

FILED JAN 21 1997

SENATE FILE 42
BY REHBERG

(COMPANION TO LSB 1231HH
BY KREMER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to immunity from assault charges for the use of
2 force by a person to stop a fight or disturbance at a school
3 or school function.

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

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S.F. 42

1 Section 1. Section 708.1, unnumbered paragraph 3, Code
2 1997, is amended to read as follows:

3 Provided, that where the person doing any of the above
4 enumerated acts is employed by a school district or accredited
5 nonpublic school, or is an area education agency staff member
6 who provides services to a school or school district, and
7 intervenes in a fight or physical struggle, or other
8 disruptive situation, that takes place in the presence of the
9 employee or staff member performing employment duties in a
10 school building, on school grounds, or at an official school
11 function regardless of the location, the act shall not be an
12 assault, whether the fight or physical struggle or other
13 disruptive situation is between students or other individuals,
14 if the degree and the force of the intervention is are
15 reasonably necessary to restore order and to protect the
16 safety of those assembled. In addition, a person who is not a
17 school district or accredited nonpublic school employee or
18 area education agency staff member and who, in the absence of
19 such an employee or staff member or at the request of such an
20 employee or staff member, intervenes in a fight or physical
21 struggle, or other disruptive situation, occurring in a school
22 building, on school grounds, or at an official school function
23 regardless of the location, does not commit assault, whether
24 the fight or physical struggle or other disruptive situation
25 is between students or other individuals if the degree and the
26 force of the intervention are reasonably necessary to restore
27 order and to protect the safety of those assembled. However,
28 a person who intervenes in the absence of a school district or
29 accredited nonpublic school employee or area education agency
30 staff member shall report the intervention and all relevant
31 information surrounding the situation as soon as reasonably
32 possible to such an employee or staff member.

33 EXPLANATION

34 This bill provides that a person who is not an employee of
35 a school or an area education agency staff member does not

1 commit an assault when forcibly intervening in a fight or
2 other disturbance at a school or school function under certain
3 circumstances. A person who intervenes to stop a fight or
4 other disturbance at the school or at a school function does
5 not commit an assault if the intervention is necessary due to
6 the absence of an employee or staff member or if the
7 intervention is carried out at the request of an employee or
8 staff member and the force used in the intervention is
9 reasonably necessary to restore order and protect others. The
10 person is required to notify a school employee or area
11 education agency staff member as soon as reasonably possible
12 after the intervention.

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