

SENATE FILE 86
BY REDFERN, BANKS, GIANNETTO,
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VILSACK

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

A BILL FOR

1 An Act to prohibit assaults upon peace officers and fire fighters
2 by providing penalties and enhancing penalties for resisting
3 or obstructing peace officers and fire fighters who are
4 performing their duties.

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

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S.F. 86

1 Section 1. NEW SECTION. 708.3A ASSAULTS ON PEACE
2 OFFICERS AND FIRE FIGHTERS.

3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer or fire fighter, whether paid
5 or volunteer, with the intent to inflict a serious injury upon
6 the peace officer or fire fighter, is guilty of a class "D"
7 felony.

8 2. A person who commits an assault, as defined in section
9 708.1, against a peace officer or fire fighter, whether paid
10 or volunteer, and uses or displays a dangerous weapon in
11 connection with the assault, is guilty of a class "D" felony.

12 3. A person who commits an assault, as defined in section
13 708.1, against a peace officer or fire fighter, whether paid
14 or volunteer, without the intent to inflict a serious injury
15 upon another, and who causes bodily injury or disabling mental
16 illness, is guilty of an aggravated misdemeanor.

17 4. Any other assault, as defined in section 708.1,
18 committed against a peace officer or fire fighter, whether
19 paid or volunteer, is a serious misdemeanor.

20 Sec. 2. Section 719.1, subsection 1, Code 1995, is amended
21 to read as follows:

22 1. A person who knowingly resists or obstructs anyone
23 known by the person to be a peace officer or fire fighter,
24 whether paid or volunteer, in the performance of any act which
25 is within the scope of the lawful duty or authority of that
26 officer or fire fighter, whether paid or volunteer, or who
27 knowingly resists or obstructs the service or execution by any
28 authorized person of any civil or criminal process or order of
29 any court, commits a ~~simple~~ serious misdemeanor. However, if
30 a person commits an interference with official acts, as
31 defined in this subsection, and in so doing inflicts bodily
32 injury other than serious injury, that person commits a
33 serious an aggravated misdemeanor. If a person commits an
34 interference with official acts, as defined in this
35 subsection, and in so doing inflicts or attempts to inflict

1 serious injury, or displays a dangerous weapon, as defined in
2 section 702.7, or is armed with a firearm, that person commits
3 an-aggravated-misdemeanor a class "D" felony.

4 EXPLANATION

5 This bill creates the offense of assault upon a peace
6 officer or fire fighter. Assault upon a peace officer or fire
7 fighter is a class "D" felony if the assault is committed with
8 the intent to inflict serious injury or a dangerous weapon is
9 displayed or used in the commission of the assault. If the
10 assault is committed without the intent to inflict serious
11 injury but bodily injury or disabling mental illness is caused
12 as a result of the assault, then the person is guilty of an
13 aggravated misdemeanor. All other assaults against peace
14 officers or fire fighters are serious misdemeanors.

15 The bill also enhances the penalties applicable to inter-
16 ference with official acts of peace officers and fire
17 fighters. Interference which involves the infliction or
18 attempt to inflict serious injury is enhanced from an
19 aggravated misdemeanor to a class "D" felony. Interference
20 which results in bodily injury other than serious injury is
21 enhanced from a serious to an aggravated misdemeanor. Other
22 forms of interference are elevated from a simple to a serious
23 misdemeanor.

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