

# Senate Study Bill 2048

## Conference Committee Text

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1 1 Section 1. Section [718.4](#), Code 1995, is amended to read as  
1 2 follows:

1 3 718.4 HARASSMENT OF

~~PUBLIC OFFICERS~~

- PUBLIC OFFICIALS AND

1 4 PUBLIC EMPLOYEES.

1 5 1.

~~Any~~

- A person who willfully prevents or attempts to  
1 6 prevent

~~any~~

- a public

~~officer~~

- official, as defined in section

1 7 68B.2, or public employee, as defined in section 68B.2, from  
1 8 performing the

~~officer's~~

- public official's or public

1 9 employee's duty commits a simple misdemeanor.

1 10 2. A person who, in relation to the performance of an  
1 11 official duty by a public official, threatens, intimidates, or  
1 12 forcibly interferes with the public official, commits  
1 13 harassment of a public official.

1 14 a. A person commits harassment in the first degree when  
1 15 the person commits harassment of a public official involving a  
1 16 threat to commit a forcible felony or by forcibly interfering  
1 17 with a public official. Harassment in the first degree is an  
1 18 aggravated misdemeanor.

1 19 b. A person commits harassment in the second degree when  
1 20 the person commits harassment of a public official involving a  
1 21 threat to commit bodily injury. Harassment in the second  
1 22 degree is a serious misdemeanor.

1 23 c. Any other act of harassment of a public official is  
1 24 harassment in the third degree and is a simple misdemeanor.

1 25 EXPLANATION

1 26 The bill amends the section on harassment of public  
1 27 officers and employees by striking the terms "public officer"  
1 28 and "employee" and substituting "public official" and "public  
1 29 employee". The bill uses the definitions of "public official"  
1 30 and "public employee" from section 68B.2 of the Code. Section  
1 31 68B.2 defines "public official" to mean officials, local  
1 32 officials, and members of the general assembly. Section 68B.2  
1 33 defines "public employee" to mean state employees, legislative  
1 34 employees, and local employees. The terms "public officer"  
1 35 and "employee" in section 718.4 are currently not defined.

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

2 5 The bill provides that a person who, in relation to the  
2 6 performance of an official duty by a public official,

2 7 threatens, intimidates, or forcibly interferes with the public  
2 8 official, commits harassment of a public official. The bill  
2 9 provides that harassment of a public official constitutes the  
2 10 crime of harassment in the first, second, or third degree.  
2 11 The criminal penalties for and the definitions of first,  
2 12 second, and third degree harassment in the bill are similar to  
2 13 those in section 708.7 of the Code dealing with harassment.

2 14 BACKGROUND STATEMENT

2 15 SUBMITTED BY THE AGENCY

2 16 Threats have been made against public officials due solely  
2 17 to the public official's action in administering the law.  
2 18 Chapter 708 does not specifically address these actions when  
2 19 they are made against public officials due to actions they  
2 20 take in the performance of their duties. This proposal adds  
2 21 to language already in the Code and maintains the same penalty  
2 22 structure for harassment as that found in section 708.7.

2 23 LSB 3204DP 76

2 24 kah/jj/8