

Senate Study Bill 1054 - Introduced

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

A BILL FOR

1 An Act relating to public safety including the crimes of
2 failure to assist, abuse of a corpse, and interference with
3 official acts, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.14, subsection 1, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *c.* Fails to disclose the known location of a
4 corpse with the intent to conceal a crime.

5 Sec. 2. Section 719.1, subsection 1, paragraph a, Code 2021,
6 is amended to read as follows:

7 *a.* A person commits interference with official acts when
8 the person knowingly resists or obstructs anyone known by
9 the person to be a peace officer, jailer, emergency medical
10 care provider under [chapter 147A](#), medical examiner, or fire
11 fighter, whether paid or volunteer, or a person performing
12 bailiff duties pursuant to [section 602.1303](#), [subsection 3](#), in
13 the performance of any act which is within the scope of the
14 lawful duty or authority of that officer, jailer, emergency
15 medical care provider under [chapter 147A](#), medical examiner, or
16 fire fighter, whether paid or volunteer, or a person performing
17 bailiff duties pursuant to [section 602.1303](#), [subsection 3](#), or
18 who knowingly resists or obstructs the service or execution by
19 any authorized person of any civil or criminal process or order
20 of any court.

21 Sec. 3. NEW SECTION. **727.12 Failure to assist.**

22 1. A person who witnesses another person suffering from
23 imminent danger of death or risk of serious bodily injury, who,
24 unreasonably and without lawful cause, fails to immediately
25 contact local emergency response authorities or local law
26 enforcement, or both, as required by the circumstances, commits
27 an aggravated misdemeanor.

28 2. For the purposes of fulfilling the requirement imposed by
29 subsection 1, a promptly placed 911 call shall discharge the
30 requirement to assist.

31 3. *a.* It shall be a defense to a prosecution brought under
32 subsection 1 that the person actually believed that the other
33 person was not suffering from imminent danger of death or risk
34 of serious bodily injury.

35 *b.* It shall be a defense to a prosecution brought under

1 subsection 1 that the person attempted to contact the local
2 emergency response authorities or local law enforcement,
3 or both, and was unable to contact either or both due to
4 circumstances beyond the person's control.

5 4. For purposes of this section, "*serious bodily injury*"
6 means the same as defined in section 455B.146A.

7 EXPLANATION

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

10 This bill relates to public safety including the crimes of
11 failure to assist, abuse of a corpse, and interference with
12 official acts, and provides penalties.

13 The bill provides that a person commits the crime of abuse of
14 a corpse when the person fails to disclose the known location
15 of a corpse with the intent to conceal a crime. Under current
16 law, abuse of a corpse is a class "D" felony punishable by
17 confinement for no more than five years and a fine of at least
18 \$1,025 but not more than \$10,245.

19 The bill includes a medical examiner in the current law
20 relating to the crime of interference with official acts. The
21 bill provides that a person commits interference with official
22 acts when the person knowingly resists or obstructs anyone
23 known by the person to be a peace officer, jailer, emergency
24 medical care provider, medical examiner, or fire fighter, or a
25 person performing bailiff duties, in the performance of any act
26 which is within the scope of the lawful duty or authority, or
27 who knowingly resists or obstructs the service or execution by
28 any authorized person of any civil or criminal process or order
29 of any court. Interference with official acts is a simple
30 misdemeanor and shall include the assessment of a fine of not
31 less than \$250.

32 The bill creates the crime of failure to assist. The
33 bill provides that a person who witnesses another person
34 suffering from imminent danger of death or risk of serious
35 bodily injury, who, unreasonably and without lawful cause,

1 fails to immediately contact local emergency response
2 authorities or local law enforcement, or both, as required
3 by the circumstances, commits an aggravated misdemeanor. An
4 aggravated misdemeanor is punishable by confinement for no more
5 than two years and a fine of at least \$855 but not more than
6 \$8,540.

7 The bill provides that a promptly placed 911 call discharges
8 the requirement to assist. It is a defense to prosecution for
9 failure to assist if the person actually believed that the
10 other person was not suffering from imminent danger of death or
11 risk of serious bodily injury, or that the person attempted to
12 contact the local emergency response authorities or local law
13 enforcement, or both, and was unable to contact either or both
14 due to circumstances beyond the person's control.

15 The bill defines "serious bodily injury" as bodily injury
16 which involves a substantial risk of death, unconsciousness,
17 extreme physical pain, protracted and obvious disfigurement,
18 or protracted loss or impairment of the function of a bodily
19 member, organ, or mental faculty.