

Senate Study Bill 3023 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

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 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, with the knowledge 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 revenue, national
16 guard member engaged in national guard duty or state active
17 duty, civilian employee of a law enforcement agency, civilian
18 employee of a fire department, or fire fighter and with the
19 intent to inflict a serious injury upon the peace officer,
20 jailer, correctional staff, member or employee of the board
21 of parole, health care provider, employee of the department
22 of health and human services, employee of the department of
23 revenue, national guard member engaged in national guard duty
24 or state active duty, civilian employee of a law enforcement
25 agency, civilian employee of a fire department, or fire
26 fighter, is guilty of a class "~~D~~" "C" felony.

27 2. A person who commits an assault, as defined in section
28 708.1, against a peace officer, jailer, correctional staff,
29 member or employee of the board of parole, health care
30 provider, employee of the department of health and human
31 services, employee of the department of revenue, national
32 guard member engaged in national guard duty or state active
33 duty, civilian employee of a law enforcement agency, civilian
34 employee of a fire department, or fire fighter, whether paid
35 or volunteer, who knows that the person against whom the

1 assault is committed is a peace officer, jailer, correctional
2 staff, member or employee of the board of parole, health care
3 provider, employee of the department of health and human
4 services, employee of the department of revenue, national
5 guard member engaged in national guard duty or state active
6 duty, civilian employee of a law enforcement agency, civilian
7 employee of a fire department, or fire fighter and who uses or
8 displays a dangerous weapon in connection with the assault, is
9 guilty of a class "~~D~~" "C" felony.

10 3. A person who commits an assault, as defined in section
11 708.1, against a peace officer, jailer, correctional staff,
12 member or employee of the board of parole, health care
13 provider, employee of the department of health and human
14 services, employee of the department of revenue, national
15 guard member engaged in national guard duty or state active
16 duty, civilian employee of a law enforcement agency, civilian
17 employee of a fire department, or fire fighter, whether paid
18 or volunteer, who knows that the person against whom the
19 assault is committed is a peace officer, jailer, correctional
20 staff, member or employee of the board of parole, health care
21 provider, employee of the department of health and human
22 services, employee of the department of revenue, national
23 guard member engaged in national guard duty or state active
24 duty, civilian employee of a law enforcement agency, civilian
25 employee of a fire department, or fire fighter, and who causes
26 bodily injury or mental illness, is guilty of an ~~aggravated~~
27 ~~misdemeanor~~ a class "D" felony.

28 4. Any other assault, as defined in [section 708.1](#),
29 including an assault causing another to come into contact
30 with saliva by throwing, tossing, spitting, or expelling the
31 fluid, committed against a peace officer, jailer, correctional
32 staff, 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 revenue, national
35 guard member engaged in national guard duty or state active

1 duty, civilian employee of a law enforcement agency, civilian
2 employee of a fire department, or fire fighter, whether paid
3 or volunteer, by a person who knows that the person against
4 whom the assault is committed is a peace officer, jailer,
5 correctional staff, member or employee of the board of parole,
6 health care provider, employee of the department of health and
7 human services, 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, is a ~~serious~~
11 an aggravated misdemeanor. A person convicted of violating
12 this subsection shall serve a minimum term of seven days of
13 the sentence imposed by law, and shall not be eligible for
14 suspension of the minimum sentence.

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

17 **708.3B Inmate assaults — bodily fluids or secretions.**

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

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

26 2. An act ~~which~~ that is intended to cause pain or injury
27 or be insulting or offensive and ~~which~~ that results in blood,
28 seminal fluid, urine, saliva, or feces being cast or expelled
29 upon an employee of the jail or institution or facility under
30 the control of the department of corrections.

31 EXPLANATION

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

34 This bill relates to assaults, including assaults on
35 persons engaged in certain occupations and inmate assaults on

1 department of corrections employees.

2 Current law provides enhanced penalties for an assault,
3 as defined in Code section 708.1, against persons engaged
4 in certain occupations including a peace officer, jailer,
5 correctional staff, member or employee of the board of parole,
6 health care provider, employee of the department of health and
7 human services, 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.

12 The bill increases the currently applicable penalties by one
13 degree. A person who assaults a person engaged in one of the
14 listed occupations with knowledge of the person's occupation
15 and the intent to inflict a serious injury upon such person is
16 guilty of a class "C" felony. A person who, while assaulting
17 a person engaged in one of the listed occupations, uses or
18 displays a dangerous weapon in connection with the assault is
19 guilty of a class "C" felony. A person who, while assaulting a
20 person engaged in one of the listed occupations, causes bodily
21 injury or mental illness is guilty of a class "D" felony.

22 The bill provides that any other assault, including an
23 assault causing another to come into contact with saliva by
24 throwing, tossing, spitting, or expelling the fluid, committed
25 against a person engaged in one of the listed occupations is an
26 aggravated misdemeanor. A person convicted of violating the
27 provision is required to serve a minimum term of seven days of
28 the sentence imposed by law, and is not eligible for suspension
29 of the minimum sentence.

30 The bill provides that a person who, while confined in
31 a jail, institution, or facility under the control of the
32 department of corrections, commits an assault upon an employee
33 of the jail, institution, or facility that results in the
34 employee's contact with blood, seminal fluid, urine, saliva, or
35 feces, or who commits an act that is intended to cause pain or

1 injury or be insulting or offensive and that results in blood,
2 seminal fluid, urine, saliva, or feces being cast or expelled
3 upon an employee, commits a class "D" felony. Current law does
4 not include saliva in the list of bodily fluids or secretions.
5 A class "C" felony is punishable by confinement for no more
6 than 10 years and a fine of at least \$1,370 but not more than
7 \$13,660. A class "D" felony is punishable by confinement for
8 no more than five years and a fine of at least \$1,025 but not
9 more than \$10,245. An aggravated misdemeanor is punishable by
10 confinement for no more than two years and a fine of at least
11 \$855 but not more than \$8,540.