

FEB 24 2000

Place On Calendar

HOUSE FILE 2426
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 577)

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

A BILL FOR

1 An Act creating the criminal offense of assault on a sports
2 official and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2426

1 Section 1. NEW SECTION. 708.2D ASSAULT AGAINST A SPORTS
2 OFFICIAL.

3 1. A person who commits an assault, as defined in section
4 708.1, against a sports official, within the confines or
5 immediate area of the athletic facility or field at which an
6 athletic contest is being or has recently been held in which
7 the sports official took an active officiating role, is guilty
8 of a serious misdemeanor.

9 2. For purposes of this section, a "sports official" means
10 any person who serves as a referee, umpire, linesman, or other
11 similar official at any athletic contest, and who is a
12 registered member of a local, state, regional, or national
13 organization which is engaged, in part, in providing education
14 and training related to officiating such athletic contests.

15 EXPLANATION

16 This bill provides that a person who commits an assault
17 against a person who is officiating an athletic contest or
18 against a person who has officiated an athletic contest, where
19 the assault occurs within the confines or immediate vicinity
20 of the athletic facility or field where the athletic contest
21 is being or was held, is guilty of a serious misdemeanor.

22 A serious misdemeanor is punishable by confinement for no
23 more than one year and a fine of at least \$250 but not more
24 than \$1,500.

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HOUSE FILE 2426

H-8111

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "3. This section shall not apply to persons who
5 are under the age of nineteen or who are nineteen
6 years of age or older and are enrolled in a secondary
7 school."

8 2. By renumbering as necessary.

By FORD of Polk

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H-8111 FILED FEBRUARY 29, 2000

W/D

3/8/00

(P. 604)

HOUSE FILE 2426

H-8142

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "3. This section shall not apply to persons who
5 are under the age of nineteen or who are nineteen
6 years of age or older and are enrolled in a secondary
7 or alternative school."

8 2. By renumbering as necessary.

By FORD of Polk

H-8142 FILED MARCH 1, 2000

o/o 3/8/00

(P. 604)

HOUSE FILE 2426

H-8143

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "3. This section shall not apply to persons who
5 are participants in the athletic contest and who are
6 under the age of nineteen or who are nineteen years of
7 age or older and are enrolled in a secondary or
8 alternative school."

9 2. By renumbering as necessary.

By FORD of Polk

H-8143 FILED MARCH 1, 2000

HOUSE FILE 2426

H-8220

- 1 Amend the amendment, H-8143, to House File 2426 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "____. Page 1, line 11, by inserting after the
- 6 words "who is" the following: "a volunteer, or an
- 7 official who is compensated in any manner or, "."
- 8 2. By renumbering as necessary.

By SCHERRMAN of Dubuque

H-8220 FILED MARCH 7, 2000

0/0
3/8/00 (p. 604)

HOUSE FILE 2426

H-8248

- 1 Amend House File 2426 as follows:
- 2 1. Page 1, line 11, by inserting after the words
- 3 "who is" the following: "a volunteer, or an official
- 4 who is compensated in any manner or, "."
- 5 2. By renumbering as necessary.

By SCHERRMAN of Dubuque

H-8248 FILED MARCH 7, 2000

Adopted
3/8/00
(p. 604)

HOUSE FILE 2426

H-8277

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 708.2, Code Supplement 1999,
5 is amended to read as follows:

6 708.2 PENALTIES FOR ASSAULT.

7 1. A person who commits an assault, as defined in
8 section 708.1, with the intent to inflict a serious
9 injury upon another, is guilty of an-aggravated
10 misdemeanor a class "D" felony.

11 2. A person who commits an assault, as defined in
12 section 708.1, and who causes bodily injury or mental
13 illness, is guilty of a-serious an aggravated
14 misdemeanor.

15 3. A person who commits an assault, as defined in
16 section 708.1, and uses or displays a dangerous weapon
17 in connection with the assault, is guilty of an
18 aggravated-misdemeanor a class "D" felony. This
19 subsection does not apply if section 708.6 or 708.8
20 applies.

21 4. A person who commits an assault, as defined in
22 section 708.1, and who causes serious injury, is
23 guilty of a class "B" "C" felony.

24 5. Any other assault, except as otherwise
25 provided, is a simple serious misdemeanor.

26 Sec. 2. Section 708.2A, subsections 2 through 4,
27 Code Supplement 1999, are amended to read as follows:

28 2. On a first offense of domestic abuse assault,
29 the person commits:

30 a. A simple serious misdemeanor for a domestic
31 abuse assault, except as otherwise provided.

32 b. A-serious An aggravated misdemeanor, if the
33 domestic abuse assault causes bodily injury or mental
34 illness.

35 c. An-aggravated-misdemeanor A class "D" felony,
36 if the domestic abuse assault is committed with the
37 intent to inflict a serious injury upon another, or if
38 the person uses or displays a dangerous weapon in
39 connection with the assault. This paragraph does not
40 apply if section 708.6 or 708.8 applies.

41 3. Except as otherwise provided in subsection 2,
42 on a second domestic abuse assault, a person commits:

43 a. A-serious An aggravated misdemeanor, if the
44 first offense was classified as a simple or serious
45 misdemeanor, and the second offense would otherwise be
46 classified as a simple serious misdemeanor.

47 b. An-aggravated-misdemeanor A class "D" felony,
48 if the first offense was classified as a simple,
49 serious, or aggravated misdemeanor, and the second
50 offense would otherwise be classified as a-serious an

H-8277

H-8277

Page 2

1 ~~aggravated~~ misdemeanor, ~~or the first offense was~~
2 ~~classified as a serious or aggravated misdemeanor, and~~
3 ~~the second offense would otherwise be classified as a~~
4 ~~simple or serious misdemeanor.~~

5 4. On a third or subsequent offense of domestic
6 abuse assault, a person commits a class "B" "C"
7 felony."

8 2. Title page, line 1, by inserting after the
9 word "Act" the following: "relating to criminal
10 penalties for assault and domestic abuse and".

11 3. By renumbering as necessary.

By MASCHER of Johnson
GARMAN of Story

H-8277 FILED MARCH 8, 2000

HOUSE FILE 2426

H-8275

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "_____. The organizers of each athletic contest
5 shall inform the spectators and participants of an
6 athletic contest of the penalties for assaulting a
7 sports official or participant. This subsection shall
8 not be construed to create any liability for an
9 organizer who fails to inform the spectators or
10 participants of the penalties for assaulting a sports
11 official or participant."

12 2. By renumbering as necessary.

By MASCHER of Johnson

H-8275 FILED MARCH 8, 2000

HOUSE FILE 2426

H-8276

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting after line 8 the
3 following:

4 "1A. A sports official who commits an assault, as
5 defined in section 708.1, against a participant in an
6 athletic contest in which the sports official took an
7 active officiating role, within the confines or
8 immediate area of the athletic facility or field at
9 which the athletic contest is being or has recently
10 been held, is guilty of a serious misdemeanor."

11 2. Page 1, line 14, by inserting after the word
12 "contests." the following: "For purposes of this
13 section, "participant" means a person who is eligible
14 to compete in the athletic contest."

15 3. By renumbering as necessary.

By WEIGEL of Chickasaw
SHEY of Linn

H-8276 FILED MARCH 8, 2000

HOUSE FILE 2426

H-8280

- 1 Amend the amendment, H-8143, to House File 2426 as
2 follows:
3 1. Page 1, by inserting before line 2 the
4 following:
5 "_____. Page 1, by inserting after line 8 the
6 following:
7 "1A. A person who commits an assault, as defined
8 in section 708.1, against a practitioner as defined in
9 section 272.1, within the confines or immediate area
10 of a school where the practitioner is employed,
11 commits a serious misdemeanor."
12 2. By renumbering as necessary.

By MASCHER of Johnson

H-8280 FILED MARCH 9, 2000

HOUSE FILE 2426

H-8299

- 1 Amend the amendment, H-8277, to House File 2426 as
2 follows:
3 1. Page 1, line 44, by striking the words "or
4 serious" and inserting the following: ", serious, or
5 aggravated".
6 2. Page 1, line 45, by inserting after the word
7 "misdemeanor," the following: "or class "D" felony,".
8 3. Page 1, line 49, by striking the words "or
9 aggravated misdemeanor" and inserting the following:
10 "or aggravated misdemeanor, or class "D" felony".
11 4. By renumbering as necessary.

By MASCHER of Johnson
GARMAN of Story

H-8299 FILED MARCH 9, 2000

HOUSE FILE 2426

H-8345

- 1 Amend House File 2426 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "3. A person who commits an assault, as defined in
5 section 708.1, against a judicial officer as defined
6 in section 602.1101, while the judicial officer is
7 acting within the scope of employment, is guilty of a
8 serious misdemeanor."
9 2. Title page, line 2, by inserting after the
10 word "official" the following: "or judicial officer".

By DODERER of Johnson

H-8345 FILED MARCH 14, 2000

**HOUSE FILE 2426
FISCAL NOTE**

The estimate for **Amendment H-8277 to House File 2426** 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.

Amendment H-8277 to House File 2426 increases the penalties for assault by one level.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will remain constant for the projection period.
2. Prisoner length of stay, revocation rates, and other Department of Corrections and Parole Board policies and practices will remain constant for the projection period.
3. There will be a six-month lag as offenders are processed through the court system and the first offenders begin to enter the correctional system.
4. The Public Defender's costs per case are: \$200 for a simple misdemeanor; \$500 for a serious misdemeanor; \$1,000 for an aggravated misdemeanor; \$1,000 for a Class D felony; \$1,200 for a Class C felony. It is assumed prosecution costs are similar to defense costs.
5. The marginal cost of adding an inmate to the prison system is \$12 per day.
6. The cost of adding a 1,000-bed prison is \$50.0 million for construction and \$25.0 million per year for operations. Bonding increases construction costs by 63.0% and will be spread over 25 years.
7. Jails cost \$46,000 per bed to construct. Bonding costs are assumed to be the same as for prisons. Overhead costs are assumed to be \$33 per day. Operating costs are assumed to be \$14 per day, for a total per diem cost of \$47 per day.
8. An offender committed to a residential facility will spend four months at the facility, followed by six months of intensive supervision, and the remaining fourteen months on street supervision. Overall, offenders average two years on probation or parole.
9. The marginal cost of adding an offender to the Community-Based Corrections residential facility is \$14 per day. Intensive supervision is \$9.41 per day. Street supervision costs \$1.53 per day.
10. The average jail length of stay is estimated to increase by 23 days. It is assumed that the marginal cost of adding an offender to jail is the same as a residential facility or \$14 per day.

CORRECTIONAL IMPACT

Compared to FY 2002, convictions for assault under the new penalties will change as follows:

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	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2005</u>
Simple Misdemeanors	-2,408	-4,817	-4,817
Serious Misdemeanors	1,085	2,170	2,170
Aggravated Misdemeanors	729	1,459	1,459
Class D Felonies	574	1,149	1,149
Class C felonies	20	39	39

Compared to FY 2000, correctional system populations are projected to increase as follows:

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2005</u>
Prisons	556	1,541	2,000
Residential Facilities	39	52	52
Probation & Parole	521	2,134	4,270
Jails	57	114	114

FISCAL IMPACT

Amendment H-8277 will result in increased expenditures to the General Fund (compared to FY 2000) as follows:

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2005</u>
Public Defender and Indigent Defense	\$ 1,388,000	\$ 2,776,000	\$ 2,776,000
Prisons	2,435,000	27,370,000	50,000,000
Community-Based Corr.	546,000	1,663,000	2,875,000
Total Costs	<u>\$ 4,369,000</u>	<u>\$31,809,000</u>	<u>\$55,651,000</u>

Amendment H-8277 will increase costs to the counties (compared to FY 2000) as follows:

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2005</u>
Prosecution	\$ 1,388,000	\$ 2,776,000	\$ 2,776,000
Jails	292,000	1,788,000	1,788,000
Total County Costs	<u>\$ 1,680,000</u>	<u>\$ 4,564,000</u>	<u>\$ 4,564,000</u>

In addition to the above costs, the State would need to construct a 1,000-bed prison in FY 2002 and another in FY 2005, at a cost of \$50.0 million each.

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Bond payments would be approximately \$3.3 million beginning in FY 2002 and would increase to \$6.5 million in FY 2005.

The addition of 100 jail beds is estimated to cost \$4.6 million in FY 2002. The annual bond payment is estimated to be \$300,000 per year.

SOURCES

Justice Data Warehouse

Criminal and Juvenile Justice Planning Division, Department of Human Rights

Office of the State Public Defender

Department of Corrections

(LSB 6975hv.2, MDF)

FILED MARCH 13, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR