

FILED MAR 5 1997

SENATE FILE 315
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 84)

Passed Senate, Date _____ Passed House, 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:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 315

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.

26 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.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

Boettger, Chair
Dearden
Angelo

SSB-84
Local Government

Succeeded By
SENATE FILE SF/HF 315
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON ZIEMAN)

Passed Senate, Date _____ Passed House, 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:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.

26 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

SSB 84

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.

- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35