

House File 2693 - Introduced

HOUSE FILE 2693
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 668)

A BILL FOR

1 An Act relating to immunity from criminal or civil liability in
2 cases involving the justifiable use of reasonable force.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 704.13, Code 2025, is amended to read as
2 follows:

3 **704.13 Immunity.**

4 1. A person who is justified in using reasonable force
5 against an aggressor in defense of oneself, another person,
6 or property pursuant to section 704.4 is immune from criminal
7 or civil liability for all damages incurred by the aggressor
8 pursuant to the application of reasonable force.

9 2. There shall be a presumption under this section that the
10 person reasonably believed that such use of force was necessary
11 to defend the person, another person, or property from what the
12 person reasonably believed to be the use of or imminent use of
13 unlawful force by another person.

14 3. A law enforcement agency may use standard procedures
15 for investigating the use or threatened use of force, but the
16 law enforcement agency shall not arrest the person for using
17 or threatening to use force unless the law enforcement agency
18 makes the determination that there is probable cause to believe
19 that the force that was used or was threatened to be used was
20 unlawful.

21 4. In a criminal prosecution or civil action, when a
22 justified use of force immunity has been raised by a person at
23 a pretrial immunity hearing, the burden of proof, to be carried
24 by clear and convincing evidence, is on the party seeking to
25 overcome the immunity provided in subsection 1. The court shall
26 hold a pretrial immunity hearing within fourteen days of the
27 person filing a motion to dismiss the criminal prosecution or
28 civil action on the grounds of immunity.

29 5. In a criminal prosecution, a determination by the court
30 that there is probable cause to believe that the criminal offense
31 was committed by the person and that the person should stand
32 trial for the criminal offense must include a determination that
33 the person's use of force was not justified.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to immunity from criminal or civil liability
3 in cases involving the justifiable use of reasonable force.

4 Under current law, a person who is justified in using
5 reasonable force against an aggressor in defense of the person's
6 self, another person, or property is immune from criminal or
7 civil liability for all damages incurred. The bill provides that
8 there shall be a presumption that the person reasonably believed
9 that such use of force was necessary to defend the person,
10 another person, or property from what the person reasonably
11 believed to be the use of or imminent use of unlawful force by
12 another person. A law enforcement agency may investigate the
13 use or threatened use of force, but the law enforcement agency
14 shall not arrest the person for using or threatening to use force
15 unless law enforcement determines that there is probable cause to
16 believe that the force that was used or was threatened to be used
17 was unlawful.

18 The bill provides that in a criminal prosecution or civil
19 action, once a justified use of force immunity has been raised
20 by a person at a pretrial immunity hearing, the burden of
21 proof, to be carried by clear and convincing evidence, is on the
22 party seeking to overcome the immunity. The court shall hold a
23 pretrial immunity hearing within 14 days of the person filing a
24 motion to dismiss on the grounds of immunity.

25 The bill provides that a probable cause determination by the
26 court that the person committed the crime and that the person
27 should stand trial for the criminal offense must include a
28 determination that the person's use of force was not justified.