

House File 120 - Introduced

HOUSE FILE 120

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A BILL FOR

1 An Act modifying the elements defining hate crimes, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 729A.2, Code 2021, is amended to read as
2 follows:

3 **729A.2 Violation of individual rights — hate crime.**

4 1. "Hate crime" means one of the following public offenses
5 when committed against a person or a person's property because
6 of the person's race, color, religion, ancestry, national
7 origin, political affiliation, gender identity, gender
8 expression, sex, sexual orientation, age, or disability, or the
9 person's association with a person of a certain race, color,
10 religion, ancestry, national origin, political affiliation,
11 gender identity, gender expression, sex, sexual orientation,
12 age, or disability:

13 ~~1. a.~~ Assault in violation of individual rights under
14 section 708.2C.

15 ~~2. b.~~ Violations of individual rights under [section 712.9](#).

16 ~~3. c.~~ Criminal mischief in violation of individual rights
17 under [section 716.6A](#).

18 ~~4. d.~~ Trespass in violation of individual rights under
19 section 716.8, subsections 3 and 4.

20 2. For purposes of this section:

21 a. "Gender expression" means actual or perceived
22 gender-related characteristics.

23 b. "Gender identity" means a gender-related identity of a
24 person, regardless of the person's assigned sex at birth.

25 EXPLANATION

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

28 This bill includes additional, alternative elements defining
29 the various offenses labeled as hate crimes.

30 The bill amends Code section 729A.2 by modifying a "hate
31 crime" to include certain offenses (assault in violation of
32 individual rights under Code section 708.2C; violations of
33 individual rights under Code section 712.9; criminal mischief
34 in violation of individual rights under Code section 716.6A;
35 and trespass in violation of individual rights under Code

1 section 716.8(3) and (4)) committed against a person or a
2 person's property because of the person's gender identity or
3 gender expression or because of the person's association with
4 a person of a certain gender identity or gender expression.
5 The bill provides definitions of "gender identity" and "gender
6 expression".

7 The penalty for a person who commits a hate crime classified
8 as an assault in violation of individual rights under Code
9 section 708.2C ranges from a serious misdemeanor to a class "D"
10 felony depending on the circumstances of the offense.

11 The penalty for a person who commits a hate crime that is
12 a violation of individual rights under Code section 712.9 is
13 reclassified and punished as an offense one degree higher
14 than the underlying offense, and the penalty for a person who
15 commits a hate crime that is criminal mischief in violation of
16 individual rights under Code section 716.6A is reclassified and
17 punished as an offense one degree higher than the underlying
18 offense.

19 The penalty for a person who commits a hate crime that is a
20 trespass in violation of individual rights under Code section
21 716.8(3) is a serious misdemeanor, and the penalty for a person
22 who commits a hate crime that is a trespass in violation of
23 individual rights under Code section 716.8(4) is an aggravated
24 misdemeanor.