

House File 945 - Introduced

HOUSE FILE 945
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 213)

A BILL FOR

1 An Act providing for a hearing to determine immunity from
2 criminal or civil liability following a use of reasonable
3 force in defense of one's self, others, or property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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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. A defendant in a criminal action may file a motion
10 asserting the immunity granted in this section not less than
11 forty-five days before trial. The court shall conduct a pretrial
12 hearing to determine whether the defendant is immune. If the
13 court finds that the defendant has established a prima facie
14 claim of immunity, the state shall bear the burden of proof by
15 clear and convincing evidence to overcome the claim of immunity.
16 If the state overcomes the claim of immunity, the case will
17 proceed to trial as provided by the rules of criminal procedure.
18 If the state does not overcome the claim of immunity, the case
19 shall be dismissed with prejudice.

20 3. A defendant in a civil action may raise the immunity
21 granted by this section as an affirmative defense as provided by
22 the rules of civil procedure.

23 EXPLANATION

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

26 This bill provides for a hearing to determine immunity from
27 criminal or civil liability following a use of reasonable force
28 in defense of one's self, others, or property.

29 Current law provides for immunity from criminal or civil
30 liability for all damages caused by a person justified in using
31 reasonable force in defense of the person, another person, or
32 property. The bill provides that a defendant in a criminal
33 action may file a motion asserting immunity not less than 45
34 days before trial. The court shall conduct a pretrial hearing
35 to determine whether the defendant is immune. If the court

1 finds that the defendant has established a prima facie claim of
2 immunity, the state shall bear the burden of proof by clear and
3 convincing evidence to overcome the claim of immunity. If the
4 state overcomes the claim of immunity, the case will proceed to
5 trial. If the state does not overcome the claim of immunity, the
6 case shall be dismissed with prejudice.

7 The bill provides that a defendant in a civil action may raise
8 immunity as an affirmative defense.

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