

House Study Bill 142 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

1 An Act relating to public safety including prohibited acts on
2 fully controlled-access facilities and disorderly conduct,
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.366, subsection 1, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other
4 pedestrian conveyance or be a pedestrian anywhere on a fully
5 controlled-access facility. For purposes of this paragraph,
6 "*pedestrian conveyance*" means any human-powered device by which
7 a pedestrian may move other than by walking or by which a
8 walking person may move another pedestrian, including but not
9 limited to strollers and wheelchairs.

10 Sec. 2. Section 723.4, Code 2021, is amended by striking the
11 section and inserting in lieu thereof the following:

12 **723.4 Disorderly conduct.**

13 1. A person commits a simple misdemeanor when the person
14 does any of the following:

15 *a.* Engages in fighting or violent behavior in any public
16 place or in or near any lawful assembly of persons, provided,
17 that participants in athletic contests may engage in such
18 conduct which is reasonably related to that sport.

19 *b.* Makes loud and raucous noise in the vicinity of any
20 residence or public building which causes unreasonable distress
21 to the occupants thereof.

22 *c.* Directs abusive epithets or makes any threatening gesture
23 which the person knows or reasonably should know is likely to
24 provoke a violent reaction by another.

25 *d.* Without lawful authority or color of authority, the
26 person disturbs any lawful assembly or meeting of persons by
27 conduct intended to disrupt the meeting or assembly.

28 *e.* By words or action, initiates or circulates a report or
29 warning of fire, epidemic, or other catastrophe, knowing such
30 report to be false or such warning to be baseless.

31 *f.* (1) Knowingly and publicly uses the flag of the United
32 States in such a manner as to show disrespect for the flag as
33 a symbol of the United States, with the intent or reasonable
34 expectation that such use will provoke or encourage another to
35 commit trespass or assault.

1 (2) As used in this paragraph:

2 (a) "Deface" means to intentionally mar the external
3 appearance.

4 (b) "Defile" means to intentionally make physically unclean.

5 (c) "Flag" means a piece of woven cloth or other material
6 designed to be flown from a pole or mast.

7 (d) "Mutilate" means to intentionally cut up or alter so as
8 to make imperfect.

9 (e) "Show disrespect" means to deface, defile, mutilate, or
10 trample.

11 (f) "Trample" means to intentionally tread upon or
12 intentionally cause a machine, vehicle, or animal to tread
13 upon.

14 (3) This paragraph does not apply to a flag retirement
15 ceremony conducted pursuant to federal law.

16 2. A person commits a serious misdemeanor when the person,
17 without lawful authority or color of authority, obstructs any
18 street, sidewalk, highway, or other public way, with the intent
19 to prevent or hinder its lawful use by others.

20 3. A person commits an aggravated misdemeanor when the
21 person commits disorderly conduct as described in subsection 2
22 and does any of the following:

23 a. Obstructs or attempts to obstruct a fully
24 controlled-access facility on a highway, street, or road in
25 which the speed restriction is controlled by section 321.285,
26 subsection 3, or section 321.285, subsection 5.

27 b. Commits property damage.

28 c. Is present during an unlawful assembly as defined in
29 section 723.2.

30 4. A person commits a class "D" felony when the person
31 commits disorderly conduct as described in subsection 2 and
32 does any of the following:

33 a. Is present during a riot as defined in section 723.1.

34 b. Causes bodily injury.

35 5. A person commits a class "C" felony when the person

1 commits disorderly conduct as described in subsection 2 and the
2 person causes serious bodily injury or death.

3 EXPLANATION

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

6 This bill relates to public safety including prohibited acts
7 on fully controlled-access facilities and disorderly conduct,
8 and provides penalties.

9 The bill provides that it is unlawful for a person to operate
10 a bicycle, skateboard, or other pedestrian conveyance or be
11 a pedestrian anywhere on a fully controlled-access facility.
12 A violation is punishable as a scheduled operating violation
13 under Code section 805.8A. The fine for a violation is \$135.

14 Current law provides that all violations of Code section
15 723.4 (disorderly conduct) are simple misdemeanors. The bill
16 amends Code section 723.4 by providing additional criminal
17 penalties greater than a simple misdemeanor for additional acts
18 of disorderly conduct.

19 The bill provides that a person commits a serious
20 misdemeanor when the person, without lawful authority or
21 color of authority, obstructs or attempts to obstruct any
22 street, sidewalk, highway, or other public way, or obstructs or
23 attempts to obstruct any business, business drive, parking lot,
24 or business access, with the intent to prevent or hinder its
25 lawful use by others.

26 The bill provides that a person commits an aggravated
27 misdemeanor when the person, without lawful authority or color
28 of authority, obstructs any street, sidewalk, highway, or other
29 public way with the intent to prevent or hinder its lawful use
30 by others and does any of the following: obstructs or attempts
31 to obstruct a fully controlled-access facility or a highway,
32 street, or road in which a speed restriction is controlled by
33 Code section 321.285(3) or 321.285(5); commits property damage;
34 or is present during an unlawful assembly, as defined in Code
35 section 723.2.

1 The bill provides that a person commits a class "D"
2 felony when the person, without lawful authority or color of
3 authority, obstructs any street, sidewalk, highway, or other
4 public way with the intent to prevent or hinder its lawful use
5 by others and is present during a riot, as defined in Code
6 section 723.1; or causes bodily injury.

7 The bill provides that a person commits a class "C"
8 felony when the person, without lawful authority or color of
9 authority, obstructs any street, sidewalk, highway, or other
10 public way with the intent to prevent its unlawful use by
11 others and serious injury or death results.