

REPRINTED

MAR 11 1997
Place On Calendar

HOUSE FILE 542
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 39)

Passed House, Date 3/25/97 (p. 787) Passed Senate, Date 4/9/97
Vote: Ayes 99 Nays 0 Vote: Ayes 47 Nays 1
Approved April 23, 1997

A BILL FOR

1 An Act to prohibit the intentional tossing, throwing, or
2 expelling of bodily fluids or material on jail and
3 correctional employees by inmates, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 542

RECORDED

1 Section 1. NEW SECTION. 708.12 THROWING OR EXPELLING
2 BODILY FLUIDS OR MATERIAL ON JAIL AND CORRECTIONAL FACILITY
3 EMPLOYEES -- PENALTY.

4 An inmate of a jail or correctional facility commits a
5 class "D" felony if all of the following occur:

6 1. The inmate tosses, throws, or expels blood, seminal
7 fluid, urine, or feces.

8 2. The act is committed with the intent to harm, harass,
9 annoy, threaten, or alarm a person whom the inmate knows or
10 reasonably should have known is an employee of the jail or
11 correctional facility.

12 3. As a result of the act, the blood, seminal fluid,
13 urine, or feces strikes or lands on an employee of the jail or
14 correctional facility.

15 EXPLANATION

16 This bill establishes a new class "D" felony for the
17 intentional tossing, throwing, or expelling of blood, seminal
18 fluid, urine, or feces by inmates on employees of a jail or
19 correctional facility. In order for the offense to be
20 established, the inmate must have tossed, thrown, or expelled
21 blood, seminal fluid, urine, or feces; the act must have been
22 committed with the intent to harm, harass, annoy, threaten, or
23 alarm a jail or correctional facility employee; and the
24 employee must have been struck with the blood, seminal fluid,
25 urine, or feces. Class "D" felonies are punishable by
26 imprisonment of not more than five years and a fine of at
27 least \$500 but not more than \$7,500.

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**HOUSE FILE 542
FISCAL NOTE**

The estimate for House File 542 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 542 establishes a new Class D felony for intentionally throwing or expelling blood, seminal fluid, urine, or feces on a jail or prison employee by an inmate.

ASSUMPTIONS

1. There are an estimated 40 prison incidents and 24 jail incidents per year that will lead to convictions under the new law.
2. The average length of stay for these inmates will increase by 14 months.
3. Charge, conviction, sentencing patterns, length of stay, revocation rates, and other corrections policies will remain the same.
4. There will be a six month lag for the prosecution of the first offenders.
5. The marginal cost for adding one inmate to the prison system is \$12 per day.

CORRECTIONAL IMPACT

There will be nine additional inmates in FY 1998, 19 additional inmates in FY 1999, and 65 additional inmates in FY 2002 because of this change.

(The impact may be lower than the estimate if the Department of Corrections and local officials decide not to prosecute all offenders.)

FISCAL IMPACT

This change will increase costs for the Department of Corrections by \$39,000 in FY 1998, \$149,000 in FY 1999, and \$285,000 in FY 2002.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections

(LSB 1419hv, MDF)

FILED MARCH 17, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 542

H-1300

1 Amend House File 542 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 708.3B INMATE ASSAULTS
5 -- BODILY FLUIDS OR SECRETIONS.

6 A person who, while confined in a jail or in an
7 institution or facility under the control of the
8 department of corrections, commits any of the
9 following acts commits a class "D" felony:

10 1. An assault, as defined under section 708.1,
11 upon an employee of the jail or institution or
12 facility under the control of the department of
13 corrections, which results in the employee's contact
14 with bodily fluids or secretions.

15 2. An act which is intended to cause pain or
16 injury or be insulting or offensive and which results
17 in bodily fluids or secretions being cast or expelled
18 upon an employee of the jail or institution or
19 facility under the control of the department of
20 corrections."

21 2. Title page, line 1, by striking the words "the
22 intentional tossing, throwing," and inserting the
23 following: "acts by inmates of jails or correctional
24 institutions which result in contact with bodily
25 fluids or secretions or the casting".

26 3. Title page, line 2, by striking the word
27 "material" and inserting the following: "secretions".

28 4. Title page, line 3, by striking the words "by
29 inmates".

By SUKUP of Franklin
KREIMAN of Davis
GRUNDBERG of Polk
BELL of Jasper
GARMAN of Story

DINKLA of Guthrie
LARKIN of Lee
BRADLEY of Clinton
WELTER of Jones
HEATON of Henry

H-1300 FILED MARCH 24, 1997

Adopted 3-25-97 (p. 787)

2-4-1117 no Pass

HOUSE FILE 542
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 39)

(As Amended and Passed by the House, March 25, 1997)

Passed House, Date 4/16/97 (P.1262) Passed Senate, Date 4-9-97 (P.1079)
Vote: Ayes 91 Nays 2 Vote: Ayes 47 Nays 1
Approved April 23, 1997

A BILL FOR

1 An Act to prohibit acts by inmates of jails or correctional
2 institutions which result in contact with bodily fluids or
3 secretions or the casting or expelling of bodily fluids or
* 4 secretions on jail and correctional employees, and providing
5 penalties.

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

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House Amendments to the Title _____

All New Language by the House

Deleted Language *

1 Section 1. NEW SECTION. 708.3B INMATE ASSAULTS -- BODILY
2 FLUIDS OR SECRETIONS.

3 A person who, while confined in a jail or in an institution
4 or facility under the control of the department of
5 corrections, commits any of the following acts commits a class
6 "D" felony:

7 1. An assault, as defined under section 708.1, upon an
8 employee of the jail or institution or facility under the
9 control of the department of corrections, which results in the
10 employee's contact with bodily fluids or secretions.

11 2. An act which is intended to cause pain or injury or be
12 insulting or offensive and which results in bodily fluids or
13 secretions being cast or expelled upon an employee of the jail
14 or institution or facility under the control of the department
15 of corrections.

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HOUSE FILE 542

S-3390

1 Amend House File 542, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 3, by striking the word "A" and
4 inserting the following: "1. A".
5 2. Page 1, line 7, by striking the figure "1."
6 and inserting the following: "a."
7 3. Page 1, line 11, by striking the figure "2."
8 and inserting the following: "b."
9 4. Page 1, by inserting after line 15 the
10 following:
11 "2. Notwithstanding section 331.756, the actions
12 to enforce the requirements of this section shall be
13 commenced or prosecuted by the attorney general."
By TOM VILSACK

Lost 4/9/97 (P. 1178)
S-3390 FILED APRIL 7, 1997

HOUSE FILE 542

S-3351

1 Amend House File 542, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the words "bodily
4 fluids or secretions" and inserting the following:
5 "blood, seminal fluid, urine, or feces".
6 2. Page 1, lines 12 and 13, by striking the words
7 "bodily fluids or secretions" and inserting the
8 following: "blood, seminal fluid, urine, or feces".
9 3. Title page, line 2, by inserting after the
10 words "contact with" the following: "certain".
11 4. Title page, line 3, by inserting after the
12 words "expelling of" the following: "certain".
By STEVE HANSEN

S-3351 FILED APRIL 2, 1997

Adopted
4-7-97 (P. 993)

SENATE AMENDMENT TO HOUSE FILE 542

H-1671

1 Amend House File 542, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the words "bodily
4 fluids or secretions" and inserting the following:
5 "blood, seminal fluid, urine, or feces".
6 2. Page 1, lines 12 and 13, by striking the words
7 "bodily fluids or secretions" and inserting the
8 following: "blood, seminal fluid, urine, or feces".
9 3. Title page, line 2, by inserting after the
10 words "contact with" the following: "certain".
11 4. Title page, line 3, by inserting after the
12 words "expelling of" the following: "certain".

RECEIVED FROM THE SENATE

H-1671 FILED APRIL 9, 1997

House Concurred 4/10/97 (p. 1262)

of the jail or institution or facility under the control of the department of corrections.

HOUSE FILE 542

AN ACT

TO PROHIBIT ACTS BY INMATES OF JAILS OR CORRECTIONAL INSTITUTIONS WHICH RESULT IN CONTACT WITH CERTAIN BODILY FLUIDS OR SECRETIONS OR THE CASTING OR EXPELLING OF CERTAIN BODILY FLUIDS OR SECRETIONS ON JAIL AND CORRECTIONAL EMPLOYEES, AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 708.3B INMATE ASSAULTS -- BODILY FLUIDS OR SECRETIONS.

A person who, while confined in a jail or in an institution or facility under the control of the department of corrections, commits any of the following acts commits a class "D" felony:

1. An assault, as defined under section 708.1, upon an employee of the jail or institution or facility under the control of the department of corrections, which results in the employee's contact with blood, seminal fluid, urine, or feces.

2. An act which is intended to cause pain or injury or be insulting or offensive and which results in blood, seminal fluid, urine, or feces being cast or expelled upon an employee

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 542, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 23*, 1997

TERRY E. BRANSTAD
Governor