

Senate Study Bill 3165 - Introduced

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

A BILL FOR

- 1 An Act relating to an assault causing serious injury.
- 2 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. *f.* Assault in violation of section 708.2,
4 subsection 4.

5 Sec. 2. Section 708.2, subsection 4, Code 2009, is amended
6 to read as follows:

7 4. A person who commits an assault, as defined in section
8 708.1, ~~and~~ without the intent to inflict serious injury,
9 but who causes serious injury, is guilty of a class "D" felony.

10 EXPLANATION

11 This bill modifies provisions related to an assault causing
12 serious injury.

13 The bill provides that a person who commits an assault
14 without the intent to inflict serious injury, but who causes
15 serious injury, commits a class "D" felony. The bill exempts
16 the modified assault provision from the definition of forcible
17 felony under Code section 702.11. By exempting the modified
18 assault provision from the definition of forcible felony, a
19 person convicted of such an offense is eligible to receive a
20 deferred judgment, or a suspended or deferred sentence under
21 Code section 907.3.

22 The bill does not modify related criminal offense provisions
23 for unjustified acts intended to cause serious injury under
24 Code sections 708.2 and 708.4.