

3/25/76 Referred to Judiciary

MAR 5 1996

Place On Calendar

HOUSE FILE 2455  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 739)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the definition of deadly force.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2455

1 Section 1. Section 704.2, subsections 3 and 4, Code 1995,  
2 are amended to read as follows:

3 3. The discharge of a firearm, other than a firearm loaded  
4 with less lethal munitions discharged by a peace officer in  
5 the line of duty, in the direction of some person with the  
6 knowledge of the person's presence there, even though no  
7 intent to inflict serious physical injury can be shown.

8 4. The discharge of a firearm, other than a firearm loaded  
9 with less lethal munitions discharged by a peace officer in  
10 the line of duty, at a vehicle in which a person is known to  
11 be.

12 Sec. 2. Section 704.2, Code 1995, is amended by adding the  
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. As used in this section, "less  
15 lethal munitions" means projectiles which are designed to stun  
16 a person and not to penetrate into a person's body.

17 EXPLANATION

18 This bill provides that the use of less lethal munitions by  
19 peace officers in the line of duty is not deadly force. The  
20 bill defines less lethal munitions as projectiles which are  
21 designed to stun a person and not penetrate into a person's  
22 body in the manner of bullets.

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## HOUSE FILE 2455

H-5506

1 Amend House File 2455 as follows:

2 1. Page 1, by inserting after line 16 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 723A.1, subsection 1, Code  
5 Supplement 1995, is amended by adding the following  
6 new paragraph:

7 NEW PARAGRAPH. h. Brandishing a dangerous weapon.  
8 For purposes of this paragraph:

9 (1) "Brandishing a dangerous weapon" means the  
10 display or exhibition of a dangerous weapon, with the  
11 intent to intimidate or threaten another person, or  
12 the actual use of the dangerous weapon in a manner  
13 which is intended to or does cause serious injury or  
14 death.

15 (2) "Dangerous weapon" means either of the  
16 following:

17 (a) An instrument or device designed primarily for  
18 use in inflicting death or injury upon a human being  
19 or animal, and that is capable of inflicting death  
20 upon a human being when used in the manner for which  
21 it was designed.

22 (b) An instrument or device of any sort whatsoever  
23 that is actually used in a manner that indicates the  
24 defendant intends to inflict death or serious injury  
25 upon another person, and that, when so used, is  
26 capable of inflicting death or serious injury upon a  
27 human being."

28 2. Title page, line 1, by inserting after the  
29 word "force" the following: "and the use of deadly  
30 force by criminal street gangs".

31 3. By renumbering as necessary.

By LAMBERTI of Polk  
RANTS of Woodbury  
WARNSTADT of Woodbury

H-5506 FILED MARCH 20, 1996

HSB 739

JUDICIARY  
Succeeded By  
SF/HF 2455

BODDICKER  
SCHULTE  
BELL

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIR-  
PERSON HURLEY)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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