

Reprinted

FILED MAR 20 1995

SENATE FILE 417
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 311)

Passed Senate, Date (P. 824) 3/22/95 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the crime of assault, by changing the elements
2 of assault without intent but causing injury, creating the
3 crimes of intentional assault causing injury and assault
4 causing serious injury, and providing penalties.

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

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SENATE FILE 417

S-3197

1 Amend Senate File 417 as follows:
2 1. Page 1, by striking lines 13 through 16.
By RANDAL J. GIANNETTO

S-3197 FILED MARCH 22, 1995
ADOPTED (P 824)

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S.F. 417

1 Section 1. Section 708.2, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. A person who commits an assault, as defined in section
4 708.1, ~~without-the-intent-to-inflict-a-serious-injury-upon~~
5 ~~another~~, and who causes bodily injury or ~~disabling~~ mental
6 illness, is guilty of a serious misdemeanor.

7 Sec. 2. NEW SECTION. 708.4A INTENTIONAL ASSAULT CAUSING
8 INJURY.

9 Any person who does an act which is not justified and which
10 is intended to cause serious injury to another, but which
11 causes bodily injury or mental illness which is not a serious
12 injury, commits a class "D" felony.

13 Sec. 3. NEW SECTION. 708.4B ASSAULT CAUSING SERIOUS
14 INJURY.

15 Any person who does an act which is not justified and which
16 causes serious injury to another commits a class "D" felony.

17 EXPLANATION

18 This bill strikes from the serious misdemeanor form of
19 assault which results in bodily injury or mental illness a
20 requirement that the state prove a lack of intent to inflict a
21 serious injury, or that the mental illness resulting from the
22 act be disabling. Two new forms of assault are created: an
23 assault with intent to cause serious injury but which results
24 in bodily injury or mental illness that does not amount to
25 serious injury and assault which results in serious injury.
26 Serious injury is defined in section 702.18 to mean a
27 disabling mental illness or bodily injury which creates a
28 substantial risk of death or which causes serious permanent
29 disfigurement, or protracted loss or impairment of the
30 function of any bodily member or organ, and includes but is
31 not limited to skull fractures, rib fractures, and metaphyseal
32 fractures of the long bones of children under the age of four
33 years.

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**SENATE FILE 417
FISCAL NOTE**

The estimate for Senate File 417 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 417 redefines assault and creates a new assault offense. An assault causing bodily injury or mental illness, regardless of intent, is a serious misdemeanor. An assault with intent to cause serious injury but which causes an injury or mental illness that is not serious is a Class D felony.

Assumptions:

1. Charge, conviction, and sentencing patterns will remain stable.
2. Prisoner length of stay, revocation rates, and other correctional policies will remain unchanged.
3. The budgeted marginal cost for each additional prison inmate is \$10 per day.

Correctional Impact:

This change in the penalties for assault will increase the prison population by 30 inmates in FY 1996 and by another 73 inmates in FY 1997. From FY 1997 forward, there will be an additional 103 inmates in prison because of this change.

Fiscal Impact:

The increases to the prison population will cost the Department of Corrections \$110,000 in FY 1996, and \$376,000 annually in the following years.

Sources:

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections (LSB 2232sv, MDF)

FILED MARCH 28, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 417
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 311)

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1995)

* - Language Stricken by the Senate

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4 ~~708.1, without-the-intent-to-inflict-a-serious-injury-upon~~
5 ~~another~~, and who causes bodily injury or ~~disabling~~ mental
6 illness, is guilty of a serious misdemeanor.

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Giannetto, Chair
Vilsack
Bisignano
Mc Keaw
Redfern

SSB 311
Judiciary

Succeeded By
SENATE FILE HE 417
BY (PROPOSED COMMITTEE ON
JUDICIARY BY CHAIR-
PERSON GIANNETTO)

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