

Sunderbrush, Ch
Millage
Chapman

HSB 88

JUDICIARY
SUC
SF/HF 286

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 relating to increasing the penalties for an assault on a
2 jailer.

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

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27/1/72
Succeeded by

1 Section 708.3A, Code 1999, is amended to read
2 as follows:

3 708.3A ASSAULTS ON PEACE OFFICERS, JAILERS, FIRE FIGHTERS,
4 AND HEALTH CARE PROVIDERS.

5 1. A person who commits an assault, as defined in section
6 708.1, against a peace officer, jailer, health care provider,
7 or fire fighter, whether paid or volunteer, with the knowledge
8 that the person against whom the assault is committed is a
9 peace officer, jailer, health care provider, or fire fighter
10 and with the intent to inflict a serious injury upon the peace
11 officer, jailer, health care provider, or fire fighter, is
12 guilty of a class "D" felony.

13 2. A person who commits an assault, as defined in section
14 708.1, against a peace officer, jailer, health care provider,
15 or fire fighter, whether paid or volunteer, who knows that the
16 person against whom the assault is committed is a peace
17 officer, jailer, health care provider, or fire fighter and who
18 uses or displays a dangerous weapon in connection with the
19 assault, is guilty of a class "D" felony.

20 3. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, health care provider,
22 or fire fighter, whether paid or volunteer, who knows that the
23 person against whom the assault is committed is a peace
24 officer, jailer, health care provider, or fire fighter, and
25 who causes bodily injury or mental illness, is guilty of an
26 aggravated misdemeanor.

27 4. Any other assault, as defined in section 708.1,
28 committed against a peace officer, jailer, health care
29 provider, or fire fighter, whether paid or volunteer, by a
30 person who knows that the person against whom the assault is
31 committed is a peace officer, jailer, health care provider, or
32 fire fighter, is a serious misdemeanor.

33 5. As used in this section, "health care provider" means
34 an emergency medical care provider as defined in chapter 147A
35 or a person licensed or registered under chapter 148, 148C,

1 148D, 150, 150A, or 152 who is providing or who is attempting
 2 to provide emergency medical services, as defined in section
 3 147A.1, or who is providing or who is attempting to provide
 4 health services as defined in section 135.61 in a hospital. A
 5 person who commits an assault under this section against a
 6 health care provider in a hospital, or at the scene or during
 7 out-of-hospital patient transportation in an ambulance, is
 8 presumed to know that the person against whom the assault is
 9 committed is a health care provider.

10 6. As used in this section, "jailer" means a person who is
 11 employed by a county or other political subdivision of the
 12 state to work at a county jail or other facility used for
 13 purposes of the confinement of persons who have committed
 14 public offenses, but who is not a peace officer.

EXPLANATION

15
 16 This bill amends Code section 708.3A relating to an assault
 17 on a peace officer, fire fighter, or health care provider.
 18 The bill adds "jailer" to the list of occupations covered
 19 under Code section 708.3A. The bill increases the penalty for
 20 an assault on a jailer. A "jailer" is defined as a person
 21 employed at a county jail or other facility used to confine
 22 persons who commit criminal offenses who is not a peace
 23 officer.

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

31 Under current law, a conviction for assault on a jailer
 32 would carry the same penalties as an assault on a person. The
 33 penalties for assault on a person range from a simple
 34 misdemeanor to an aggravated misdemeanor.

35 A class "D" felony is punishable by confinement for no more

1 than five years and a fine of at least \$500 but not more than
2 \$7,500. An aggravated misdemeanor is punishable by
3 confinement for no more than two years and a fine of at least
4 \$500 but not more than \$5,000. A serious misdemeanor is
5 punishable by confinement for no more than one year and a fine
6 of at least \$250 but not more than \$1,500. A simple
7 misdemeanor is punishable by confinement for no more than 30
8 days or a fine of at least \$50 but not more than \$100.

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S-3/3/99 Judiciary
S. 3/24/99 Amend/Do Pass W/S-3/

FEB 24 1999
Place On Calendar

HOUSE FILE 386
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 88)

Passed House, Date 3/3/99 (P.540) Passed Senate, Date 4/13/99 (P.1099)
Vote: Ayes 90 Nays 1 Vote: Ayes 47 Nays 1
Approved April 26, 1999

(Pl 362) Reprinted 4-15-99
Vote 85-1

A BILL FOR

1 An Act relating to increasing the penalties for an assault on a
2 jailer.

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

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HT-386

1 Section 1. Section 708.3A, Code 1999, is amended to read
2 as follows:

3 708.3A ASSAULTS ON PEACE OFFICERS, JAILERS, FIRE FIGHTERS,
4 AND HEALTH CARE PROVIDERS.

5 1. A person who commits an assault, as defined in section
6 708.1, against a peace officer, jailer, health care provider,
7 or fire fighter, whether paid or volunteer, with the knowledge
8 that the person against whom the assault is committed is a
9 peace officer, jailer, health care provider, or fire fighter
10 and with the intent to inflict a serious injury upon the peace
11 officer, jailer, health care provider, or fire fighter, is
12 guilty of a class "D" felony.

13 2. A person who commits an assault, as defined in section
14 708.1, against a peace officer, jailer, health care provider,
15 or fire fighter, whether paid or volunteer, who knows that the
16 person against whom the assault is committed is a peace
17 officer, jailer, health care provider, or fire fighter and who
18 uses or displays a dangerous weapon in connection with the
19 assault, is guilty of a class "D" felony.

20 3. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, health care provider,
22 or fire fighter, whether paid or volunteer, who knows that the
23 person against whom the assault is committed is a peace
24 officer, jailer, health care provider, or fire fighter, and
25 who causes bodily injury or mental illness, is guilty of an
26 aggravated misdemeanor.

27 4. Any other assault, as defined in section 708.1,
28 committed against a peace officer, jailer, health care
29 provider, or fire fighter, whether paid or volunteer, by a
30 person who knows that the person against whom the assault is
31 committed is a peace officer, jailer, health care provider, or
32 fire fighter, is a serious misdemeanor.

33 5. As used in this section, "health care provider" means
34 an emergency medical care provider as defined in chapter 147A
35 or a person licensed or registered under chapter 148, 148C,

1 148D, 150, 150A, or 152 who is providing or who is attempting
2 to provide emergency medical services, as defined in section
3 147A.1, or who is providing or who is attempting to provide
4 health services as defined in section 135.61 in a hospital. A
5 person who commits an assault under this section against a
6 health care provider in a hospital, or at the scene or during
7 out-of-hospital patient transportation in an ambulance, is
8 presumed to know that the person against whom the assault is
9 committed is a health care provider.

10 6. As used in this section, "jailer" means a person who is
11 employed by a county or other political subdivision of the
12 state to work at a county jail or other facility used for
13 purposes of the confinement of persons who have committed
14 public offenses, but who is not a peace officer.

15 EXPLANATION

16 This bill amends Code section 708.3A relating to an assault
17 on a peace officer, fire fighter, or health care provider.
18 The bill adds "jailer" to the list of occupations covered
19 under Code section 708.3A. The bill increases the penalty for
20 an assault on a jailer. A "jailer" is defined as a person
21 employed at a county jail or other facility used to confine
22 persons who commit criminal offenses who is not a peace
23 officer.

24 Under the bill, if a person assaults a jailer with the
25 intent to inflict serious injury or uses a dangerous weapon in
26 connection with the assault, that person commits a class "D"
27 felony. If a person assaults a jailer and causes bodily
28 injury, that person commits an aggravated misdemeanor and if
29 the person commits any other type of assault, that person
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31 Under current law, a conviction for assault on a jailer
32 would carry the same penalties as an assault on a person. The
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4 \$500 but not more than \$5,000. A serious misdemeanor is
5 punishable by confinement for no more than one year and a fine
6 of at least \$250 but not more than \$1,500. A simple
7 misdemeanor is punishable by confinement for no more than 30
8 days or a fine of at least \$50 but not more than \$100.

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HOUSE FILE 386
FISCAL NOTE

A fiscal note for House File 386 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 386 adds jailers to the list of occupations with increased penalties for assault. Assaulting a jailer and inflicting serious injury or using a dangerous weapon is a Class D felony. If the assault causes bodily injury, the offense is an aggravated misdemeanor. Other assaults on jailers are serious misdemeanors.

CORRECTIONAL AND FISCAL IMPACT

Information to estimate the impact of House File 386 is not available.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 2011hv, MDF)

FILED MARCH 3, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

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LSB 2011HV 78

jm/jw/5

HOUSE FILE 386

S-3146

- 1 Amend House File 386, as passed by the House, as
2 follows:
- 3 1. Page 1, line 3, by inserting after the word
4 "JAILERS," the following: "CORRECTIONAL STAFF,".
 - 5 2. Page 1, line 6, by inserting after the word
6 "jailer," the following: "correctional staff,".
 - 7 3. Page 1, line 9, by inserting after the word
8 "jailer," the following: "correctional staff,".
 - 9 4. Page 1, line 11, by inserting after the word
10 "jailer," the following: "correctional staff,".
 - 11 5. Page 1, line 14, by inserting after the word
12 "jailer," the following: "correctional staff,".
 - 13 6. Page 1, line 17, by inserting after the word
14 "jailer," the following: "correctional staff,".
 - 15 7. Page 1, line 21, by inserting after the word
16 "jailer," the following: "correctional staff,".
 - 17 8. Page 1, line 24, by inserting after the word
18 "jailer," the following: "correctional staff,".
 - 19 9. Page 1, line 28, by inserting after the word
20 "jailer," the following: "correctional staff,".
 - 21 10. Page 1, line 31, by inserting after the word
22 "jailer," the following: "correctional staff,".
 - 23 11. Page 2, by inserting after line 9 the
24 following:
25 "6. As used in this section, "correctional staff"
26 means a person who is not a peace officer but who is
27 employed by the department of corrections or a
28 judicial district department of correctional services
29 to work at or in a correctional institution,
30 community-based correctional facility, or an
31 institution under the management of the Iowa
32 department of corrections which is used for the
33 purposes of confinement of persons who have committed
34 public offenses."
 - 35 12. Page 2, line 10, by striking the figure "6"
36 and inserting the following: "7".
 - 37 13. Title page, line 2, by inserting after the
38 word "jailer" the following: "or correctional staff".
- By COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3146 FILED MARCH 24, 1999

Adopted
4/13/99
(P. 1098)

SENATE AMENDMENT TO HOUSE FILE 386

H-1589

- 1 Amend House File 386, as passed by the House, as
2 follows:
- 3 1. Page 1, line 3, by inserting after the word
4 "JAILERS," the following: "CORRECTIONAL STAFF".
- 5 2. Page 1, line 6, by inserting after the word
6 "jailer," the following: "correctional staff".
- 7 3. Page 1, line 9, by inserting after the word
8 "jailer," the following: "correctional staff".
- 9 4. Page 1, line 11, by inserting after the word
10 "jailer," the following: "correctional staff".
- 11 5. Page 1, line 14, by inserting after the word
12 "jailer," the following: "correctional staff".
- 13 6. Page 1, line 17, by inserting after the word
14 "jailer," the following: "correctional staff".
- 15 7. Page 1, line 21, by inserting after the word
16 "jailer," the following: "correctional staff".
- 17 8. Page 1, line 24, by inserting after the word
18 "jailer," the following: "correctional staff".
- 19 9. Page 1, line 28, by inserting after the word
20 "jailer," the following: "correctional staff".
- 21 10. Page 1, line 31, by inserting after the word
22 "jailer," the following: "correctional staff".
- 23 11. Page 2, by inserting after line 9 the
24 following:
- 25 "6. As used in this section, "correctional staff"
26 means a person who is not a peace officer but who is
27 employed by the department of corrections or a
28 judicial district department of correctional services
29 to work at or in a correctional institution,
30 community-based correctional facility, or an
31 institution under the management of the Iowa
32 department of corrections which is used for the
33 purposes of confinement of persons who have committed
34 public offenses."
- 35 12. Page 2, line 10, by striking the figure "6"
36 and inserting the following: "7".
- 37 13. Title page, line 2, by inserting after the
38 word "jailer" the following: "or correctional staff".

RECEIVED FROM THE SENATE

H-1589 FILED APRIL 13, 1999

House Concurred
4/15/99
(p.1362)

AN ACT

RELATING TO INCREASING THE PENALTIES FOR AN ASSAULT ON A JAILER
OR CORRECTIONAL STAFF.

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

Section 1. Section 708.3A, Code 1999, is amended to read as follows:

708.3A ASSAULTS ON PEACE OFFICERS, JAILERS, CORRECTIONAL STAFF, FIRE FIGHTERS, AND HEALTH CARE PROVIDERS.

1. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, health care provider, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, jailer, correctional staff, health care provider, or fire fighter and with the intent to inflict a serious injury upon the peace officer, jailer, correctional staff, health care provider, or fire fighter, is guilty of a class "D" felony.

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

3. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, health care provider, or fire fighter, whether paid or

volunteer, who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, health care provider, or fire fighter, and who causes bodily injury or mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, jailer, correctional staff, health care provider, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, health care provider, or fire fighter, is a serious misdemeanor.

5. As used in this section, "health care provider" means an emergency medical care provider as defined in chapter 147A or a person licensed or registered under chapter 148, 148C, 148D, 150, 150A, or 152 who is providing or who is attempting to provide emergency medical services, as defined in section 147A.1, or who is providing or who is attempting to provide health services as defined in section 135.61 in a hospital. A person who commits an assault under this section against a health care provider in a hospital, or at the scene or during out-of-hospital patient transportation in an ambulance, is presumed to know that the person against whom the assault is committed is a health care provider.

6. As used in this section, "correctional staff" means a person who is not a peace officer but who is employed by the department of corrections or a judicial district department of correctional services to work at or in a correctional institution, community-based correctional facility, or an institution under the management of the Iowa department of corrections which is used for the purposes of confinement of persons who have committed public offenses.

7. As used in this section, "jailer" means a person who is employed by a county or other political subdivision of the state to work at a county jail or other facility used for

purposes of the confinement of persons who have committed
public offenses, but who is not a peace officer.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 386, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 26, 1999

THOMAS J. VILSACK
Governor