

House File 2302 - Introduced

HOUSE FILE 2302

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 523)

A BILL FOR

1 An Act relating to assaults, including assaults on persons
2 engaged in certain occupations and inmate assaults on
3 department of corrections employees, and providing
4 penalties.

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

1 Section 1. Section 708.3A, subsections 1, 2, 3, and 4, Code
2 2024, are amended to read as follows:

3 1. A person who commits an assault, as defined in section
4 708.1, against a peace officer, jailer, correctional staff,
5 member or employee of the board of parole, health care
6 provider, employee of the department of health and human
7 services, employee of the department of inspections, appeals,
8 and licensing, employee of the department of revenue, national
9 guard member engaged in national guard duty or state active
10 duty, civilian employee of a law enforcement agency, civilian
11 employee of a fire department, or fire fighter, whether paid or
12 volunteer, with the knowledge that the person against whom the
13 assault is committed is a peace officer, jailer, correctional
14 staff, member or employee of the board of parole, health care
15 provider, employee of the department of health and human
16 services, employee of the department of inspections, appeals,
17 and licensing, employee of the department of revenue, national
18 guard member engaged in national guard duty or state active
19 duty, civilian employee of a law enforcement agency, civilian
20 employee of a fire department, or fire fighter and with the
21 intent to inflict a serious injury upon the peace officer,
22 jailer, correctional staff, member or employee of the board
23 of parole, health care provider, employee of the department
24 of health and human services, employee of the department of
25 inspections, appeals, and licensing, employee of the department
26 of revenue, national guard member engaged in national
27 guard duty or state active duty, civilian employee of a law
28 enforcement agency, civilian employee of a fire department, or
29 fire fighter, is guilty of a class "D" "C" felony.

30 2. A person who commits an assault, as defined in section
31 708.1, against a peace officer, jailer, correctional staff,
32 member or employee of the board of parole, health care
33 provider, employee of the department of health and human
34 services, employee of the department of inspections, appeals,
35 and licensing, employee of the department of revenue, national

1 guard member engaged in national guard duty or state active
2 duty, civilian employee of a law enforcement agency, civilian
3 employee of a fire department, or fire fighter, whether paid
4 or volunteer, who knows that the person against whom the
5 assault is committed is a peace officer, jailer, correctional
6 staff, member or employee of the board of parole, health care
7 provider, employee of the department of health and human
8 services, employee of the department of inspections, appeals,
9 and licensing, employee of the department of revenue, national
10 guard member engaged in national guard duty or state active
11 duty, civilian employee of a law enforcement agency, civilian
12 employee of a fire department, or fire fighter and who uses or
13 displays a dangerous weapon in connection with the assault, is
14 guilty of a class "D" "C" felony.

15 3. A person who commits an assault, as defined in section
16 708.1, against a peace officer, jailer, correctional staff,
17 member or employee of the board of parole, health care
18 provider, employee of the department of health and human
19 services, employee of the department of inspections, appeals,
20 and licensing, employee of the department of revenue, national
21 guard member engaged in national guard duty or state active
22 duty, civilian employee of a law enforcement agency, civilian
23 employee of a fire department, or fire fighter, whether paid
24 or volunteer, who knows that the person against whom the
25 assault is committed is a peace officer, jailer, correctional
26 staff, member or employee of the board of parole, health care
27 provider, employee of the department of health and human
28 services, employee of the department of inspections, appeals,
29 and licensing, employee of the department of revenue, national
30 guard member engaged in national guard duty or state active
31 duty, civilian employee of a law enforcement agency, civilian
32 employee of a fire department, or fire fighter, and who causes
33 bodily injury or mental illness, is guilty of an ~~aggravated~~
34 ~~misdemeanor~~ a class "D" felony.

35 4. Any other assault, as defined in [section 708.1](#), including

1 an assault causing another to come into contact with saliva by
2 throwing, tossing, spitting, or expelling the fluid, committed
3 against a peace officer, jailer, correctional staff, member
4 or employee of the board of parole, health care provider,
5 employee of the department of health and human services,
6 employee of the department of inspections, appeals, and
7 licensing, employee of the department of revenue, national
8 guard member engaged in national guard duty or state active
9 duty, civilian employee of a law enforcement agency, civilian
10 employee of a fire department, or fire fighter, whether paid
11 or volunteer, by a person who knows that the person against
12 whom the assault is committed is a peace officer, jailer,
13 correctional staff, member or employee of the board of parole,
14 health care provider, employee of the department of health and
15 human services, employee of the department of inspections,
16 appeals, and licensing, employee of the department of revenue,
17 national guard member engaged in national guard duty or state
18 active duty, civilian employee of a law enforcement agency,
19 civilian employee of a fire department, or fire fighter, is
20 ~~a serious~~ an aggravated misdemeanor. A person convicted of
21 violating this subsection shall serve a minimum term of seven
22 days of the sentence imposed by law, and shall not be eligible
23 for suspension of the minimum sentence.

24 Sec. 2. Section 708.3B, Code 2024, is amended to read as
25 follows:

26 **708.3B Inmate assaults — bodily fluids or secretions.**

27 A person who, while confined in a jail or in an institution
28 or facility under the control of the department of corrections,
29 commits any of the following acts commits a class "D" felony:

30 1. An assault, as defined under [section 708.1](#), upon an
31 employee of the jail or institution or facility under the
32 control of the department of corrections, ~~which~~ that results
33 in the employee's contact with blood, seminal fluid, urine,
34 saliva, or feces.

35 2. An act ~~which~~ that is intended to cause pain or injury

1 or be insulting or offensive and ~~which~~ that results in blood,
2 seminal fluid, urine, saliva, or feces being cast or expelled
3 upon an employee of the jail or institution or facility under
4 the control of the department of corrections.

5

EXPLANATION

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

8 This bill relates to assaults, including assaults on
9 persons engaged in certain occupations and inmate assaults on
10 department of corrections employees.

11 Current law provides enhanced penalties for an assault,
12 as defined in Code section 708.1, against persons engaged
13 in certain occupations including a peace officer, jailer,
14 correctional staff, member or employee of the board of parole,
15 health care provider, employee of the department of health and
16 human services, employee of the department of revenue, national
17 guard member engaged in national guard duty or state active
18 duty, civilian employee of a law enforcement agency, civilian
19 employee of a fire department, or fire fighter, whether paid
20 or volunteer.

21 The bill adds an employee of the department of inspections,
22 appeals, and licensing to the listed occupations.

23 The bill increases the currently applicable penalties by one
24 degree. A person who assaults a person engaged in one of the
25 listed occupations with knowledge of the person's occupation
26 and the intent to inflict a serious injury upon such person is
27 guilty of a class "C" felony. A person who, while assaulting
28 a person engaged in one of the listed occupations, uses or
29 displays a dangerous weapon in connection with the assault is
30 guilty of a class "C" felony. A person who, while assaulting a
31 person engaged in one of the listed occupations, causes bodily
32 injury or mental illness is guilty of a class "D" felony.

33 The bill provides that any other assault, including an
34 assault causing another to come into contact with saliva by
35 throwing, tossing, spitting, or expelling the fluid, committed

1 against a person engaged in one of the listed occupations is an
2 aggravated misdemeanor. A person convicted of violating the
3 provision is required to serve a minimum term of seven days of
4 the sentence imposed by law, and is not eligible for suspension
5 of the minimum sentence.

6 The bill provides that a person who, while confined in
7 a jail, institution, or facility under the control of the
8 department of corrections, commits an assault upon an employee
9 of the jail, institution, or facility that results in the
10 employee's contact with blood, seminal fluid, urine, saliva, or
11 feces, or who commits an act that is intended to cause pain or
12 injury or be insulting or offensive and that results in blood,
13 seminal fluid, urine, saliva, or feces being cast or expelled
14 upon an employee, commits a class "D" felony. Current law does
15 not include saliva in the list of bodily fluids or secretions.

16 A class "C" felony is punishable by confinement for no more
17 than 10 years and a fine of at least \$1,370 but not more than
18 \$13,660. A class "D" felony is punishable by confinement for
19 no more than five years and a fine of at least \$1,025 but not
20 more than \$10,245. An aggravated misdemeanor is punishable by
21 confinement for no more than two years and a fine of at least
22 \$855 but not more than \$8,540.