

3/21/00 Remove from Calendar

FEB 24 2000

Place On Calendar

HOUSE FILE 2427
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2287)

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

A BILL FOR

1 An Act to increase the criminal penalties for an assault on
2 members of certain occupations.

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

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HF 2427

1 Section 1. Section 708.3A, Code Supplement 1999, is
2 amended by adding the following new subsection before
3 subsection 1:

4 NEW SUBSECTION. 0A. A person who commits an assault, as
5 defined in section 708.1, against a peace officer, jailer,
6 correctional staff, member of the board of parole, health care
7 provider, or fire fighter whether paid or volunteer, with the
8 knowledge that the person against whom the assault is
9 committed is a peace officer, jailer, correctional staff,
10 member of the board of parole, health care provider, or fire
11 fighter, and causes serious injury upon the peace officer,
12 jailer, correctional staff, member of the board of parole,
13 health care provider, or fire fighter, is guilty of a class
14 "C" felony.

15 Sec. 2. Section 708.3A, subsections 1 through 4, Code
16 Supplement 1999, are amended to read as follows:

17 1. A person who commits an assault, as defined in section
18 708.1, against a peace officer, jailer, correctional staff,
19 member of the board of parole, health care provider, or fire
20 fighter, whether paid or volunteer, with the knowledge that
21 the person against whom the assault is committed is a peace
22 officer, jailer, correctional staff, member of the board of
23 parole, health care provider, or fire fighter and with the
24 intent to inflict a serious injury upon the peace officer,
25 jailer, correctional staff, health care provider, or fire
26 fighter, is guilty of a class "D" felony.

27 2. A person who commits an assault, as defined in section
28 708.1, against a peace officer, jailer, correctional staff,
29 member of the board of parole, health care provider, or fire
30 fighter, whether paid or volunteer, who knows that the person
31 against whom the assault is committed is a peace officer,
32 jailer, correctional staff, member of the board of parole,
33 health care provider, or fire fighter and who uses or displays
34 a dangerous weapon in connection with the assault, is guilty
35 of a class "D" felony.

1 3. A person who commits an assault, as defined in section
2 708.1, against a peace officer, jailer, correctional staff,
3 member of the board of parole, health care provider, or fire
4 fighter, whether paid or volunteer, who knows that the person
5 against whom the assault is committed is a peace officer,
6 jailer, correctional staff, member of the board of parole,
7 health care provider, or fire fighter, and who causes bodily
8 injury or mental illness, is guilty of an aggravated
9 misdemeanor.

10 4. Any other assault, as defined in section 708.1,
11 committed against a peace officer, jailer, correctional staff,
12 member of the board of parole, health care provider, or fire
13 fighter, whether paid or volunteer, by a person who knows that
14 the person against whom the assault is committed is a peace
15 officer, jailer, correctional staff, member of the board of
16 parole, health care provider, or fire fighter, is a serious
17 misdemeanor.

18 EXPLANATION

19 This bill amends Code section 708.3A relating to an assault
20 on a peace officer, jailer, correctional staff, or health care
21 provider. The bill adds a "member of the board of parole" to
22 the list of occupations covered under Code section 708.3A.
23 The bill effectively increases the penalty for an assault on a
24 member of the board of parole.

25 The bill provides that if a person assaults a member of the
26 board of parole with the intent to inflict serious injury or
27 uses a dangerous weapon in connection with the assault, that
28 person commits a class "D" felony. If a person assaults a
29 member of the board of parole and causes bodily injury, that
30 person commits an aggravated misdemeanor and if the person
31 commits any other type of assault, that person commits a
32 serious misdemeanor.

33 The bill also creates a penalty for an assault that causes
34 serious injury to a person who is a member of a listed
35 occupation under Code section 708.3A. Under the bill, if a

1 person assaults a peace officer, jailer, correctional staff,
 2 member of the board of parole, health care provider, or fire
 3 fighter, and causes serious injury, the person commits a class
 4 "C" felony. Existing law does not provide for an enhanced
 5 penalty for an assault that causes serious injury on a peace
 6 officer, jailer, correctional staff, member of the board of
 7 parole, health care provider, or fire fighter.

8 A serious misdemeanor is punishable by confinement for no
 9 more than one year and a fine of at least \$250 but not more
 10 than \$1,500. An aggravated misdemeanor is punishable by
 11 confinement for no more than two years and a fine of at least
 12 \$500 but not more than \$5,000. A class "D" felony is
 13 punishable by confinement for no more than five years and a
 14 fine of at least \$750 but not more than \$7,500. A class "C"
 15 felony is punishable by confinement for no more than 10 years
 16 and a fine of at least \$1,000 but not more than \$10,000.

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HOUSE FILE 2427.

H-8387

1 Amend House File 2427 as follows:

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

4 "Section 1. NEW SECTION. 708.2D ASSAULT AGAINST
5 A SPORTS OFFICIAL.

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

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

21 2. By renumbering as necessary.

By DOLECHECK of Ringgold

H-8387 FILED MARCH 16, 2000

HOUSE FILE 2427

H-8410

1 Amend the amendment, H-8387, to House File 2427 as
2 follows:

3 1. Page 1, line 16, by inserting after the words
4 "who is" the following: "a volunteer, or an official
5 who is compensated in any manner or,".

6 2. By renumbering as necessary.

By SCHERRMAN of Dubuque

H-8410 FILED MARCH 20, 2000