

3/25/96 Judiciary

FILED MAR 4 1996

SENATE FILE 2416
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2048)

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

A BILL FOR

1 An Act relating to the harassment of public officials and
2 establishing a penalty.

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

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SENATE FILE 2416

S-5296

- 1 Amend Senate File 2416 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "misdemeanor." the following: "As used in this
- 4 section, a person, includes, but is not limited to, a
- 5 public official and a public employee."
- 6 2. By renumbering as necessary.

By MARY LUNDBY

S-5296 FILED MARCH 12, 1996

S.F. 2416

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1 Section 1. Section 718.4, Code 1995, is amended to read as
2 follows:

3 718.4 HARASSMENT OF ~~PUBLIC-OFFICERS~~ PUBLIC OFFICIALS AND
4 PUBLIC EMPLOYEES.

5 1. Any A person who willfully prevents or attempts to
6 prevent any a public officer official, as defined in section
7 68B.2, or public employee, as defined in section 68B.2, from
8 performing the ~~officer's~~ public official's or public
9 employee's duty commits a simple misdemeanor.

10 2. A person who, in relation to the performance of an
11 official duty by a public official, threatens, intimidates, or
12 forcibly interferes with the public official, commits
13 harassment of a public official.

14 a. A person commits harassment in the first degree when
15 the person commits harassment of a public official involving a
16 threat to commit a forcible felony or by forcibly interfering
17 with a public official. Harassment in the first degree is an
18 aggravated misdemeanor.

19 b. A person commits harassment in the second degree when
20 the person commits harassment of a public official involving a
21 threat to commit bodily injury. Harassment in the second
22 degree is a serious misdemeanor.

23 c. Any other act of harassment of a public official is
24 harassment in the third degree and is a simple misdemeanor.

25 EXPLANATION

26 The bill amends the section on harassment of public
27 officers and employees by striking the terms "public officer"
28 and "employee" and substituting "public official" and "public
29 employee". The bill uses the definitions of "public official"
30 and "public employee" from section 68B.2 of the Code. Section
31 68B.2 defines "public official" to mean officials, local
32 officials, and members of the general assembly. Section 68B.2
33 defines "public employee" to mean state employees, legislative
34 employees, and local employees. The terms "public officer"
35 and "employee" in section 718.4 are currently not defined.

1 The bill provides that a person who willfully prevents or
2 attempts to prevent a public official or public employee from
3 performing the public official's or public employee's duty
4 commits a simple misdemeanor.

5 The bill provides that a person who, in relation to the
6 performance of an official duty by a public official,
7 threatens, intimidates, or forcibly interferes with the public
8 official, commits harassment of a public official. The bill
9 provides that harassment of a public official constitutes the
10 crime of harassment in the first, second, or third degree.
11 The criminal penalties for and the definitions of first,
12 second, and third degree harassment in the bill are similar to
13 those in section 708.7 of the Code dealing with harassment.

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**SENATE FILE 2416
FISCAL NOTE**

The estimate for Senate File 2416 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 2416 amends the section on harassment of public officers and employees by striking the terms "public officer" and "employee" and substituting "public official" and "public employee". The bill provides that a person who willfully prevents or attempts to prevent a public official or public employee from performing their duty commits a simple misdemeanor. The bill also provides that a person who, in relation to the performance of an official duty by a public official, threatens, intimidates, or forcibly interferes with the public official, commits harassment of a public official. Harassment of a public official constitutes the crime of harassment in the first, second, or third degree. The criminal penalties are similar to those in Section 708.7, Code of Iowa dealing with harassment.

ASSUMPTIONS

Acts covered under the provisions of Senate File 2416 may currently be handled under Section 708.7, Code of Iowa (Harassment)

CORRECTIONAL IMPACT

Because the offenses created by Senate File 2416 may currently be handled under Section 708.7, Code of Iowa, there would be no significant correctional impact as a result of this bill.

FISCAL IMPACT

There would be no significant fiscal impact as a result of this bill.

SOURCES

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

(LSB 3204SV, PQP)

FILED MARCH 11, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Boettger
Giannetto
Vilsack
Halvorson
Maddox

SSB-2048
Judiciary
Succeeded By
SF 2416

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

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14 BACKGROUND STATEMENT

15 SUBMITTED BY THE AGENCY

16 Threats have been made against public officials due solely
17 to the public official's action in administering the law.
18 Chapter 708 does not specifically address these actions when
19 they are made against public officials due to actions they
20 take in the performance of their duties. This proposal adds
21 to language already in the Code and maintains the same penalty
22 structure for harassment as that found in section 708.7.

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