

Senate Study Bill 84

Bill Text

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1 1 Section 1. NEW SECTION. 719.2A DISARMING A PEACE OFFICER
1 2 - PENALTIES.
1 3 1. A person commits the offense of disarming a peace
1 4 officer if the person removes a firearm from the person of a
1 5 peace officer, or deprives a peace officer of the use of a
1 6 firearm assigned for use by the peace officer and all of the
1 7 following circumstances apply:
1 8 a. The officer is acting within the scope of the lawful
1 9 duty or authority of that officer.
1 10 b. The person who removes or deprives the officer of the
1 11 firearm knows or reasonably should know that the officer is a
1 12 peace officer.
1 13 c. The person removing or depriving the peace officer of
1 14 the firearm is not another peace officer or does not have the
1 15 express or implied permission of the peace officer to take
1 16 possession of the firearm.
1 17 2. A person who commits the offense of disarming a peace
1 18 officer commits a class "D" felony.
1 19 3. A person who attempts to commit the offense of
1 20 disarming a peace officer as provided in subsection 1 commits
1 21 an aggravated misdemeanor if the firearm discharges during the
1 22 attempt. A person who attempts to commit the offense of
1 23 disarming a peace officer as provided in subsection 1 commits
1 24 a serious misdemeanor if the firearm does not discharge during
1 25 the attempt.

1 26 EXPLANATION

1 27 This bill establishes the new offense of disarming a peace
1 28 officer. A person commits the offense when the person removes
1 29 or deprives a peace officer of the peace officer's assigned
1 30 firearm and the peace officer is acting within the peace
1 31 officer's duties or authority, the person knows or should know
1 32 that the peace officer is a peace officer, and the person who
1 33 is removing or depriving the peace officer is either not
1 34 another peace officer or does not have the express or implied
1 35 permission of the peace officer to take possession of the
2 1 weapon.

2 2 The offense of disarming a peace officer is a class "D"
2 3 felony punishable by confinement of no more than five years
2 4 and a possible fine of at least \$500 but not more than \$7,500.
2 5 Attempts to disarm a peace officer in which the firearm
2 6 discharges are aggravated misdemeanors punishable by
2 7 imprisonment not to exceed two years and a possible fine of at
2 8 least \$500 but not more than \$5,000. Attempts to disarm a
2 9 peace officer in which the firearm does not discharge are
2 10 serious misdemeanors punishable by a fine of at least \$250 but
2 11 not more than \$1,500 and possible imprisonment not to exceed
2 12 one year.

2 13 LSB 1766SC 77

2 14 lh/jw/5