

Raecker, Ch
Bandler
Bell

HSB 52
JUDICIARY

Succeeded by
SF/HF

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act creating the new criminal offense of disarming a peace
2 officer of a dangerous weapon.

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

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3/1/83

1 Section ~~711.3~~ **NEW** SECTION. 708.13 DISARMING A PEACE OFFICER
2 OF A DANGEROUS WEAPON.

3 1. A person who knowingly or intentionally removes or
4 attempts to remove a dangerous weapon, as defined in section
5 702.7, from the possession of a peace officer, as defined in
6 section 724.2A, when the officer is in the performance of any
7 act which is within the scope of the lawful duty or authority
8 of that officer and the person knew or should have known the
9 individual to be a peace officer, commits the offense of
10 disarming a peace officer.

11 2. A person who disarms or attempts to disarm a peace
12 officer is guilty of a class "D" felony.

13 3. A person who discharges the dangerous weapon while
14 disarming or attempting to disarm the peace officer commits a
15 class "C" felony.

16 EXPLANATION

17 This bill creates the new criminal offense of disarming a
18 peace officer of a dangerous weapon. A person must
19 intentionally remove or attempt to remove a weapon from the
20 control of an officer who is on duty. If a person removes or
21 attempts to remove the weapon from the control of an officer,
22 the person is guilty of a class "D" felony. If a person
23 intentionally discharges the weapon during the commission of
24 the offense, the person is guilty of a class "C" felony.

25 A class "D" felony is punishable by imprisonment not to
26 exceed five years and a fine of at least \$500 but not more
27 than \$7,500. A class "C" felony is punishable by imprisonment
28 not to exceed 10 years and a fine of at least \$500 but not
29 more than \$10,000.

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5-3/2/99 Judiciary
S. 3/24/99 No Pass

FEB 18 1999

Place On Calendar

HOUSE FILE 313
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 52)

Passed House, ^(p. 512) Date 3/2/99 Passed Senate, Date 4/12/99 ^(P.1049)
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved April 21, 1999

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HF 313

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4 attempts to remove a dangerous weapon, as defined in section
5 702.7, from the possession of a peace officer, as defined in
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7 act which is within the scope of the lawful duty or authority
8 of that officer and the person knew or should have known the
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20 control of an officer who is on duty. If a person removes or
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22 the person is guilty of a class "D" felony. If a person
23 discharges the weapon during the commission of the offense,
24 the person is guilty of a class "C" felony.

25 A class "D" felony is punishable by imprisonment not to
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27 than \$7,500. A class "C" felony is punishable by imprisonment
28 not to exceed 10 years and a fine of at least \$500 but not
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**HOUSE FILE 313
FISCAL NOTE**

The estimate for House File 313 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.

House File 313 creates a new crime of disarming a peace officer. Disarming or attempting to disarm a police officer is a Class D felony. Intentionally discharging the weapon during the disarming or attempt to disarm is a Class C felony.

CORRECTIONAL AND FISCAL IMPACT

Information to estimate the impact of House File 313 is not available.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Public Safety
Judicial Branch
Department of Justice

(LSB 1401hv, MDF)

FILED FEBRUARY 22, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR