

Senate Study Bill 1009 - Introduced

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

A BILL FOR

1 An Act establishing the criminal offense of assault by threat
2 of a targeted attack, and providing penalties.
3 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 EXPLANATION

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

18 This bill establishes the criminal offense of assault by
19 threat of a targeted attack and provides penalties.

20 The bill provides that any person who threatens to cause
21 serious injury or death to persons assembled in a public
22 place, school building, or any occupied structure other than
23 a single-family residence which thereby places such persons
24 in reasonable apprehension of serious injury or death, or who
25 threatens to commit such an act under circumstances raising a
26 reasonable expectation that the threat will be carried out,
27 commits a class "D" felony.

28 The bill defines "public place" as an indoor or outdoor
29 area, whether privately or publicly owned, to which the public
30 has access by right or by invitation, expressed or implied,
31 whether by payment of money or not, but not a place when used
32 exclusively by one or more individuals for a private gathering
33 or other personal purpose.

34 Code section 702.12 defines "occupied structure" as any
35 building, structure, appurtenances to buildings and structures,

1 land, water or air vehicle, or similar place adapted for
2 overnight accommodation of persons, or occupied by persons for
3 the purpose of carrying on business or other activity therein,
4 or for the storage or safekeeping of anything of value. Such a
5 structure is an "occupied structure" whether or not a person is
6 actually present.

7 Code section 702.18 defines "serious injury" as any of the
8 following: disabling mental illness; bodily injury which
9 creates a substantial risk of death, causes serious permanent
10 disfigurement, or causes protracted loss or impairment of
11 the function of any bodily member or organ; or any injury
12 to a child that requires surgical repair and necessitates
13 the administration of general anesthesia. "Serious injury"
14 includes but is not limited to skull fractures, rib fractures,
15 and metaphyseal fractures of the long bones of children under
16 the age of four years.

17 A class "D" felony is punishable by confinement for no more
18 than five years and a fine of at least \$750 but not more than
19 \$7,500.