

1-8-96 Judiciary

FILED JAN 8 1996

SENATE FILE 2010  
BY SZYMONIAK

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

A BILL FOR

1 An Act relating to prohibiting the assault of an emergency  
2 medical care provider or a health care provider providing  
3 emergency services in a hospital and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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C.F. 2010

1 Section 1. Section 708.3A, Code Supplement 1995, is  
2 amended to read as follows:

3 708.3A ASSAULTS ON PEACE OFFICERS, AND FIRE FIGHTERS, AND  
4 EMERGENCY-CARE-PROVIDERS.

5 1. A person who commits an assault, as defined in section  
6 708.1, against a peace officer, ~~basic-emergency-medical-care~~  
7 ~~provider-under-chapter-147, an advanced-emergency-medical-care~~  
8 ~~provider-under-chapter-147A,~~ or fire fighter, whether paid or  
9 volunteer, with the knowledge that the person against whom the  
10 assault is committed is a peace officer, ~~basic-emergency~~  
11 ~~medical-care-provider-under-chapter-147, an advanced-emergency~~  
12 ~~medical-care-provider-under-chapter-147A,~~ or fire fighter and  
13 with the intent to inflict a serious injury upon the peace  
14 officer, ~~basic-emergency-medical-care-provider-under-chapter~~  
15 ~~147, an advanced-emergency-medical-care-provider-under-chapter~~  
16 ~~147A,~~ or fire fighter, is guilty of a class "D" felony.

17 2. A person who commits an assault, as defined in section  
18 708.1, against a peace officer, ~~basic-emergency-medical-care~~  
19 ~~provider-under-chapter-147, an advanced-emergency-medical-care~~  
20 ~~provider-under-chapter-147A,~~ or fire fighter, whether paid or  
21 volunteer, who knows that the person against whom the assault  
22 is committed is a peace officer, ~~basic-emergency-medical-care~~  
23 ~~provider-under-chapter-147, an advanced-emergency-medical-care~~  
24 ~~provider-under-chapter-147A,~~ or fire fighter and who uses or  
25 displays a dangerous weapon in connection with the assault, is  
26 guilty of a class "D" felony.

27 3. A person who commits an assault, as defined in section  
28 708.1, against a peace officer, ~~basic-emergency-medical-care~~  
29 ~~provider-under-chapter-147, an advanced-emergency-medical-care~~  
30 ~~provider-under-chapter-147A,~~ or fire fighter, whether paid or  
31 volunteer, who knows that the person against whom the assault  
32 is committed is a peace officer, ~~basic-emergency-medical-care~~  
33 ~~provider-under-chapter-147, an advanced-emergency-medical-care~~  
34 ~~provider-under-chapter-147A,~~ or fire fighter, and who causes  
35 bodily injury or disabling mental illness, is guilty of an

1 aggravated misdemeanor.

2 4. Any other assault, as defined in section 708.1,  
3 committed against a peace officer, ~~basic-emergency-medical~~  
4 ~~care-provider-under-chapter-147, an advanced-emergency-medical~~  
5 ~~care-provider-under-chapter-147A,~~ or fire fighter, whether  
6 paid or volunteer, by a person who knows that the person  
7 against whom the assault is committed is a peace officer,  
8 ~~basic-emergency-medical-care-provider-under-chapter-147, an~~  
9 ~~advanced-emergency-medical-care-provider-under-chapter-147A,~~  
10 or fire fighter, is a serious misdemeanor.

11 Sec. 2. NEW SECTION. 708.3B ASSAULTS ON EMERGENCY HEALTH  
12 CARE PROVIDERS.

13 1. A person who commits an assault, as defined in section  
14 708.1, against an emergency health care provider, with the  
15 knowledge that the person against whom the assault is  
16 committed is an emergency health care provider and with the  
17 intent to inflict a serious injury upon the emergency health  
18 care provider, is guilty of a class "D" felony.

19 2. A person who commits an assault, as defined in section  
20 708.1, against an emergency health care provider, who knows  
21 that the person against whom the assault is committed is an  
22 emergency health care provider and who uses or displays a  
23 dangerous weapon in connection with the assault, is guilty of  
24 a class "D" felony.

25 3. A person who commits an assault, as defined in section  
26 708.1, against an emergency health care provider, who knows  
27 that the person against whom the assault is committed is an  
28 emergency health care provider and who causes bodily injury or  
29 disabling mental illness, is guilty of an aggravated  
30 misdemeanor.

31 4. Any other assault, as defined in section 708.1,  
32 committed against an emergency health care provider by a  
33 person who knows that the person against whom the assault is  
34 committed is an emergency health care provider, is guilty of a  
35 serious misdemeanor.

1 5. As used in this section, "emergency health care  
2 provider" means an emergency medical care provider as defined  
3 in chapter 147A or a person licensed under chapter 148, 148C,  
4 150, 150A, or 152 who is authorized to provide and is  
5 providing emergency services in a hospital.

6 EXPLANATION

7 This bill establishes penalties for the assault of  
8 emergency health care providers. An emergency health care  
9 provider is defined in the bill as an emergency medical care  
10 provider or a licensed physician or surgeon, physician  
11 assistant, osteopath, osteopathic physician or surgeon, or  
12 nurse who is authorized and is providing emergency services in  
13 a hospital.

14 If the person committing the assault commits the assault  
15 with the knowledge that the person, against whom the assault  
16 is committed, is an emergency health care provider and either  
17 has the intent of inflicting serious injury or uses or  
18 displays a dangerous weapon in connection with the assault,  
19 the person is guilty of a class "D" felony which carries a  
20 maximum sentence of confinement for no more than five years  
21 and in addition a possible fine of at least \$500 but not more  
22 than \$7,500. If the person committing the assault commits the  
23 assault with the knowledge that the person against whom the  
24 assault is committed is an emergency health care provider and  
25 causes bodily injury or disabling mental illness, the person  
26 is guilty of an aggravated misdemeanor which carries a maximum  
27 sentence of imprisonment not to exceed two years and a fine of  
28 at least \$500 but not to exceed \$5,000. If the person commits  
29 any other type of assault and the person knows that the person  
30 against whom the assault is committed is an emergency health  
31 care provider, the person is guilty of a serious misdemeanor  
32 for which the maximum sentence is a fine of at least \$250 but  
33 not to exceed \$1,500 and the possibility of imprisonment not  
34 to exceed one year.

35 The bill also amends existing law to separate the

1 provisions relating to peace officers and fire fighters from  
2 those relating to emergency health care providers.

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SENATE FILE 2010  
FISCAL NOTE

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- The estimate for Senate File 2010 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
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Senate File 2010 prohibits the assault of an emergency medical care provider providing emergency services in a hospital and provides penalties.

ASSUMPTIONS

Senate File 2010 contains no substantive changes to existing law.

CORRECTIONAL IMPACT

It is anticipated that any impact would not be significant.

FISCAL IMPACT

Senate File 2010 would have no significant fiscal impact.

SOURCES

Department of Human Services  
Criminal and Juvenile Planning Division  
Department of Corrections

(LSB 3007ss, PQP)

FILED FEBRUARY 6, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR