

**Senate File 275 - Introduced**

SENATE FILE 275  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1009)

**A BILL FOR**

1 An Act relating to the criminal offenses of assault by threat  
2 of a targeted attack and cyberharassment, and providing  
3 penalties.

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

1 Section 1. NEW SECTION. 708.6A Threat of targeted attack.

2 1. Any person who threatens to cause serious injury or  
3 death to persons assembled in a public place, school building,  
4 or any occupied structure other than a single-family residence  
5 which thereby places such persons in reasonable apprehension of  
6 serious injury or death, or who threatens to commit such an act  
7 under circumstances raising a reasonable expectation that the  
8 threat will be carried out, commits a class "D" felony.

9 2. For purposes of this section, "*public place*" means an  
10 indoor or outdoor area, whether privately or publicly owned,  
11 to which the public has access by right or by invitation,  
12 expressed or implied, whether by payment of money or not, but  
13 not a place when used exclusively by one or more individuals  
14 for a private gathering or other personal purpose.

15 Sec. 2. Section 708.7, subsection 1, Code 2019, is amended  
16 by adding the following new paragraph:

17 NEW PARAGRAPH. c. A person commits cyberharassment when,  
18 while making an online communication using an electronic  
19 device or through a social networking site, with the intent  
20 to threaten, intimidate, or alarm another person, the person  
21 knowingly sends or posts comments, requests, suggestions, or  
22 threats of physical harm to or about the other person or the  
23 other person's property without legitimate purpose and in a  
24 manner that a reasonable person under the same circumstances  
25 would interpret to cause fear of physical or emotional harm to  
26 the person or the person's property.

27 Sec. 3. Section 708.7, subsection 3, paragraph a, Code 2019,  
28 is amended to read as follows:

29 a. A person commits harassment in the second degree when the  
30 person commits harassment involving a threat to commit bodily  
31 injury, commits harassment involving a violation of subsection  
32 1, paragraph "c", or commits harassment and has previously been  
33 convicted of harassment two times under [this section](#) or any  
34 similar statute during the preceding ten years.

35

EXPLANATION

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

3       This bill establishes the criminal offenses of assault by  
4 threat of a targeted attack and cyber harassment, and provides  
5 penalties.

6       The bill provides that any person who threatens to cause  
7 serious injury or death to persons assembled in a public  
8 place, school building, or any occupied structure other than  
9 a single-family residence which thereby places such persons  
10 in reasonable apprehension of serious injury or death, or who  
11 threatens to commit such an act under circumstances raising a  
12 reasonable expectation that the threat will be carried out,  
13 commits a class "D" felony.

14       The bill defines "public place" as an indoor or outdoor  
15 area, whether privately or publicly owned, to which the public  
16 has access by right or by invitation, expressed or implied,  
17 whether by payment of money or not, but not a place when used  
18 exclusively by one or more individuals for a private gathering  
19 or other personal purpose.

20       Code section 702.12 defines "occupied structure" as any  
21 building, structure, appurtenances to buildings and structures,  
22 land, water or air vehicle, or similar place adapted for  
23 overnight accommodation of persons, or occupied by persons for  
24 the purpose of carrying on business or other activity therein,  
25 or for the storage or safekeeping of anything of value. Such a  
26 structure is an "occupied structure" whether or not a person is  
27 actually present.

28       Code section 702.18 defines "serious injury" as any of the  
29 following: disabling mental illness; bodily injury which  
30 creates a substantial risk of death, causes serious permanent  
31 disfigurement, or causes protracted loss or impairment of  
32 the function of any bodily member or organ; or any injury  
33 to a child that requires surgical repair and necessitates  
34 the administration of general anesthesia. "Serious injury"  
35 includes but is not limited to skull fractures, rib fractures,

1 and metaphyseal fractures of the long bones of children under  
2 the age of four years.

3 A class "D" felony is punishable by confinement for no more  
4 than five years and a fine of at least \$750 but not more than  
5 \$7,500.

6 The bill provides that a person commits cyberharassment  
7 when, while making an online communication using an electronic  
8 device or through a social networking site, with the intent  
9 to threaten, intimidate, or alarm another person, the person  
10 knowingly sends or posts comments, requests, suggestions, or  
11 threats of physical harm to or about the other person or the  
12 other person's property without legitimate purpose and in a  
13 manner that a reasonable person under the same circumstances  
14 would interpret to cause fear of physical or emotional harm to  
15 the person or the person's property.

16 The bill provides that cyberharassment is harassment in  
17 the second degree and is a serious misdemeanor. A serious  
18 misdemeanor is punishable by confinement for no more than one  
19 year and a fine of at least \$315 but not more than \$1,875.