

FEB 10 1997

JUDICIARY

HOUSE FILE

186

BY MURPHY

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act to prohibit the disarming of a peace officer and providing  
2 penalties.

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

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HF 186

1 Section 1. NEW SECTION. 719.2A DISARMING A PEACE OFFICER  
2 -- PENALTIES.

3 1. A person commits the offense of disarming a peace  
4 officer if the person removes a firearm from the person of a  
5 peace officer, or deprives a peace officer of the use of a  
6 firearm assigned for use by the peace officer and all of the  
7 following circumstances apply:

8 a. The officer is acting within the scope of the lawful  
9 duty or authority of that officer.

10 b. The person who removes or deprives the officer of the  
11 firearm knows or reasonably should know that the officer is a  
12 peace officer.

13 c. The person removing or depriving the peace officer of  
14 the firearm is not another peace officer or does not have the  
15 express or implied permission of the peace officer to take  
16 possession of the firearm.

17 2. A person who commits the offense of disarming a peace  
18 officer commits a class "D" felony.

19 3. A person who attempts to commit the offense of  
20 disarming a peace officer as provided in subsection 1 commits  
21 an aggravated misdemeanor if the firearm discharges during the  
22 attempt. A person who attempts to commit the offense of  
23 disarming a peace officer as provided in subsection 1 commits  
24 a serious misdemeanor if the firearm does not discharge during  
25 the attempt.

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#### EXPLANATION

27 This bill establishes the new offense of disarming a peace  
28 officer. A person commits the offense when the person removes  
29 or deprives a peace officer of the peace officer's assigned  
30 firearm and the peace officer is acting within the peace  
31 officer's duties or authority, the person knows or should know  
32 that the peace officer is a peace officer, and the person who  
33 is removing or depriving the peace officer is either not  
34 another peace officer or does not have the express or implied  
35 permission of the peace officer to take possession of the

1 weapon.

2     The offense of disarming a peace officer is a class "D"  
3 felony punishable by confinement of no more than five years  
4 and a possible fine of at least \$500 but not more than \$7,500.  
5 Attempts to disarm a peace officer in which the firearm  
6 discharges are aggravated misdemeanors punishable by  
7 imprisonment not to exceed two years and a possible fine of at  
8 least \$500 but not more than \$5,000. Attempts to disarm a  
9 peace officer in which the firearm does not discharge are  
10 serious misdemeanors punishable by a fine of at least \$250 but  
11 not more than \$1,500 and possible imprisonment not to exceed  
12 one year.

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**HOUSE FILE 186  
FISCAL NOTE**

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The estimate for House File 186 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.

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House File 186 establishes the new offense of disarming a peace officer. A person commits the offense when the person removes or deprives a peace officer of the peace officer's assigned firearm and the peace officer is acting within the peace officer's duties or authority, the person knows or should know that the peace officer is a peace officer, and the person who is removing or depriving the peace officer is either not another peace officer or does not have the express or implied permission of the peace officer to take possession of the weapon.

**CORRECTIONAL IMPACT**

There is insufficient information available to provide an accurate estimate of the correctional impact of House File 186. However, any impact is not expected to be significant.

**FISCAL IMPACT**

Because the number of cases involving this crime are unknown, an accurate estimate cannot be provided. It is anticipated that House File 186 would have no significant impact.

**SOURCE**

Judicial Department  
Department of Corrections

(LSB 1766hh, TCF)

FILED MARCH 19, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR