

Senate File 401 - Introduced

SENATE FILE 401

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A BILL FOR

1 An Act relating to the defenses of justification and diminished
2 capacity for certain violent crimes.

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

unofficial

1 Section 1. Section 704.6, Code 2025, is amended to read as
2 follows:

3 **704.6 When defense defenses not available.**

4 1. The defense of justification is not available to the
5 following:

6 ~~1.~~ a. ~~One~~ A person who is participating in a forcible
7 felony, or riot, or a duel.

8 ~~2.~~ b. ~~One~~ A person who initially provokes the use of force
9 against ~~oneself~~ the person's self, with the intent to use such
10 force as an excuse to inflict injury on the assailant.

11 ~~3.~~ c. ~~One~~ A person who initially provokes the use of force
12 against ~~oneself~~ the person's self by ~~one's~~ the person's unlawful
13 acts, unless either of the following applies:

14 ~~a.~~ (1) Such force is grossly disproportionate to the
15 provocation, and is so great that the person reasonably believes
16 that the person is in imminent danger of death or serious injury
17 ~~or.~~

18 ~~b.~~ (2) The person withdraws from physical contact with the
19 other and indicates clearly to the other that the person desires
20 to terminate the conflict but the other continues or resumes the
21 use of force.

22 2. The defenses of justification and diminished capacity are
23 not available to a person who is the subject of a nonviolent
24 sexual advance who commits a violent crime, as defined in section
25 915.10, or to a person who commits an assault, as defined in
26 section 708.1, upon another person as the result of the person's
27 discovery of, knowledge about, or potential disclosure of the
28 victim's sex, sexual orientation, or gender identity.

29 EXPLANATION

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

32 This bill specifies that the defenses of justification and
33 diminished capacity are not available when a person who is the
34 subject of a nonviolent sexual advance commits a violent crime
35 or an assault upon another person as the result of that sexual

1 advance or solely as a result of the person's discovery of,
2 knowledge about, or potential disclosure of the victim's sex,
3 sexual orientation, or gender identity.

4 Code section 915.10 defines "violent crime" as a forcible
5 felony, as defined in Code section 702.11, and includes any other
6 felony or aggravated misdemeanor which involved the actual or
7 threatened infliction of physical or emotional injury on one or
8 more persons. Code section 708.1 defines assault. A person
9 commits an assault when, without justification, the person does
10 any of the following: any act which is intended to cause pain
11 or injury to, or which is intended to result in physical contact
12 which will be insulting or offensive to another, coupled with the
13 apparent ability to execute the act; any act which is intended
14 to place another in fear of immediate physical contact which will
15 be painful, injurious, insulting, or offensive, coupled with the
16 apparent ability to execute the act; intentionally points any
17 firearm toward another, or displays in a threatening manner any
18 dangerous weapon toward another; and intentionally points a laser
19 toward a person or aircraft.