17 series of five or more, but less than ten acts of harassment
18 within any six-month period, is harassment in the second
19 degree. Harassment in the second degree is made a serious
20 misdemeanor.

21 All other acts of harassment constitute harassment in the
22 third degree and remain simple misdemeanors.

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HSB 242

Judiciary & Law Enforcement

Read

HOUSE FILE 672

BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to harassment and providing penalties.
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1 Section 1. Section 708,7, Code 1989, is amended to read as
2 follows:

3 708.7 HARASSMENT.

4 1. A person commits harassment when, with intent to
5 intimidate, annoy or alarm another person, the person does any
6 of the following:

7 † a. Communicates with another by telephone, telegraph,
8 or writing without legitimate purpose and in a manner likely
9 to cause the other person annoyance or harm.

10 2 b. Places ~~any~~ a simulated explosive or simulated
11 incendiary device in or near ~~any~~ a building, vehicle,
12 airplane, railroad engine or railroad car, or boat occupied by
13 ~~such another~~ person.

14 3 c. Orders merchandise or services in the name of
15 another, or to be delivered to another, without ~~such~~ the other
16 person's knowledge or consent.

17 4 d. Reports or causes to be reported false information
18 to a law enforcement authority implicating another in some
19 criminal activity, knowing that the information is false, or
20 reports the alleged occurrence of a criminal act, knowing the
21 ~~same act~~ act did not occur.

22 ~~Harassment-is-a-simple-misdemeanor.~~

23 2. A person commits harassment in the first degree when
24 the person commits harassment involving a threat to commit a
25 forcible felony, when the person has previously been convicted
26 of harassment three or more times under this section or any
27 similar statute during the preceding ten years, or when the
28 person commits a series of ten or more acts of harassment
29 within a six-month period.

30 Harassment in the first degree is an aggravated
31 misdemeanor.

32 3. A person commits harassment in the second degree when
33 the person commits harassment involving a threat to commit
34 bodily injury, when the person has previously been convicted
35 of harassment two times under this section or any similar

1 statute during the preceding ten years, or when the person
2 commits a series of five or more, but less than ten, acts of
3 harassment within a six-month period.

4 Harassment in the second degree is a serious misdemeanor.

5 4. Any other act of harassment is harassment in the third
6 degree. Harassment in the third degree is a simple
7 misdemeanor.

8 EXPLANATION

9 This bill provides that harassment involving a threat to
10 commit a forcible felony, or when a person has previously been
11 convicted of harassment three or more times under this section
12 or any other similar statute in another jurisdiction, or when
13 the person has committed a series of ten or more acts of
14 harassment within any six-month period, is harassment in the
15 first degree. Harassment in the first degree is made an
16 aggravated misdemeanor.

17 Harassment involving a threat to commit bodily injury, or
18 when the person has previously been convicted of harassment
19 two times under this section or any other similar statute in
20 another jurisdiction, or when the person has committed a
21 series of five or more, but less than ten acts of harassment
22 within any six-month period, is harassment in the second
23 degree. Harassment in the second degree is made a serious
24 misdemeanor.

25 All other acts of harassment constitute harassment in the
26 third degree and remain simple misdemeanors.

27 BACKGROUND STATEMENT

28 SUBMITTED BY THE AGENCY

29 Iowans who are subject to harassment are often repeat
30 victims of the same offender. The present statute is
31 deficient in providing more severe sanctions when aggravating
32 factors are present and does not deal adequately with the
33 repeat offender. This proposal recognizes enhanced punishment
34 for more severe threats and for habitual offenders.

35

HOUSE FILE 672

AN ACT
RESATING TO HARASSMENT AND PROVIDING PENALTIES.

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

Section 1. Section 708.7, Code 1989, is amended to read as follows:

708.7 HARASSMENT.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:

1 a. Communicates with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

2 b. Places any a simulated explosive or simulated incendiary device in or near any a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such another person.

3 c. Orders merchandise or services in the name of another, or to be delivered to another, without such the other person's knowledge or consent.

4 d. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same act did not occur.

~~Harassment is a simple misdemeanor.~~

2. A person commits harassment in the first degree when the person commits harassment involving a threat to commit a forcible felony, or commits harassment and has previously been convicted of harassment three or more times under this section or any similar statute during the preceding ten years.

Harassment in the first degree is an aggravated misdemeanor.

3. A person commits harassment in the second degree when the person commits harassment involving a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times under this section or any similar statute during the preceding ten years.

Harassment in the second degree is a serious misdemeanor.

4. Any other act of harassment is harassment in the third degree. Harassment in the third degree is a simple misdemeanor.

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 672, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 26, 1989

TERRY E. BRANSTAD
Governor

HF 672