

3/19/98 Judiciary

FEB 17 1998
Place On Calendar

HOUSE FILE 2286
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 565)

Passed House, Date 3/19/98 (P. 815) Passed Senate, Date _____
Vote: Ayes 96 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating the new criminal offense of disarming a peace
2 officer.

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

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HF 2286

1 Section 1. NEW SECTION. 708.12 DISARMING A PEACE
2 OFFICER.

3 1. A person who knowingly or intentionally removes or
4 attempts to remove a firearm or weapon from the possession of
5 a peace officer, when the officer is in the performance of any
6 act which is within the scope of the lawful duty or authority
7 of that officer and the person knew or should have known the
8 individual to be a peace officer, commits the offense of
9 disarming a peace officer.

10 2. A person who disarms or attempts to disarm a peace
11 officer is guilty of a class "D" felony.

12 3. A person who knowingly or intentionally discharges the
13 officer's firearm or weapon while disarming or attempting to
14 disarm a peace officer commits a class "C" felony.

15 EXPLANATION

16 This bill creates the new criminal offense of disarming a
17 weapon from a peace officer. A person must intentionally
18 remove or attempt to remove a weapon from the control of an
19 officer that is on duty. If a person removes or attempts to
20 remove the weapon from the control of an officer, the person
21 is guilty of a class "D" felony. If a person intentionally
22 discharges the weapon during the commission of the offense,
23 the person is guilty of a class "C" felony.

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HOUSE FILE 2286
FISCAL NOTE

The estimate for House File 2286 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.

House File 2286 creates a new crime of disarming a peace officer. Disarming or attempting to disarm a police officer is a Class D felony. Intentionally discharging the weapon during the disarming or attempt to disarm is a Class C felony.

CORRECTIONAL AND FISCAL IMPACT

Information to estimate the impact of this Bill is not available.

SOURCE:

Criminal and Juvenile Justice Planning Division,
Department of Human Rights

(LSB 3636hv, MDF)

FILED FEBRUARY 18, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

*Booicker, CR
Sinkla
Bell*

HSB 565

JUDICIARY

Succeeded By

SP/HF 2286

HOUSE FILE

BY (PROPOSED COMMITTEE ON

JUDICIARY BILL BY

CHAIRPERSON LAMBERTI)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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1 Section 1: NEW SECTION. 708.12 DISARMING A PEACE
2 OFFICER.

3 1. A person who knowingly or intentionally removes or
4 attempts to remove a firearm or weapon from the possession of
5 a peace officer, when the officer is in the performance of any
6 act which is within the scope of the lawful duty or authority
7 of that officer and the person knew or should have known the
8 individual to be a peace officer, commits the offense of
9 disarming a peace officer.

10 2. A person who attempts to disarm a peace officer is
11 guilty of an aggravated misdemeanor.

12 3. A person who disarms a peace officer is guilty of a
13 class "D" felony.

14 4. A person who knowingly or intentionally discharges the
15 officer's firearm or weapon while disarming or attempting to
16 disarm a peace officer commits a class "C" felony.

17 EXPLANATION

18 This bill creates the new criminal offense of disarming a
19 weapon from a peace officer. A person must intentionally
20 remove or attempt to remove a weapon from the control of an
21 officer that is on duty. If a person attempts to remove a
22 weapon and is unsuccessful, the person is guilty of an
23 aggravated misdemeanor. If a person removes the weapon from
24 the control of an officer, the person is guilty of a class "D"
25 felony. If a person intentionally discharges the weapon
26 during the commission of the offense, the person is guilty of
27 a class "C" felony.

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