

Senate Study Bill 1007 - Introduced

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

A BILL FOR

1 An Act relating to certain public offenses committed against
2 a person because of the person's employment as a law
3 enforcement officer, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692.15, subsection 7, Code 2017, is
2 amended to read as follows:

3 7. The hate crimes listed in [section 729A.2](#) or [729A.2A](#) are
4 subject to the reporting requirements of [this section](#).

5 Sec. 2. Section 708.2C, subsection 1, Code 2017, is amended
6 to read as follows:

7 1. For the purposes of [this chapter](#), "*assault in violation*
8 *of individual rights*" means an assault, as defined in section
9 708.1, which is a hate crime as defined in [section 729A.2](#) or
10 [729A.2A](#).

11 Sec. 3. Section 712.9, Code 2017, is amended to read as
12 follows:

13 **712.9 Violations of individual rights — penalties.**

14 A violation of [sections 712.3 through 712.8](#), which is also a
15 hate crime as defined in [section 729A.2](#) or [729A.2A](#), shall be
16 classified and punished as an offense one degree higher than
17 the underlying offense.

18 Sec. 4. Section 716.6A, Code 2017, is amended to read as
19 follows:

20 **716.6A Criminal mischief in violation of individual rights.**

21 A violation of [sections 716.5 and 716.6](#), which is also a
22 hate crime as defined in [section 729A.2](#) or [729A.2A](#), shall be
23 classified and punished as an offense one degree higher than
24 the underlying offense.

25 Sec. 5. Section 716.8, subsections 3 and 4, Code 2017, are
26 amended to read as follows:

27 3. A person who knowingly trespasses on the property of
28 another with the intent to commit a hate crime, as defined in
29 [section 729A.2](#) or [729A.2A](#), commits a serious misdemeanor.

30 4. A person committing a trespass as defined in section
31 716.7 with the intent to commit a hate crime, as defined in
32 section 729A.2 or 729A.2A, which results in injury to any
33 person or damage in an amount more than two hundred dollars
34 to anything, animate or inanimate, located thereon or therein
35 commits an aggravated misdemeanor.

1 the explanation's substance by the members of the general assembly.

2 This bill relates to certain public offenses committed
3 against a person because of the person's employment as a law
4 enforcement officer.

5 Current law specifies in Code section 729A.1 that persons
6 within the state of Iowa have the right to be free from any
7 violence, or intimidation by threat of violence, committed
8 against their persons or property because of their race, color,
9 religion, ancestry, national origin, political affiliation,
10 sex, sexual orientation, age, or disability.

11 The bill amends Code section 729A.1 to include employment
12 as a law enforcement officer as a protected characteristic
13 under Code section 729A.1. The bill defines a "law enforcement
14 officer" to mean a "peace officer" as defined in Code
15 section 801.4, a "jailer" as defined in Code section 708.3A,
16 "correctional staff" as defined in Code section 708.3A, or any
17 federal law enforcement officer or employee, whose permanent
18 duties include the duties of a peace officer, jailer, or
19 correctional staff.

20 The bill also creates new Code section 729A.2A by including
21 certain criminal offenses committed against a law enforcement
22 officer in the definition of a "hate crime". The criminal
23 offenses include assault in violation of individual rights
24 under Code section 708.2C, violations of individual rights
25 (arson) under Code section 712.9, criminal mischief in
26 violation of Code section 716.6A, or trespass in violation of
27 Code section 716.8(3) or (4). The criminal offenses defined
28 as a hate crime under the bill mirror the criminal offenses
29 classified as a hate crime committed against a person under
30 Code section 729A.2.

31 The penalties for a person who commits a hate crime are
32 reclassified and punished as an offense one degree higher than
33 the underlying offense. The enhanced penalties range from a
34 serious misdemeanor to a class "B" felony.

35 A person who commits a hate crime upon a law enforcement

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1 officer may also commit an assault on persons engaged in
2 certain occupations in violation of Code section 708.3A.

3 A victim of a hate crime who has suffered physical,
4 emotional, or financial harm as a result of a violation of
5 the bill may bring an action under Code section 729A.5 for
6 injunctive relief, general and special damages, reasonable
7 attorney fees, and costs.