

Senate File 397 - Introduced

SENATE FILE 397
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1058)

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 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 708.3A, subsections 1, 2, 3, and 4, Code
2 2025, 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 or
5 juvenile detention staff, member or employee of the board
6 of parole, health care provider, employee of the department
7 of health and human services, employee of the department of
8 inspections, appeals, and licensing who conducts investigations
9 or inspections, 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, whether paid or
13 volunteer, with the knowledge that the person against whom the
14 assault is committed is a peace officer, jailer, correctional
15 or juvenile detention staff, member or employee of the board
16 of parole, health care provider, employee of the department
17 of health and human services, employee of the department of
18 inspections, appeals, and licensing who conducts investigations
19 or inspections, employee of the department of revenue, national
20 guard member engaged in national guard duty or state active
21 duty, civilian employee of a law enforcement agency, civilian
22 employee of a fire department, or fire fighter and with the
23 intent to inflict a serious injury upon the peace officer,
24 jailer, correctional or juvenile detention staff, member or
25 employee of the board of parole, health care provider, employee
26 of the department of health and human services, employee of the
27 department of inspections, appeals, and licensing who conducts
28 investigations or inspections, employee of the department of
29 revenue, national guard member engaged in national guard duty
30 or state active duty, civilian employee of a law enforcement
31 agency, civilian employee of a fire department, or fire fighter,
32 is guilty of a class "D" "C" felony.

33 2. A person who commits an assault, as defined in section
34 708.1, against a peace officer, jailer, correctional or
35 juvenile detention staff, member or employee of the board

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

19 3. A person who commits an assault, as defined in section
 20 708.1, against a peace officer, jailer, correctional or
 21 juvenile detention staff, member or employee of the board
 22 of parole, health care provider, employee of the department
 23 of health and human services, employee of the department of
 24 inspections, appeals, and licensing who conducts investigations
 25 or inspections, employee of the department of revenue, national
 26 guard member engaged in national guard duty or state active duty,
 27 civilian employee of a law enforcement agency, civilian employee
 28 of a fire department, or fire fighter, whether paid or volunteer,
 29 who knows that the person against whom the assault is committed
 30 is a peace officer, jailer, correctional or juvenile detention
 31 staff, member or employee of the board of parole, health
 32 care provider, employee of the department of health and human
 33 services, employee of the department of inspections, appeals, and
 34 licensing who conducts investigations or inspections, employee
 35 of the department of revenue, national guard member engaged in

1 national guard duty or state active duty, civilian employee of a
 2 law enforcement agency, civilian employee of a fire department,
 3 or fire fighter, and who causes bodily injury or mental illness,
 4 is guilty of ~~an aggravated misdemeanor~~ a class "D" felony.

5 4. Any other assault, as defined in section 708.1, including
 6 an assault causing another to come into contact with saliva
 7 by throwing, tossing, spitting, or expelling the fluid,
 8 committed against a peace officer, jailer, correctional or
 9 juvenile detention staff, member or employee of the board
 10 of parole, health care provider, employee of the department
 11 of health and human services, employee of the department of
 12 inspections, appeals, and licensing who conducts investigations
 13 or inspections, employee of the department of revenue, national
 14 guard member engaged in national guard duty or state active
 15 duty, civilian employee of a law enforcement agency, civilian
 16 employee of a fire department, or fire fighter, whether paid or
 17 volunteer, by a person who knows that the person against whom
 18 the assault is committed is a peace officer, jailer, correctional
 19 or juvenile detention staff, member or employee of the board
 20 of parole, health care provider, employee of the department
 21 of health and human services, employee of the department of
 22 inspections, appeals, and licensing who conducts investigations
 23 or inspections, employee of the department of revenue, national
 24 guard member engaged in national guard duty or state active duty,
 25 civilian employee of a law enforcement agency, civilian employee
 26 of a fire department, or fire fighter, ~~is a serious~~ an aggravated
 27 misdemeanor. A person convicted of violating this subsection
 28 shall serve a minimum term of seven days of the sentence imposed
 29 by law, and shall not be eligible for suspension of the minimum
 30 sentence.

31 Sec. 2. Section 708.3B, Code 2025, is amended to read as
 32 follows:

33 **708.3B Inmate assaults — bodily fluids or secretions.**

34 A person who, while confined in a jail or in an institution
 35 or facility under the control of the department of corrections,

1 commits any of the following acts commits a class "D" felony:

2 1. An assault, as defined under section 708.1, upon an
3 employee of the jail or institution or facility under the control
4 of the department of corrections, ~~which~~ that results in the
5 employee's contact with blood, seminal fluid, urine, saliva, or
6 feces.

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

12 EXPLANATION

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

15 This bill relates to assaults, including assaults on persons
16 engaged in certain occupations and inmate assaults on department
17 of corrections employees.

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

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

1 or mental illness is guilty of a class "D" felony.

2 The bill adds an employee of the department of inspections,
3 appeals, and licensing, who conducts investigations or
4 inspections, and juvenile detention staff to the list of
5 occupations.

6 The bill provides that any other assault, including an assault
7 causing another to come into contact with saliva by throwing,
8 tossing, spitting, or expelling the fluid, committed against a
9 person engaged in one of the listed occupations is an aggravated
10 misdemeanor. A person convicted of violating the provision is
11 required to serve a minimum term of seven days of the sentence
12 imposed by law, and is not eligible for suspension of the minimum
13 sentence.

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

24 A class "C" felony is punishable by confinement for no more
25 than 10 years and a fine of at least \$1,370 but not more than
26 \$13,660. A class "D" felony is punishable by confinement for
27 no more than five years and a fine of at least \$1,025 but not
28 more than \$10,245. An aggravated misdemeanor is punishable by
29 confinement for no more than two years and a fine of at least
30 \$855 but not more than \$8,540.