

Senate Study Bill 3106 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act enhancing the criminal penalty for an assault on a
2 public transit bus operator, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.3A, subsections 1 through 4, Code
2 2011, 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 member or employee of the board of parole, health care
6 provider, employee of the department of human services,
7 employee of the department of revenue, public transit bus
8 operator, or fire fighter, whether paid or volunteer, with the
9 knowledge that the person against whom the assault is committed
10 is a peace officer, jailer, correctional staff, member or
11 employee of the board of parole, health care provider, employee
12 of the department of human services, employee of the department
13 of revenue, public transit bus operator, or fire fighter and
14 with the intent to inflict a serious injury upon the peace
15 officer, jailer, correctional staff, member or employee of
16 the board of parole, health care provider, employee of the
17 department of human services, employee of the department of
18 revenue, public transit bus operator, or fire fighter, is
19 guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, correctional staff,
22 member or employee of the board of parole, health care
23 provider, employee of the department of human services,
24 employee of the department of revenue, public transit bus
25 operator, or fire fighter, whether paid or volunteer, who knows
26 that the person against whom the assault is committed is a
27 peace officer, jailer, correctional staff, member or employee
28 of the board of parole, health care provider, employee of the
29 department of human services, employee of the department of
30 revenue, public transit bus operator, or fire fighter and who
31 uses or displays a dangerous weapon in connection with the
32 assault, is guilty of a class "D" felony.

33 3. A person who commits an assault, as defined in section
34 708.1, against a peace officer, jailer, correctional staff,
35 member or employee of the board of parole, health care

1 provider, employee of the department of human services,
2 employee of the department of revenue, public transit bus
3 operator, or fire fighter, whether paid or volunteer, who knows
4 that the person against whom the assault is committed is a
5 peace officer, jailer, correctional staff, member or employee
6 of the board of parole, health care provider, employee of the
7 department of human services, employee of the department of
8 revenue, public transit bus operator, or fire fighter, and
9 who causes bodily injury or mental illness, is guilty of an
10 aggravated misdemeanor.

11 4. Any other assault, as defined in section 708.1, committed
12 against a peace officer, jailer, correctional staff, member
13 or employee of the board of parole, health care provider,
14 employee of the department of human services, employee of the
15 department of revenue, public transit bus operator, or fire
16 fighter, whether paid or volunteer, by a person who knows that
17 the person against whom the assault is committed is a peace
18 officer, jailer, correctional staff, member or employee of
19 the board of parole, health care provider, employee of the
20 department of human services, employee of the department of
21 revenue, public transit bus operator, or fire fighter, is a
22 serious misdemeanor.

23 EXPLANATION

24 This bill enhances the criminal penalty for an assault on a
25 public transit bus operator. The bill adds a public transit
26 bus operator to the list of occupations covered under Code
27 section 708.3A.

28 Under the bill, if a person assaults a public transit bus
29 operator with the intent to inflict serious injury or uses a
30 dangerous weapon in connection with the assault, that person
31 commits a class "D" felony. If a person assaults a public
32 transit bus operator and causes bodily injury or mental
33 illness, that person commits an aggravated misdemeanor and
34 if the person commits any other type of assault, that person
35 commits a serious misdemeanor.

1 Similar assaults without the enhanced penalties are
2 punishable as provided in Code section 708.2.

3 A serious misdemeanor is punishable by confinement for no
4 more than one year and a fine of at least \$315 but not more than
5 \$1,875. An aggravated misdemeanor is punishable by confinement
6 for no more than two years and a fine of at least \$625 but
7 not more than \$6,250. A class "D" felony is punishable by
8 confinement for no more than five years and a fine of at least
9 \$750 but not more than \$7,500.