

House File 2213 - Introduced

HOUSE FILE 2213

BY KRESSIG

A BILL FOR

1 An Act relating to intimidation with a dangerous weapon, and
2 making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.6, Code 2018, is amended to read as
2 follows:

3 **708.6 Intimidation with a dangerous weapon.**

4 1. A person commits a class "C" felony when the person,
5 with the intent to injure or provoke fear or anger in another,
6 shoots, throws, launches, or discharges a dangerous weapon at,
7 into, or in a building, vehicle, airplane, railroad engine,
8 railroad car, or boat, ~~occupied by another person, or within an~~
9 ~~assembly of people, and thereby places the occupants or people~~
10 ~~in reasonable apprehension of serious injury whether actually~~
11 occupied or not, or in the direction of another person, or
12 threatens to commit such an act under circumstances raising a
13 reasonable expectation that the threat will be carried out.

14 2. A person commits a class "D" felony when the person
15 shoots, throws, launches, or discharges a dangerous weapon at,
16 into, or in a building, vehicle, airplane, railroad engine,
17 railroad car, or boat, ~~occupied by another person, or within an~~
18 ~~assembly of people, and thereby places the occupants or people~~
19 ~~in reasonable apprehension of serious injury whether occupied~~
20 or not, or in the direction of another person, or threatens to
21 commit such an act under circumstances raising a reasonable
22 expectation that the threat will be carried out.

23 **EXPLANATION**

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to intimidation with a dangerous weapon.

27 The bill modifies the class "C" felony offense of
28 intimidation with a dangerous weapon offense to provide that
29 when a person, with the intent to injure or provoke fear or
30 anger in another, shoots, throws, launches, or discharges a
31 dangerous weapon at, into, or in a building, vehicle, airplane,
32 railroad engine, railroad car, or boat, it no longer matters
33 whether the building, vehicle, airplane, railroad engine,
34 railroad car, or boat is actually occupied or not. The bill
35 also provides that the offense is also committed when the

1 weapon is discharged in the direction of another person.
2 Currently, a person commits the offense if the vehicle or
3 structure is occupied by another person, or the offense is
4 committed within an assembly of people, and the occupants of
5 the vehicle or structure or the assembly of people are placed
6 in reasonable apprehension of serious injury, in addition to
7 the other elements not stricken by the bill.

8 The bill similarly modifies the class "D" felony offense
9 of intimidation with a dangerous weapon offense to provide
10 that when a person shoots, throws, launches, or discharges a
11 dangerous weapon at, into, or in a building, vehicle, airplane,
12 railroad engine, railroad car, or boat, it does not matter
13 whether the building, vehicle, airplane, railroad engine,
14 railroad car, or boat is occupied or not. The bill also
15 modifies the class "D" felony offense to provide that the
16 offense is also committed when the weapon is discharged in the
17 direction of another person. Currently, a person commits the
18 offense if the vehicle or structure is occupied by another
19 person, or the offense is committed within an assembly of
20 people, and the occupants of the vehicle or structure or the
21 assembly of people are placed in reasonable apprehension of
22 serious injury, in addition to the other elements not stricken
23 by the bill.

24 A class "C" felony is punishable by confinement for no more
25 than 10 years and a fine of at least \$1,000 but not more than
26 \$10,000. A class "D" felony is punishable by confinement for
27 no more than five years and a fine of at least \$750 but not more
28 than \$7,500.