

House Study Bill 554 - Introduced

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

A BILL FOR

1 An Act creating the criminal offense of robbery in the third
2 degree, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 711.3, Code 2009, is amended to read as
2 follows:

3 **711.3 Robbery in the second degree.**

4 All robbery which is not robbery in the first degree is
5 robbery in the second degree, except as provided in section
6 711.3A. Robbery in the second degree is a class "C" felony.

7 Sec. 2. NEW SECTION. **711.3A Robbery in the third degree.**

8 1. A person commits robbery in the third degree when, while
9 perpetrating a robbery, all of the following apply:

10 a. The theft involved constitutes a theft in the fifth
11 degree as defined section 714.2, subsection 5.

12 b. The assault upon another person constitutes an assault as
13 defined in section 708.2, subsection 6.

14 2. Robbery in the third degree is an aggravated misdemeanor.

15 EXPLANATION

16 This bill creates a criminal offense of robbery in the third
17 degree.

18 Under the bill, a person commits robbery in the third degree
19 if during the robbery the person commits a theft in the fifth
20 degree (property not exceeding \$200 in value) in violation
21 of Code section 714.2(5) and a simple misdemeanor assault
22 in violation of Code section 708.2(6). The bill classifies
23 robbery in the third degree as an aggravated misdemeanor.

24 Currently, under the same set of facts and circumstances a
25 person commits a robbery in the second degree in violation of
26 Code section 711.3 and the offense is classified as a class "C"
27 felony 70 percent sentence under Code section 902.12.

28 An aggravated misdemeanor is punishable by confinement for
29 no more than two years and a fine of at least \$625 but not more
30 than \$6,250. A class "C" felony is punishable by confinement
31 for no more than 10 years and a fine of at least \$1,000 but not
32 more than \$10,000.