

House Study Bill 648 - Introduced

SENATE/HOUSE FILE _____
BY (RECOMMENDED BY
THE CRIMINAL CODE
REORGANIZATION STUDY
COMMITTEE BILL)

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 702.11, subsection 2, Code 2009, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *dd.* Robbery in the third degree in violation
4 of section 711.3A.

5 Sec. 2. Section 711.3, Code 2009, is amended to read as
6 follows:

7 **711.3 Robbery in the second degree.**

8 All robbery which is not robbery in the first degree is
9 robbery in the second degree, except as provided in section
10 711.3A. Robbery in the second degree is a class "C" felony.

11 Sec. 3. NEW SECTION. **711.3A Robbery in the third degree.**

12 1. A person commits robbery in the third degree when,
13 while perpetrating a robbery, the person commits an assault as
14 defined in section 708.2, subsection 6, upon another person.

15 2. Robbery in the third degree is a class "D" felony.

16 EXPLANATION

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

19 Under the bill, a person commits robbery in the third degree
20 if while perpetrating the robbery the person commits a simple
21 misdemeanor assault in violation of Code section 708.2(6). The
22 bill classifies robbery in the third degree as a class "D"
23 felony. A class "D" felony is punishable by confinement for no
24 more than five years and a fine of at least \$750 but not more
25 than \$7,500.

26 The bill also exempts robbery in the third degree from the
27 definition of forcible felony. By exempting robbery in the
28 third degree from the definition of forcible felony, a person
29 is eligible to receive a suspended or deferred sentence, or a
30 deferred judgment under Code section 907.3.

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