

2-2-93 (P. 159)
Sub Comm. Judiciary
M = Neal, Larson, Peterson

(P. 279) 2/16/93 amend / Do Pass w/3071

FEB 1 1993

HOUSE FILE 83

Judiciary & Law Enforcement

BY MCNEAL, MCCOY, and PETERSON

Passed House, (P. 412) Date 2/24/93

Passed Senate, (P. 1343) Date 4/26/93

Vote: Ayes 93 Nays 6

Vote: Ayes 48 Nays 1

Approved May 11, 1993

A BILL FOR

1 An Act relating to the discharge of offensive weapons at an
2 occupied structure, motor vehicle, or one or more persons and
3 providing a penalty.

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

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HF 83

1 Section 1. NEW SECTION. 708.12 DISCHARGE OF OFFENSIVE
2 WEAPONS.

3 A person commits a class "B" felony when the person shoots,
4 throws, launches, or discharges an offensive weapon at or into
5 an occupied structure, a motor vehicle, or one or more persons
6 and either kills or seriously injures one or more persons, or
7 places one or more persons who are at or near the place where
8 the offensive weapon is shot, thrown, launched, or discharged
9 in reasonable apprehension of serious injury or death. For
10 purposes of this section, "motor vehicle" includes any vehicle
11 defined as a motor vehicle in section 321.1.

12 EXPLANATION

13 This bill makes the discharge by a person of an offensive
14 weapon at or into an occupied structure, a motor vehicle, or
15 one or more persons a class "B" felony when the person either
16 kills or seriously injures a person or causes one or more
17 persons who are at or near the place where the offensive
18 weapon is discharged to reasonably fear that they will be
19 seriously injured or killed. The definition of offensive
20 weapon is contained in section 724.1.

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HOUSE FILE 83
FISCAL NOTE

A fiscal note for House File 83 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 83 makes the discharge by a person of an offensive weapon at or into an occupied structure or a motor vehicle a class "B" felony when the person either kills or seriously injures a person or causes 1 or more persons who are at or near the place where the offensive weapon is discharged to reasonably fear that they will be seriously injured or killed.

Assumptions:

1. Incidents of drive-by shootings resulting in death are currently being prosecuted as murder. Murder carries a greater penalty than the proposed new law.
2. Incidents of drive-by shootings resulting in serious injury are currently being prosecuted as attempted murder. Attempted murder carries a penalty equal to that proposed in the bill.
3. All other incidents of drive-by shootings are currently being prosecuted as terrorism (class "D" felonies) and carry a lesser penalty than that proposed in the bill. There is potential for an increase in the prison population and the number of persons admitted to Community Based Corrections.
4. In 1991, 20 offenders were convicted of terrorism, of which 5 or 25% were sentenced to prison.

Fiscal Impact:

The adoption of this bill will have a fiscal impact on the State. However, there is no information readily available to verify the number of terrorism convictions that involve drive-by shootings.

(Sources: Department of Corrections and Criminal Juvenile Justice Planning Division)
(LSB 1262hh, LAM)

FILED FEBRUARY 23, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 83

H-3126

1 Amend House File 83, as follows:
2 1. Page 1, line 11, by inserting after the figure
3 "321.1." the following: "For purposes of this
4 section, "dangerous weapon" means any instrument or
5 device designed primarily for use in inflicting death
6 upon a human being when used in the manner for which
7 it was designed. Dangerous weapons include, but are
8 not limited to, any offensive weapon, pistol,
9 revolver, or other firearm, dagger, razor, stiletto,
10 switchblade knife, or knife having a blade exceeding
11 five inches in length."

2/24/93 adopted (P. 418)

By RAFFERTY of Scott

H-3126 FILED FEBRUARY 19, 1993

HOUSE FILE 83

H-3132

1 Amend House File 83, as follows:
2 1. Page 1, line 6, by striking the words "either
3 kills or".

By PETERSON of Carroll

H-3132 FILED FEBRUARY 23, 1993

~~WITHDRAWN~~

2-24-93 (P. 418)

HOUSE FILE 83

H-3133

1 Amend House File 83, as follows:
2 1. Page 1, by inserting after line 11, the
3 following:
4 "Sec. _____. This Act shall take effect at such time
5 as the general assembly appropriates sufficient moneys
6 to fully fund the cost of implementation of this Act."
7 2. Title page, by striking line 3, and inserting
8 the following: "providing a penalty, and providing an
9 effective date."
10 3. By numbering and renumbering as necessary.

By BRAMMER of Linn

H-3133 FILED FEBRUARY 23, 1993

Out of order 2/24/93 (P. 418)

HOUSE FILE 83

H-3071

- 1 Amend House File 83 as follows:
- 2 1. Page 1, lines 1 and 2, by striking the words
- 3 "OFFENSIVE WEAPONS" and inserting the following:
- 4 "DANGEROUS WEAPONS FROM A MOTOR VEHICLE".
- 5 2. Page 1, line 3, by inserting after the word
- 6 "when" the following: ", while riding in or upon or
- 7 operating a motor vehicle,".
- 8 3. Page 1, line 4, by striking the words "an
- 9 offensive" and inserting the following: "a
- 10 dangerous".
- 11 4. Page 1, line 5, by striking the words "an
- 12 occupied structure" and inserting the following: "a
- 13 dwelling".
- 14 5. Page 1, line 6, by striking the words
- 15 "persons, or" and inserting the following: "persons."
- 16 6. Page 1, by striking line 7 and inserting the
- 17 following:
- 18 "A person commits a class "C" felony when, while
- 19 riding in or upon or operating a motor vehicle, the
- 20 person shoots, throws, launches, or discharges a
- 21 dangerous weapon at or into a dwelling, a motor
- 22 vehicle, or one or more persons and places one or more
- 23 persons who are at or near the place at which".
- 24 7. Page 1, line 8, by striking the word
- 25 "offensive" and inserting the following: "dangerous".
- 26 8. Page 1, line 9, by striking the words "in
- 27 reasonable apprehension" and inserting the following:
- 28 "at risk".
- 29 9. Title page, lines 1 and 2, by striking the
- 30 words "offensive weapons at an occupied structure" and
- 31 inserting the following: "dangerous weapons from a
- 32 motor vehicle at a dwelling".
- 33 10. Title page, line 3, by striking the words "a
- 34 penalty" and inserting the following: "penalties".

By COMMITTEE ON JUDICIARY AND LAW
 ENFORCEMENT
 McNEAL of Hardin, Chairperson

*Adopted 2-24-93
 P. 418*

H-3071 FILED FEBRUARY 16, 1993

HOUSE FILE 83

H-3113

- 1 Amend the amendment, H-3071, to House File 83, as
- 2 follows:
- 3 1. Page 1, by inserting after line 28, the
- 4 following:
- 5 "____. Page 1, by inserting after line 11, the
- 6 following:
- 7 "Sec. ____ This Act, being deemed of immediate
- 8 importance, takes effect upon enactment."
- 9 2. Page 1, by striking line 34, and inserting the
- 10 following: "penalty" and inserting the following:
- 11 "penalties and providing an effective date".

By McCOY of Polk

H-3113 FILED FEBRUARY 18, 1993

*P. 418
 Adopted
 2-24-93*

P. 476) 3-3-93
Senate Sub Comm Judiciary
Sturgeon, Bisognara, Drake

(P. 460) 3/1/93 Senate...
(P. 28) 4/2/93 Comm/As Pass 4/S-3479

HOUSE FILE 83
BY McNEAL, McCOY, and PETERSON

(As Amended and Passed by the House February 24, 1993)

Re-Passed House, Date 4/27/93 (P. 106) Passed Senate, Date 4/26/93 (P. 1343)
Vote: Ayes 97 Nays 1 Vote: Ayes 48 Nays 1
Approved May 11

Repassed 49-0
4-28-93 (P. 1399)

A BILL FOR

1 An Act relating to the discharge of dangerous weapons from a
2 motor vehicle at a dwelling, motor vehicle, or one or more
3 persons and providing penalties and providing an effective
4 date.

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

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House Amendments _____

1 Section 1. NEW SECTION. 708.12 DISCHARGE OF DANGEROUS
2 WEAPONS FROM A MOTOR VEHICLE.

3 A person commits a class "B" felony when, while riding in
4 or upon or operating a motor vehicle, the person shoots,
5 throws, launches, or discharges a dangerous weapon at or into
6 a dwelling, a motor vehicle, or one or more persons and either
7 kills or seriously injures one or more persons.

8 A person commits a class "C" felony when, while riding in
9 or upon or operating a motor vehicle, the person shoots,
10 throws, launches, or discharges a dangerous weapon at or into
11 a dwelling, a motor vehicle, or one or more persons and places
12 one or more persons who are at or near the place at which the
13 dangerous weapon is shot, thrown, launched, or discharged at
14 risk of serious injury or death. For purposes of this
15 section, "motor vehicle" includes any vehicle defined as a
16 motor vehicle in section 321.1. For purposes of this section,
17 "dangerous weapon" means any instrument or device designed
18 primarily for use in inflicting death upon a human being when
19 used in the manner for which it was designed. Dangerous
20 weapons include, but are not limited to, any offensive weapon,
21 pistol, revolver, or other firearm, dagger, razor, stiletto,
22 switchblade knife, or knife having a blade exceeding five
23 inches in length.

24 Sec. 2. This Act, being deemed of immediate importance,
25 takes effect upon enactment.

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S-3479

Amend House File 83, as amended, passed, and reprinted by the House, as follows:

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

"Section 1. Section 708.6, Code 1993, is amended to read as follows:

708.6 TERRORISM.

A person commits a class "C" felony when the person, with the intent to injure or provoke fear or anger in another, shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

A person commits a class "D" felony when the person shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out."

2. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to the offense of terrorism and providing penalties."

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3479 FILED APRIL 13, 1993

Adopted 4-26-93 (P. 1344)

HOUSE FILE 83

S-3499

1 Amend the amendment, S-3479, to House File 83, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 27 the
5 following:

6 "Sec. ____ . NEW SECTION. 731.2A COERCION AND
7 INTIMIDATION PROHIBITED.

8 It shall be unlawful for any person, labor
9 organization, or employer, or any officer, agent, or
10 member of any labor organization or employer, by any
11 threatened or actual intimidation of an employee or
12 prospective employee, or the employee's parents,
13 spouse, children, grandchildren, or any other persons
14 residing in the employee's or prospective employee's
15 home, or by any damage or threatened damage to the
16 employee's property, to compel or attempt to compel
17 such employee to join, affiliate with, or financially
18 support a labor organization or to refrain from doing
19 so, or to otherwise forfeit the employee's rights as
20 guaranteed by this chapter. It shall also be unlawful
21 to cause such employee to be denied employment or
22 discharged from employment because of support or
23 nonsupport of a labor organization by inducing or
24 attempting to induce any other person to refuse to
25 work with such employee."

26 2. Page 1, line 30, by inserting after the word
27 "terrorism" the following: "and certain forms of
28 coercive and intimidating tactics regarding membership
29 in labor organizations".

30 3. By renumbering as necessary.

out of order 4/26/93 By RAY TAYLOR

S-3499 FILED APRIL 15, 1993

HOUSE FILE 83

S-3498

1 Amend the amendment, S-3479, to House File 83, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 27 the
5 following:

6 "Sec. ____ . NEW SECTION. 708.12 ASSAULT AGAINST A
7 PEACE OFFICER.

8 A person who commits an assault, as defined in
9 section 708.1, against a peace officer while the
10 officer is performing the officer's duties is guilty
11 of a class "D" felony."

12 2. Page 1, line 30, by inserting after the word
13 "terrorism" the following: ", establishing the crime
14 of assault against a peace officer,".

15 3. By renumbering as necessary.

out of order 4/26/93 By RAY TAYLOR

S-3498 FILED APRIL 15, 1993

SENATE AMENDMENT TO HOUSE FILE 83

H-4205

1 Amend House File 83, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 708.6, Code 1993, is amended
6 to read as follows:
7 708.6 TERRORISM.

8 A person commits a class "B" "C" felony when the
9 person, with the intent to injure or provoke fear or
10 anger in another, shoots, throws, launches, or
11 discharges a dangerous weapon at, into, or in a
12 building, vehicle, airplane, railroad engine, railroad
13 car, or boat, occupied by another person, or within an
14 assembly of people, and thereby places the occupants
15 or people in reasonable apprehension of serious injury
16 or threatens to commit such an act under circumstances
17 raising a reasonable expectation that the threat will
18 be carried out.

19 A person commits a class "D" felony when the person
20 shoots, throws, launches, or discharges a dangerous
21 weapon at, into, or in a building, vehicle, airplane,
22 railroad engine, railroad car, or boat, occupied by
23 another person, or within an assembly of people, and
24 thereby places the occupants or people in reasonable
25 apprehension of serious injury or threatens to commit
26 such an act under circumstances raising a reasonable
27 expectation that the threat will be carried out."

28 2. Title page, by striking lines 1 through 4 and
29 inserting the following: "An Act relating to the
30 offense of terrorism and providing penalties."

RECEIVED FROM THE SENATE

H-4205 FILED APRIL 26, 1993

House concurred 4/27/93 (p.1706)

HOUSE FILE 83

H-4213

1 Amend the Senate amendment, H-4205, to House File
2 83, as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 27 the
5 following:

6 "Sec. ____ . This Act, being deemed of immediate
7 importance, takes effect upon enactment."

8 2. Page 1, line 30, by inserting after the word
9 "penalties" the following: "and providing an
10 effective date".

11 3. By numbering and renumbering as necessary.

By McCOY of Polk

H-4213 FILED APRIL 27, 1993

Adopt (p. 1706)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 83

S-3656

- 1 Amend the Senate amendment, H-4205, to House File
2 83, as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 27 the
5 following:
6 "Sec. ____ . This Act, being deemed of immediate
7 importance, takes effect upon enactment."
8 2. Page 1, line 30, by inserting after the word
9 "penalties" the following: "and providing an
10 effective date".
11 3. By numbering and renumbering as necessary.
RECEIVED FROM THE HOUSE

S-3656 FILED APRIL 27, 1993

Senate Concurred 4/28/93 (P 1299)

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

HOUSE FILE 83

AN ACT
RELATING TO THE OFFENSE OF TERRORISM AND PROVIDING PENALTIES
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 708.6, Code 1993, is amended to read as follows:

708.6 TERRORISM.

A person commits a class "B" "C" felony when the person, with the intent to injure or provoke fear or anger in another, shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

A person commits a class "D" felony when the person shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 83, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 11, 1993

TERRY E. BRANSTAD
Governor