

FEB 15 2006  
Place On Calendar

HOUSE FILE 2397  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 568)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to an assault upon an employee of a jail or  
2 correctional institution, and providing a penalty.

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

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HF 2397

1 Section 1. Section 708.3B, Code 2005, is amended to read  
2 as follows:

3 708.3B INMATE ASSAULTS -- BODILY FLUIDS OR SECRETIONS.

4 A person who, while confined in a jail or in an institution  
5 or facility under the control of the department of  
6 corrections, commits any of the following acts commits a class  
7 "D" felony:

8 1. An assault, as defined under section 708.1, upon an  
9 employee of the jail or institution or facility under the  
10 control of the department of corrections, which results in the  
11 employee's contact with blood, saliva, seminal fluid, urine,  
12 or feces.

13 2. An act which is intended to cause pain or injury or be  
14 insulting or offensive and which results in blood, saliva,  
15 seminal fluid, urine, or feces being cast or expelled upon an  
16 employee of the jail or institution or facility under the  
17 control of the department of corrections.

18 EXPLANATION

19 This bill relates to an assault upon an employee of a jail  
20 or correctional institution.

21 The bill provides that an inmate who commits an assault as  
22 defined under Code section 708.1 upon an employee of a jail or  
23 correctional institution, which results in the employee's  
24 contact with the saliva of the inmate, commits a class "D"  
25 felony.

26 The bill also provides that an inmate who performs an act  
27 which is intended to cause pain or injury or be insulting or  
28 offensive, and which results in saliva being cast upon an  
29 employee of a jail or correctional institution, commits a  
30 class "D" felony.

31 An inmate commits a violation under current law if the  
32 assault or act is committed with blood, seminal fluid, urine,  
33 or feces.

34 A class "D" felony is punishable by confinement for no more  
35 than five years and a fine of at least \$750 but not more than

1 \$7,500.

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**EIGHTY-FIRST GENERAL ASSEMBLY  
2006 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

FEBRUARY 20, 2006  
**Fiscal Services Division  
Legislative Services Agency  
Fiscal Note**

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HF 2397 – Correctional Officer Assaults, Bodily Fluids (LSB 5961 HV)  
Analyst: Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))  
Fiscal Note Version – New  
Requested by Public Safety Committee (House)

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**Description**

House File 2397 relates to assaults on employees of county jails or State Department of Corrections (DOC) facilities. The Bill adds saliva to the list of body fluids that cause an assault. Conviction of such assault is punished as a Class D felony.

**Background**

1. There were two convictions in the last three years under Section 708.3B, Code of Iowa. One conviction was for assault, and one conviction was for assault with body fluids.
2. The average State costs for one Class D felony conviction ranges from \$3,100 (court costs, probation, and indigent defense) to \$12,100 (court costs, jury trial, indigent defense, prison and parole). The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community.

**Assumption**

Charge, conviction, and sentencing patterns and trends will not change over the projection period.

**Correctional Impact**

Adding saliva to the list of body fluids that cause an assault may increase the number of Class D felony convictions. That increase cannot be estimated but is not anticipated to be significant.

**Fiscal Impact**

The fiscal impact of HF 2397 cannot be determined due to insufficient information. The State's cost for one new Class D felony conviction ranges from \$3,100 to \$12,100.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
Judicial Branch

/s/ Holly M. Lyons

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February 16, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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Dedeck  
Tjepkes  
Reasner

HSB 568  
PUBLIC SAFETY  
ed By  
SF 0 2397

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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