

**House File 2217 - Introduced**

HOUSE FILE 2217

BY BRADLEY

**A BILL FOR**

1 An Act establishing the public offense of resisting arrest, and  
2 providing penalties.

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

1 Section 1. NEW SECTION. 719.1B Resisting arrest.

- 2 1. A person commits the offense of resisting arrest when  
3 the person intentionally takes action to prevent or attempt to  
4 prevent a peace officer from affecting a lawful arrest of the  
5 person, or another person, by doing any of the following:  
6 a. Using or threatening the use of physical force or  
7 violence.  
8 b. Committing criminal mischief as defined in section 716.1.  
9 c. Using any means that create a risk of physical injury to  
10 the peace officer or another person.  
11 d. Employing any actions requiring substantial force to  
12 overcome the resistance.  
13 e. Fleeing from a peace officer attempting to arrest the  
14 person.  
15 f. Disarming or attempting to disarm the peace officer.  
16 g. Using a vehicle or weapon to prevent or attempt to  
17 prevent a lawful arrest.  
18 h. Engaging in any other behavior or conduct intended to  
19 prevent a peace officer from affecting a lawful arrest.  
20 2. a. Resisting arrest is an aggravated misdemeanor.  
21 b. If a person commits resisting arrest and in doing so  
22 causes bodily injury to a peace officer, the person commits a  
23 class "D" felony.  
24 c. If a person commits resisting arrest and in doing so  
25 inflicts or attempts to inflict serious injury to a peace  
26 officer, the person commits a class "C" felony.  
27 Sec. 2. Section 804.12, Code 2024, is amended to read as  
28 follows:  
29 **804.12 Use of force in resisting arrest.**  
30 A person is not authorized to use force to resist an arrest,  
31 either of the person's self, or another ~~which~~ that the person  
32 knows is being made either by a peace officer or by a private  
33 person summoned and directed by a peace officer to make the  
34 arrest, even if the person believes that the arrest is unlawful  
35 or the arrest is in fact unlawful. A person violating this

1 section is subject to the penalties established in section  
2 719.1B.

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 establishes the offense of resisting arrest.

7 The bill provides that a person commits the offense of  
8 resisting arrest when the person intentionally takes action to  
9 prevent or attempt to prevent a peace officer from affecting a  
10 lawful arrest of the person, or another person, by doing any of  
11 the following: using or threatening the use of physical force  
12 or violence; committing criminal mischief as defined in Code  
13 section 716.1; using any means that create a risk of physical  
14 injury to the peace officer or another person; employing any  
15 actions requiring substantial force to overcome the resistance;  
16 fleeing from a peace officer attempting to arrest the person;  
17 disarming or attempting to disarm the peace officer; using a  
18 vehicle or weapon to prevent or attempt to prevent a lawful  
19 arrest; or engaging in any other behavior or conduct intended  
20 to prevent a peace officer from affecting a lawful arrest.

21 The bill provides that resisting arrest is an aggravated  
22 misdemeanor. If a person commits resisting arrest and in doing  
23 so causes bodily injury to a peace officer, the person commits  
24 a class "D" felony. If a person commits resisting arrest and  
25 in doing so inflicts or attempts to inflict serious injury to  
26 a peace officer, the person commits a class "C" felony. An  
27 aggravated misdemeanor is punishable by confinement for no more  
28 than two years and a fine of at least \$855 but not more than  
29 \$8,540. A class "D" felony is punishable by confinement for no  
30 more than five years and a fine of at least \$1,025 but not more  
31 than \$10,245. A class "C" felony is punishable by confinement  
32 for no more than 10 years and a fine of at least \$1,370 but not  
33 more than \$13,660.

34 The bill amends Code section 804.12 (use of force in  
35 resisting arrest) to provide that a person using force to

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1 resist arrest is subject to the penalties established in the  
2 bill.