HOUSE FILE 2114

BY SHAW

A BILL FOR

1 An Act relating to the murder of a peace officer, reserve peace
2   officer, correctional officer, jailer, public employee, or
3   hostage, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.2, subsection 1, paragraph d, Code
2 2014, is amended to read as follows:
3 *d.* The person intentionally kills a peace officer,
4 ~~correctional officer, public employee, or hostage while the~~
5 ~~person is imprisoned in a correctional institution under the~~
6 ~~jurisdiction of the Iowa department of corrections, or in a~~
7 ~~city or county jail~~ or reserve peace officer when the officer
8 is in the performance of any act which is within the scope of
9 the lawful duty or authority of that officer and the person
10 knew or should have known the individual to be an officer.
11 Sec. 2. Section 707.2, Code 2014, is amended by adding the
12 following new paragraph:
13 NEW PARAGRAPH. *g.* The person intentionally kills a
14 correctional officer, jailer, public employee, or hostage while
15 the person is imprisoned in a correctional institution under
16 the jurisdiction of the Iowa department of corrections, or in
17 a city or county jail.
18 Sec. 3. Section 707.3, subsection 1, Code 2014, is amended
19 to read as follows:
20 1. *a.* A person commits murder in the second degree when the
21 person commits murder which is not murder in the first degree.
22 *b.* Murder in the second degree is a class "A" felony in the
23 following circumstances:
24 (1) The person kills a peace officer or reserve peace
25 officer when the officer is in the performance of any act which
26 is within the scope of the lawful duty or authority of that
27 officer and the person knew or should have known the individual
28 to be an officer.
29 (2) The person kills a correctional officer, jailer,
30 public employee, or hostage while the person is imprisoned in
31 a correctional institution under the jurisdiction of the Iowa
32 department of corrections, or in a city or county jail.
33 EXPLANATION
34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1   This bill specifies that murder in the first degree includes
2 the intentional killing of a peace officer or reserve peace
3 officer when the officer is in the performance of any act which
4 is within the scope of the lawful duty or authority of that
5 officer and the person knew or should have known the individual
6 to be an officer. The bill further specifies that murder in
7 the first degree includes the intentional killing of a jailer
8 while the killer is incarcerated in a city or county jail.
9   Under current law, murder in the first degree includes the
10 intentional killing of a peace officer, correctional officer,
11 public employee, or hostage while the person is imprisoned in
12 a correctional institution under the jurisdiction of the Iowa
13 department of corrections, or in a city or county jail.
14   Murder in the first degree is a class "A" felony.
15   The bill specifies that murder in the second degree is a
16 class "A" felony if the person kills a peace officer or reserve
17 peace officer when the officer is in the performance of any
18 act which is within the scope of the lawful duty or authority
19 of that officer and the person knew or should have known
20 the individual to be an officer. The bill further specifies
21 that murder in the second degree is a class "A" felony if the
22 person kills a correctional officer, jailer, public employee,
23 or hostage while the person is imprisoned in a correctional
24 institution under the jurisdiction of the Iowa department
25 of corrections, or in a city or county jail. Currently, a
26 conviction for any murder in the second degree is a class "B"
27 felony subject to a maximum term of confinement of 50 years
28 and is classified as a 70 percent sentence under Code section
29 902.12.