

MAR 5 2003
PUBLIC SAFETY

HOUSE FILE 462
BY GRANZOW, HORBACH, and
HEATON

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

A BILL FOR

1 An Act relating to the criminal penalties for an assault on an
2 employee of a juvenile placement facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 462

1 Section 1. Section 708.3A, subsections 1 through 4, Code
2 2003, are amended to read as follows:

3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer, jailer, correctional staff,
5 health care provider, employee of a juvenile placement
6 facility, or fire fighter, whether paid or volunteer, with the
7 knowledge that the person against whom the assault is
8 committed is a peace officer, jailer, correctional staff,
9 health care provider, employee of a juvenile placement
10 facility, or fire fighter and with the intent to inflict a
11 serious injury upon the peace officer, jailer, correctional
12 staff, health care provider, employee of a juvenile placement
13 facility, or fire fighter, is guilty of a class "D" felony.

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

23 3. A person who commits an assault, as defined in section
24 708.1, against a peace officer, jailer, correctional staff,
25 health care provider, employee of a juvenile placement
26 facility, or fire fighter, whether paid or volunteer, who
27 knows that the person against whom the assault is committed is
28 a peace officer, jailer, correctional staff, health care
29 provider, employee of a juvenile placement facility, or fire
30 fighter, and who causes bodily injury or mental illness, is
31 guilty of an aggravated misdemeanor.

32 4. Any other assault, as defined in section 708.1,
33 committed against a peace officer, jailer, correctional staff,
34 health care provider, employee of a juvenile placement
35 facility, or fire fighter, whether paid or volunteer, by a

1 person who knows that the person against whom the assault is
2 committed is a peace officer, jailer, correctional staff,
3 health care provider, employee of a juvenile placement
4 facility, or fire fighter, is a serious misdemeanor.

5 Sec. 2. Section 708.3A, Code 2003, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 8. As used in this section, "employee of
8 a juvenile placement facility" means an employee of a juvenile
9 placement facility listed in section 709.16. A person who
10 commits an assault under this section against an employee of a
11 juvenile placement facility is presumed to know that the
12 person against whom the assault is committed is an employee of
13 a juvenile placement facility.

14 EXPLANATION

15 This bill amends Code section 708.3A relating to an assault
16 on a peace officer, jailer, correctional staff, health care
17 provider, or fire fighter. The bill adds an employee of a
18 juvenile placement facility to the list of occupations covered
19 under Code section 708.3A. The bill effectively increases the
20 penalty for most assaults on an employee of a juvenile
21 placement facility. However, the bill does not increase the
22 penalty for a class "D" felony assault.

23 The bill provides that if a person assaults an employee of
24 a juvenile placement facility with the intent to inflict
25 serious injury or uses or displays a dangerous weapon in
26 connection with the assault, that person commits a class "D"
27 felony. If a person assaults an employee of a juvenile
28 placement facility, and causes bodily injury or mental
29 illness, that person commits an aggravated misdemeanor and if
30 the person commits any other type of assault, that person
31 commits a serious misdemeanor.

32 The bill defines "an employee of a juvenile placement
33 facility" to mean an employee of a juvenile placement facility
34 listed in Code section 709.16.

35 A serious misdemeanor is punishable by confinement for no

1 more than one year and a fine of at least \$250 but not more
2 than \$1,500. 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 class "D" felony is
5 punishable by confinement for no more than five years and a
6 fine of at least \$750 but not more than \$7,500.

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