

Senate File 384 - Reprinted

SENATE FILE 384
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 151)

(As Amended and Passed by the Senate April 1, 2013)

A BILL FOR

1 An Act relating to removing or attempting to remove a
2 communication or control device from the possession of a
3 peace officer or correctional officer, interference with
4 official acts, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 702.11, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *h.* Removal of an officer's communication or
4 control device in violation of section 708.12, subsection 3,
5 paragraph "f".

6 Sec. 2. NEW SECTION. **708.12 Removal of an officer's**
7 **communication or control device.**

8 1. As used in this section, "*officer*" means peace officer as
9 defined in section 724.2A or a correctional officer.

10 2. A person who knowingly or intentionally removes or
11 attempts to remove a communication device or any device used
12 for control from the possession of an officer, when the officer
13 is in the performance of any act which is within the scope of
14 the lawful duty or authority of that officer and the person
15 knew or should have known the individual to be an officer,
16 commits the offense of removal of an officer's communication
17 or control device.

18 3. *a.* A person who removes or attempts to remove an
19 officer's communication or control device is guilty of a simple
20 misdemeanor.

21 *b.* A person who knowingly or intentionally removes or
22 attempts to remove a communication or control device from the
23 possession of an officer with the intent to interfere with the
24 communications or duties of the officer, is guilty of a serious
25 misdemeanor.

26 *c.* If a violation of paragraph "a" results in bodily injury
27 to the officer the person is guilty of a serious misdemeanor.

28 *d.* If a violation of paragraph "a" results in serious
29 injury to the officer the person is guilty of an aggravated
30 misdemeanor.

31 *e.* If a violation of paragraph "a" occurs and the person
32 knowingly or intentionally causes bodily injury to the officer
33 the person is guilty of an aggravated misdemeanor.

34 *f.* If a violation of paragraph "a" occurs and the person
35 knowingly or intentionally causes serious injury to the officer

1 the person is guilty of a class "D" felony.

2 Sec. 3. Section 719.1, subsections 1 and 2, Code 2013, are
3 amended to read as follows:

4 1. a. A person who knowingly resists or obstructs anyone
5 known by the person to be a peace officer, emergency medical
6 care provider under chapter 147A, or fire fighter, whether paid
7 or volunteer, in the performance of any act which is within
8 the scope of the lawful duty or authority of that officer,
9 emergency medical care provider under chapter 147A, or fire
10 fighter, whether paid or volunteer, or who knowingly resists or
11 obstructs the service or execution by any authorized person of
12 any civil or criminal process or order of any court, commits a
13 simple misdemeanor. In addition to any other penalties, the
14 punishment imposed for a violation of this subsection shall
15 include assessment of a fine of not less than two hundred fifty
16 dollars. ~~However, if~~

17 b. If a person commits interference with official acts, as
18 defined in this subsection, which results in bodily injury, the
19 person commits a serious misdemeanor.

20 c. If a person commits interference with official acts, as
21 defined in this subsection, which results in serious injury,
22 the person commits an aggravated misdemeanor.

23 d. If a person commits an interference with official acts,
24 as defined in this subsection, and in so doing inflicts bodily
25 injury other than serious injury, that person commits an
26 aggravated misdemeanor.

27 e. If a person commits an interference with official acts,
28 as defined in this subsection, and in so doing inflicts or
29 attempts to inflict serious injury, or displays a dangerous
30 weapon, as defined in section 702.7, or is armed with a
31 firearm, that person commits a class "D" felony.

32 2. a. A person under the custody, control, or supervision
33 of the department of corrections who knowingly resists,
34 obstructs, or interferes with a correctional officer, agent,
35 employee, or contractor, whether paid or volunteer, in the

1 performance of the person's official duties, commits a serious
2 misdemeanor.

3 b. If a person violates this subsection and in so doing
4 commits an assault, as defined in section 708.1, the person
5 commits an aggravated misdemeanor.

6 c. If a person violates this subsection and the violation
7 results in bodily injury to another, the person commits an
8 aggravated misdemeanor.

9 d. If a person violates this subsection and the violation
10 results in serious injury to another, the person commits a
11 class "D" felony.

12 e. If a person violates this subsection and in so doing
13 inflicts or attempts to inflict bodily injury other than
14 serious injury to another, displays a dangerous weapon, as
15 defined in section 702.7, or is armed with a firearm, the
16 person commits a class "D" felony.

17 f. If a person violates this subsection and uses or attempts
18 to use a dangerous weapon, as defined in section 702.7, or
19 inflicts serious injury to another, the person commits a class
20 "C" felony.