

**House File 557 - Introduced**

HOUSE FILE 557

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 127)

**A BILL FOR**

1 An Act establishing a criminal offense for removing or  
2 attempting to remove a communication device from the  
3 possession of a peace officer, reserve peace officer,  
4 jailer, or correctional officer.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 708.12 Removal of peace officer's  
2 communication device.

3 1. As used in this section "*peace officer*" means a peace  
4 officer as defined in section 801.4, a reserve peace officer, a  
5 jailer, or a correctional officer.

6 2. A person who knowingly or intentionally removes or  
7 attempts to remove a communication device from the possession  
8 of a peace officer when the officer is in the performance  
9 of any act which is within the scope of the lawful duty or  
10 authority of that officer and the person knew or should have  
11 known the individual to be a peace officer, commits the offense  
12 of removal of a peace officer's communication device.

13 3. A person who removes or attempts to remove a peace  
14 officer's communication device is guilty of a class "D" felony.

15 EXPLANATION

16 This bill establishes a criminal offense for removing or  
17 attempting to remove a communication device from the possession  
18 of a peace officer.

19 The bill defines peace officer to mean a peace officer  
20 as defined in Code section 801.4, a reserve peace officer, a  
21 jailer, or a correctional officer.

22 Under the bill, a person commits removal of a peace officer's  
23 communication device when the person knowingly or intentionally  
24 removes or attempts to remove a communication device from the  
25 possession of a peace officer, when the officer is in the  
26 performance of the official duties of the officer and the  
27 person knew or should have known the individual to be a peace  
28 officer.

29 A person who violates the bill commits a class "D" felony.  
30 A violation of the bill may also meet the definition of a  
31 forcible felony under Code section 702.11. A person convicted  
32 of a forcible felony is not eligible to receive a suspended  
33 sentence or deferred judgment, pursuant to section 907.3. A  
34 class "D" felony is punishable by confinement for no more than  
35 five years and a fine of at least \$750 but not more than \$7,500.