

3/17/98 Judiciary
5-3/17/98 (Do Pass)

FEB 18 1998

Place On Calendar

HOUSE FILE **2324**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 510)

Passed House, (p. 512) Date 3/10/98 Passed Senate, Date 3/23/98 (p. 814)
Vote: Ayes 91 Nays 0 Vote: Ayes 48 Nays 0
Approved March 31, 1998

A BILL FOR

1 An Act relating to the statutory elements of certain forms of
2 assault.

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

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HT 2324

1 Section 1. Section 708.2, subsection 2, Code 1997, 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-inflct-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. Section 708.3A, subsection 3, Code 1997, is
8 amended to read as follows:

9 3. A person who commits an assault, as defined in section
10 708.1, against a peace officer, health care provider, or fire
11 fighter, whether paid or volunteer, who knows that the person
12 against whom the assault is committed is a peace officer,
13 health care provider, or fire fighter, and who causes bodily
14 injury or disabling mental illness, is guilty of an aggravated
15 misdemeanor.

16 EXPLANATION

17 This bill changes the statutory elements for two forms of
18 assault -- assault, which is committed without the intent to
19 inflict serious injury, but which results in bodily injury or
20 disabling mental illness; and assaults against peace officers,
21 health care providers, or fire fighters. In the former form
22 of assault, the language relating to the lack of intent to
23 inflict serious injury is eliminated, as well as the
24 requirement that any mental illness caused as a result of the
25 assault must be disabling. With respect to the assaults on
26 peace officers, health care providers, and fire fighters, the
27 requirement that any resulting mental illness be disabling is
28 eliminated.

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**HOUSE FILE 2324
FISCAL NOTE**

The estimate for **House File 2324** 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 2324 modifies the definition of assault leading to a serious misdemeanor charge so the lack of intent to inflict serious injury is no longer required. It also modifies the requirements for assault against a peace officer, health care provider, or fire fighter so that a resulting mental illness need not be disabling to be an assault.

ASSUMPTIONS

1. The change is not substantive for the serious misdemeanor charge of assault. If there is intent to do serious injury, then the charge is an aggravated misdemeanor.
2. The Criminal and Juvenile Justice Planning Division is not aware of any assaults against a peace officer, health care provider, or fire fighter leading to mental illness.

CORRECTIONAL IMPACT

House File 2324 is not expected to have a significant correctional impact.

FISCAL IMPACT

House File 2324 is not expected to have a significant fiscal impact.

SOURCE

Criminal and Juvenile Justice Planning Division,
Department of Human Rights

(LSB 3114hv, MDF)

FILED FEBRUARY 25, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

HSB 510

JUDICIARY
Succeeded By
SF/HF 2324

Veenstra, ch.
Lamberti
Kerwan

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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HOUSE FILE 2324

AN ACT
RELATING TO THE STATUTORY ELEMENTS OF CERTAIN FORMS OF
ASSAULT.

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

Section 1. Section 708.2, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 2. Section 708.3A, subsection 3, Code 1997, is amended to read as follows:

3. A person who commits an assault, as defined in section 708.1, against a peace officer, health care provider, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, health care provider, or fire fighter, and who causes bodily

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2324, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved March 31, 1998

TERRY E. BRANSTAD
Governor