

House Study Bill 565

Bill Text

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1 1 Section 1. NEW SECTION. 708.12 DISARMING A PEACE
1 2 OFFICER.
1 3 1. A person who knowingly or intentionally removes or
1 4 attempts to remove a firearm or weapon from the possession of
1 5 a peace officer, when the officer is in the performance of any
1 6 act which is within the scope of the lawful duty or authority
1 7 of that officer and the person knew or should have known the
1 8 individual to be a peace officer, commits the offense of
1 9 disarming a peace officer.
1 10 2. A person who attempts to disarm a peace officer is
1 11 guilty of an aggravated misdemeanor.
1 12 3. A person who disarms a peace officer is guilty of a
1 13 class "D" felony.
1 14 4. A person who knowingly or intentionally discharges the
1 15 officer's firearm or weapon while disarming or attempting to
1 16 disarm a peace officer commits a class "C" felony.
1 17 EXPLANATION
1 18 This bill creates the new criminal offense of disarming a
1 19 weapon from a peace officer. A person must intentionally
1 20 remove or attempt to remove a weapon from the control of an
1 21 officer that is on duty. If a person attempts to remove a
1 22 weapon and is unsuccessful, the person is guilty of an
1 23 aggravated misdemeanor. If a person removes the weapon from
1 24 the control of an officer, the person is guilty of a class "D"
1 25 felony. If a person intentionally discharges the weapon
1 26 during the commission of the offense, the person is guilty of
1 27 a class "C" felony.
1 28 LSB 3636HC 77
1 29 jm/cf/24