

Senate Study Bill 1058 - 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 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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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 staff,
5 member or employee of the board of parole, health care provider,
6 employee of the department of health and human services, employee
7 of the department of revenue, national guard member engaged in
8 national guard duty or state active duty, civilian employee of a
9 law enforcement agency, civilian employee of a fire department,
10 or fire fighter, whether paid or volunteer, with the knowledge
11 that the person against whom the assault is committed is a peace
12 officer, jailer, correctional staff, member or employee of the
13 board of parole, health care provider, employee of the department
14 of health and human services, employee of the department of
15 revenue, national guard member engaged in national guard duty
16 or state active duty, civilian employee of a law enforcement
17 agency, civilian employee of a fire department, or fire fighter
18 and with the intent to inflict a serious injury upon the peace
19 officer, jailer, correctional staff, member or employee of the
20 board of parole, health care provider, employee of the department
21 of health and human services, employee of the department of
22 revenue, national guard member engaged in national guard duty
23 or state active duty, civilian employee of a law enforcement
24 agency, civilian employee of a fire department, or fire fighter,
25 is guilty of a class "D" "C" felony.

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

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

8 3. A person who commits an assault, as defined in section
9 708.1, against a peace officer, jailer, correctional staff,
10 member or employee of the board of parole, health care provider,
11 employee of the department of health and human services, employee
12 of the department of revenue, national guard member engaged in
13 national guard duty or state active duty, civilian employee of a
14 law enforcement agency, civilian employee of a fire department,
15 or fire fighter, whether paid or volunteer, who knows that
16 the person against whom the assault is committed is a peace
17 officer, jailer, correctional staff, member or employee of the
18 board of parole, health care provider, employee of the department
19 of health and human services, employee of the department of
20 revenue, national guard member engaged in national guard duty
21 or state active duty, civilian employee of a law enforcement
22 agency, civilian employee of a fire department, or fire fighter,
23 and who causes bodily injury or mental illness, is guilty of an
24 ~~aggravated misdemeanor~~ a class "D" felony.

25 4. Any other assault, as defined in section 708.1, including
26 an assault causing another to come into contact with saliva by
27 throwing, tossing, spitting, or expelling the fluid, committed
28 against a peace officer, jailer, correctional staff, member or
29 employee of the board of parole, health care provider, employee
30 of the department of health and human services, employee of the
31 department of revenue, national guard member engaged in national
32 guard duty or state active duty, civilian employee of a law
33 enforcement agency, civilian employee of a fire department, or
34 fire fighter, whether paid or volunteer, by a person who knows
35 that the person against whom the assault is committed is a peace

1 officer, jailer, correctional staff, member or employee of the
2 board of parole, health care provider, employee of the department
3 of health and human services, employee of the department of
4 revenue, national guard member engaged in national guard duty
5 or state active duty, civilian employee of a law enforcement
6 agency, civilian employee of a fire department, or fire fighter,
7 is ~~a serious~~ an aggravated misdemeanor. A person convicted of
8 violating this subsection shall serve a minimum term of seven
9 days of the sentence imposed by law, and shall not be eligible
10 for suspension of the minimum sentence.

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

13 **708.3B Inmate assaults — bodily fluids or secretions.**

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

17 1. An assault, as defined under section 708.1, upon an
18 employee of the jail or institution or facility under the control
19 of the department of corrections, ~~which~~ that results in the
20 employee's contact with blood, seminal fluid, urine, saliva, or
21 feces.

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

27 **EXPLANATION**

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

30 This bill relates to assaults, including assaults on persons
31 engaged in certain occupations and inmate assaults on department
32 of corrections employees.

33 Current law provides enhanced penalties for an assault, as
34 defined in Code section 708.1, against persons engaged in certain
35 occupations including a peace officer, jailer, correctional

1 staff, member or employee of the board of parole, health
2 care provider, employee of the department of health and human
3 services, employee of the department of revenue, national guard
4 member engaged in national guard duty or state active duty,
5 civilian employee of a law enforcement agency, civilian employee
6 of a fire department, or fire fighter, whether paid or volunteer.

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

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

25 The bill provides that a person who, while confined in a jail,
26 institution, or facility under the control of the department of
27 corrections, commits an assault upon an employee of the jail,
28 institution, or facility that results in the employee's contact
29 with blood, seminal fluid, urine, saliva, or feces, or who
30 commits an act that is intended to cause pain or injury or be
31 insulting or offensive and that results in blood, seminal fluid,
32 urine, saliva, or feces being cast or expelled upon an employee,
33 commits a class "D" felony. Current law does not include saliva
34 in the list of bodily fluids or secretions.

35 A class "C" felony is punishable by confinement for no more

1 than 10 years and a fine of at least \$1,370 but not more than
2 \$13,660. A class "D" felony is punishable by confinement for
3 no more than five years and a fine of at least \$1,025 but not
4 more than \$10,245. An aggravated misdemeanor is punishable by
5 confinement for no more than two years and a fine of at least
6 \$855 but not more than \$8,540.

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