

House File 310 - Introduced

HOUSE FILE 310
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 11)

A BILL FOR

1 An Act relating to the defenses of justification and diminished
2 capacity for certain violent crimes.

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

1 Section 1. Section 704.6, Code 2021, is amended to read as
2 follows:

3 **704.6 When defense defenses not available.**

4 1. The defense of justification is not available to the
5 following:

6 ~~1.~~ a. ~~One~~ A person who is participating in a forcible
7 felony, or riot, or a duel.

8 ~~2.~~ b. ~~One~~ A person who initially provokes the use of force
9 against ~~oneself~~ the person's self, with the intent to use such
10 force as an excuse to inflict injury on the assailant.

11 ~~3.~~ c. ~~One~~ A person who initially provokes the use of
12 force against ~~oneself~~ the person's self by ~~one's~~ the person's
13 unlawful acts, unless:

14 ~~a.~~ (1) Such force is grossly disproportionate to the
15 provocation, and is so great that the person reasonably
16 believes that the person is in imminent danger of death or
17 serious injury or

18 ~~b.~~ (2) The person withdraws from physical contact with
19 the other and indicates clearly to the other that the person
20 desires to terminate the conflict but the other continues or
21 resumes the use of force.

22 2. The defenses of justification and diminished capacity
23 are not available to a person who is the subject of a
24 nonviolent sexual advance who commits a violent crime, as
25 defined in section 915.10, or who commits an assault as defined
26 in section 708.1, upon another person as the result of the
27 person's discovery of, knowledge about, or potential disclosure
28 of, the victim's sex, sexual orientation, or gender identity.

29

EXPLANATION

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

32 This bill specifies that the defenses of justification and
33 diminished capacity are not available when a person who is the
34 subject of a nonviolent sexual advance commits a violent crime
35 or an assault upon another person as the result of that sexual

1 advance or solely as a result of the person's discovery of,
2 knowledge about, or potential disclosure of the victim's sex,
3 sexual orientation, or gender identity.

4 Code section 915.10 defines "violent crime" as a forcible
5 felony, as defined in Code section 702.11, and includes any
6 other felony or aggravated misdemeanor which involved the
7 actual or threatened infliction of physical or emotional injury
8 on one or more persons. Code section 708.1 defines assault.
9 A person commits an assault when, without justification, the
10 person does any of the following: any act which is intended
11 to cause pain or injury to, or which is intended to result
12 in physical contact which will be insulting or offensive to
13 another, coupled with the apparent ability to execute the act;
14 any act which is intended to place another in fear of immediate
15 physical contact which will be painful, injurious, insulting,
16 or offensive, coupled with the apparent ability to execute the
17 act; and intentionally points any firearm toward another, or
18 displays in a threatening manner any dangerous weapon toward
19 another.