

H- 3/19/96 Judiciary
H- 3/25/96 Do Pass

FILED FEB 9 1996

SENATE FILE 2167
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2010)

Passed Senate, Date 3-18-96 (p.827) Passed House, Date 4/1/96 (p.1132)
Vote: Ayes 49 Nays 1 Vote: Ayes 99 Nays 0
Approved April 8, 1996

A BILL FOR

1 An Act relating to prohibiting the assault of a health care
2 provider and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2167

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

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

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

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

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

1 fighter, and who causes bodily injury or disabling mental
2 illness, is guilty of an aggravated misdemeanor.

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

12 5. As used in this section, "health care provider" means
13 an emergency medical care provider as defined in chapter 147A
14 or a person licensed or registered under chapter 148, 148C,
15 148D, 150, 150A, or 152 who is providing or who is attempting
16 to provide emergency medical services, as defined in section
17 147A.1, or who is providing or who is attempting to provide
18 health services as defined in section 135.61 in a hospital. A
19 person who commits an assault under this section against a
20 health care provider in a hospital, or at the scene or during
21 out-of-hospital patient transportation in an ambulance, is
22 presumed to know that the person against whom the assault is
23 committed is a health care provider.

24 EXPLANATION

25 This bill establishes penalties for the assault of health
26 care providers. A health care provider is defined in the bill
27 as an emergency medical care provider or a licensed physician
28 or surgeon, physician assistant, resident physician,
29 osteopath, osteopathic physician or surgeon, or nurse who is
30 providing or who is attempting to provide emergency medical
31 services, or who is providing or attempting to provide health
32 services in a hospital.

33 If the person committing the assault commits the assault
34 with the knowledge that the person, against whom the assault
35 is committed, is a health care provider and either has the

1 intent of inflicting serious injury or uses or displays a
2 dangerous weapon in connection with the assault, the person is
3 guilty of a class "D" felony which carries a maximum sentence
4 of confinement for no more than five years and in addition a
5 possible fine of at least \$500 but not more than \$7,500. If
6 the person committing the assault commits the assault with the
7 knowledge that the person against whom the assault is
8 committed is a health care provider and causes bodily injury
9 or disabling mental illness, the person is guilty of an
10 aggravated misdemeanor which carries a maximum sentence of
11 imprisonment not to exceed two years and a fine of at least
12 \$500 but not to exceed \$5,000. If the person commits any
13 other type of assault and the person knows that the person
14 against whom the assault is committed is a health care
15 provider, the person is guilty of a serious misdemeanor for
16 which the maximum sentence is a fine of at least \$250 but not
17 to exceed \$1,500 and the possibility of imprisonment not to
18 exceed one year. The bill also provides that a person who
19 commits an assault under the bill against a health care
20 provider in a hospital or at the scene or during out of
21 hospital patient transportation in an ambulance is presumed to
22 know that the person against whom the assault is committed is
23 a health care provider.

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SENATE FILE 2167
FISCAL NOTE

The estimate for Senate File 2167 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.

Senate File 2167 prohibits the assault of an emergency health care provider providing emergency services in a hospital and provides penalties.

ASSUMPTIONS

Senate File 2167 contains no substantive changes to existing law.

CORRECTIONAL IMPACT

It is anticipated that any impact would have no significant effect on prison populations.

FISCAL IMPACT

Senate File 2167 would have no significant fiscal impact.

SOURCES

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

(LSB 3007sv, PQP)

FILED FEBRUARY 14, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2167

H-5730

1 Amend Senate File 2167 as passed by the Senate, as
2 follows:

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

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

7 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS,
8 AND EMERGENCY CARE PROVIDERS.

9 1. A person who commits an assault, as defined in
10 section 708.1, against a peace officer, ~~basic~~
11 ~~emergency-medical-care-provider-under-chapter-1477-an~~
12 ~~advanced~~ emergency medical care provider under chapter
13 147A, or fire fighter, whether paid or volunteer, with
14 the knowledge that the person against whom the assault
15 is committed is a peace officer, ~~basic-emergency~~
16 ~~medical-care-provider-under-chapter-1477-an-advanced~~
17 emergency medical care provider under chapter 147A, or
18 fire fighter and the intent to inflict a serious
19 injury upon the peace officer, ~~basic-emergency-medical~~
20 ~~care-provider-under-chapter-1477-an-advanced~~ emergency
21 medical care provider under chapter 147A, or fire
22 fighter, is guilty of a class "D" felony.

23 2. A person who commits an assault, as defined in
24 section 708.1, against a peace officer, ~~basic~~
25 ~~emergency-medical-care-provider-under-chapter-1477-an~~
26 ~~advanced~~ emergency medical care provider under chapter
27 147A, or fire fighter, whether paid or volunteer, who
28 knows that the person against whom the assault is
29 committed is a peace officer, ~~basic-emergency-medical~~
30 ~~care-provider-under-chapter-1477-an-advanced~~ emergency
31 medical care provider under chapter 147A, or fire
32 fighter and who uses or displays a dangerous weapon in
33 connection with the assault, is guilty of a class "D"
34 felony.

35 3. A person who commits an assault, as defined in
36 section 708.1, against a peace officer, ~~basic~~
37 ~~emergency-medical-care-provider-under-chapter-1477-an~~
38 ~~advanced~~ emergency medical care provider under chapter
39 147A, or fire fighter, whether paid or volunteer, who
40 knows that the person against whom the assault is
41 committed is a peace officer, ~~basic-emergency-medical~~
42 ~~care-provider-under-chapter-1477-an-advanced~~ emergency
43 medical care provider under chapter 147A, or fire
44 fighter, and who causes bodily injury or disabling
45 mental illness, is guilty of an aggravated
46 misdemeanor.

47 4. Any other assault, as defined in section 708.1,
48 committed against a peace officer, ~~basic-emergency~~
49 ~~medical-care-provider-under-chapter-1477-an-advanced~~
50 emergency medical care provider under chapter 147A, or

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1 fire fighter, whether paid or volunteer, by a person
2 who knows that the person against whom the assault is
3 committed is a peace officer, ~~basic-emergency-medical~~
4 ~~care-provider-under-chapter-147, an-advanced~~ emergency
5 medical care provider under chapter 147A, or fire
6 fighter, is a serious misdemeanor.

7 Sec. 2. NEW SECTION. 708A.1 INTERFERENCE WITHIN
8 SCOPE OF DUTY -- HEALTH CARE PROVIDERS.

9 1. A person who knowingly interferes with or
10 obstructs anyone known by the person to be a health
11 care provider, whether paid or volunteer, in the
12 performance of any act which is within the scope of
13 the duty or authority of that health care provider,
14 whether paid or volunteer, commits a serious
15 misdemeanor.

16 2. A person who knowingly interferes with or
17 obstructs anyone known by the person to be a health
18 care provider, whether paid or volunteer, in the
19 performance of any act which is within the scope of
20 the duty or authority of that health care provider,
21 whether paid or volunteer, and in so doing inflicts
22 bodily injury other than serious injury, commits an
23 aggravated misdemeanor.

24 3. A person who knowingly interferes with or
25 obstructs anyone known by the person to be a health
26 care provider, whether paid or volunteer, in the
27 performance of any act which is within the scope of
28 the duty or authority of that health care provider,
29 whether paid or volunteer, and in so doing inflicts or
30 attempts to inflict serious injury, or displays a
31 dangerous weapon, as defined in section 702.7, or is
32 armed with a firearm, commits a class "D" felony.

33 4. As used in this section, "health care provider"
34 means an emergency medical care provider as defined in
35 chapter 147A or a person licensed, registered, or
36 regulated under chapter 148, 148C, 148D, 150, 150A, or
37 152, who is providing or who is attempting to provide
38 emergency medical services, as defined in section
39 147A.1, or who is providing or who is attempting to
40 provide health services, as defined in section 135.61,
41 in a hospital. A person who knowingly interferes with
42 or obstructs a health care provider, whether paid or
43 volunteer, in the performance of any act which is in
44 the scope of the duty of that health care provider, in
45 the hospital, or at the scene or during out-of-
46 hospital patient transportation in an ambulance, is
47 presumed to know that the person against whom the
48 interference or obstruction is committed is a health
49 care provider.

50 Sec. 3. Section 719.1, subsection 1, Code

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Page 3

- 1 Supplement 1995, is amended to read as follows:
2 1. A person who knowingly resists or obstructs
3 anyone known by the person to be a peace officer,
4 ~~basic-emergency-medical-care-provider-under-chapter~~
5 ~~147,-an-advanced-emergency-medical-care-provider-under~~
6 ~~chapter-147A,~~ or fire fighter, whether paid or
7 volunteer, in the performance of any act which is
8 within the scope of the lawful duty or authority of
9 that officer,~~basic-emergency-medical-care-provider~~
10 ~~under-chapter-147,-an-advanced-emergency-medical-care~~
11 ~~provider-under-chapter-147A,~~ or fire fighter, whether
12 paid or volunteer, or who knowingly resists or
13 obstructs the service or execution by any authorized
14 person of any civil or criminal process or order of
15 any court, commits a serious misdemeanor. However, if
16 a person commits an interference with official acts,
17 as defined in this subsection, and in so doing
18 inflicts bodily injury other than serious injury, that
19 person commits an aggravated misdemeanor. If a person
20 commits an interference with official acts, as defined
21 in this subsection, and in so doing inflicts or
22 attempts to inflict serious injury, or displays a
23 dangerous weapon, as defined in section 702.7, or is
24 armed with a firearm, that person commits a class "D"
25 felony."
26 2. Title page, line 1, by striking the word
27 "assault" and inserting the following: "interference
28 or obstruction of the performance of the duties".
29 3. Title page, line 2, by inserting after the
30 word "provider" the following: ", making conforming
31 changes,".

By MORELAND of Wapello

H-5730 FILED MARCH 28, 1996

WITHDRAWN 4/1/96 (p. 1131)

SENATE FILE 2167

AN ACT

RELATING TO PROHIBITING THE ASSAULT OF A HEALTH CARE PROVIDER
AND PROVIDING PENALTIES.

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

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

708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND EMERGENCY HEALTH CARE PROVIDERS.

1. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic-emergency-medical~~ health care provider under chapter-147, ~~an-advanced-emergency-medical care-provider-under-chapter-147A7~~ or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, ~~basic emergency-medical~~ health care provider under chapter-147, ~~an advanced-emergency-medical-care-provider-under-chapter-147A7~~ or fire fighter and with the intent to inflict a serious injury upon the peace officer, ~~basic-emergency-medical~~ health care provider under chapter-147, ~~an-advanced-emergency-medical care-provider-under-chapter-147A7~~ or fire fighter, is guilty of a class "D" felony.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic-emergency-medical~~ health care provider under chapter-147, ~~an-advanced-emergency-medical care-provider-under-chapter-147A7~~ or fire fighter, whether

paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, ~~basic-emergency medical~~ health care provider under chapter-147, ~~an-advanced emergency-medical-care-provider-under-chapter-147A7~~ or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic-emergency-medical~~ health care provider under chapter-147, ~~an-advanced-emergency-medical care-provider-under-chapter-147A7~~ or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, ~~basic-emergency medical~~ health care provider under chapter-147, ~~an-advanced emergency-medical-care-provider-under-chapter-147A7~~ or fire fighter, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, ~~basic-emergency-medical~~ health care provider under chapter-147, ~~an-advanced-emergency medical-care-provider-under-chapter-147A7~~ or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, ~~basic-emergency-medical~~ health care provider under chapter-147, ~~an-advanced-emergency-medical-care-provider-under chapter-147A7~~ or fire fighter, is a serious misdemeanor.

5. As used in this section, "health care provider" means an emergency medical care provider as defined in chapter 147A or a person licensed or registered under chapter 148, 148C, 148D, 150, 150A, or 152 who is providing or who is attempting to provide emergency medical services, as defined in section 147A.1, or who is providing or who is attempting to provide health services as defined in section 135.61 in a hospital. A person who commits an assault under this section against a health care provider in a hospital, or at the scene or during out-of-hospital patient transportation in an ambulance, is

presumed to know that the person against whom the assault is committed is a health care provider.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2167, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 8, 1996

TERRY E. BRANSTAD
Governor