

**Senate File 534 - Reprinted**

SENATE FILE 534  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 497)

(As Amended and Passed by the Senate March 10, 2021)

**A BILL FOR**

- 1 An Act relating to law enforcement and certain criminal
- 2 offenses, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.366A Immunity from civil  
2 liability for certain vehicle operators.

3 1. The driver of a vehicle who is exercising due care and  
4 who injures another person who is participating in a protest,  
5 demonstration, riot, or unlawful assembly or who is engaging in  
6 disorderly conduct and is blocking traffic in a public street  
7 or highway shall be immune from civil liability for the injury  
8 caused by the driver of the vehicle.

9 2. The driver of a vehicle who injures another person  
10 who is participating in a protest, demonstration, riot, or  
11 unlawful assembly or who is engaging in disorderly conduct and  
12 is blocking traffic in a public street or highway shall not  
13 be immune from civil liability if the actions leading to the  
14 injury caused by the driver of a vehicle constitute reckless  
15 or willful misconduct.

16 3. Subsection 1 shall not apply if the injured person  
17 participating in a protest or demonstration was doing so with a  
18 valid permit allowing persons to protest or demonstrate on the  
19 public street or highway where the injury occurred.

20 Sec. 2. Section 708.1, subsection 2, Code 2021, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. d. (1) Intentionally points a laser  
23 emitting a visible light beam at another person with the intent  
24 to cause pain or injury to another. For purposes of this  
25 paragraph, "laser" means a device that emits a visible light  
26 beam amplified by the stimulated emission of radiation and any  
27 light which simulates the appearance of a laser.

28 (2) This paragraph does not apply to any of the following:

29 (a) A law enforcement officer who uses a laser in  
30 discharging or attempting to discharge the officer's official  
31 duties.

32 (b) A health care professional who uses a laser in providing  
33 services within the scope of practice of that professional or  
34 any other person who is licensed or authorized by law to use a  
35 laser or who uses a laser in the performance of the person's

1 official duties.

2 (c) A person who uses a laser to play laser tag, paintball,  
3 and other similar games using light-emitting diode technology.

4 Sec. 3. Section 708.3A, subsections 1, 2, 3, and 4, Code  
5 2021, are amended to read as follows:

6 1. A person who commits an assault, as defined in section  
7 708.1, against a peace officer, civilian employee of a law  
8 enforcement agency, jailer, correctional staff, member or  
9 employee of the board of parole, health care provider, employee  
10 of the department of human services, employee of the department  
11 of revenue, ~~or~~ fire fighter, whether paid or volunteer, or  
12 civilian employee of a fire department, with the knowledge  
13 that the person against whom the assault is committed is a  
14 peace officer, civilian employee of a law enforcement agency,  
15 jailer, correctional staff, member or employee of the board  
16 of parole, health care provider, employee of the department  
17 of human services, employee of the department of revenue,  
18 ~~or~~ fire fighter, or civilian employee of a fire department,  
19 and with the intent to inflict a serious injury upon the  
20 peace officer, civilian employee of a law enforcement agency,  
21 jailer, correctional staff, member or employee of the board of  
22 parole, health care provider, employee of the department of  
23 human services, employee of the department of revenue, ~~or~~ fire  
24 fighter, or civilian employee of a fire department, is guilty  
25 of a class "D" "C" felony, with a mandatory minimum term of  
26 imprisonment of two years.

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

1 jailer, correctional staff, member or employee of the board  
 2 of parole, health care provider, employee of the department  
 3 of human services, employee of the department of revenue, ~~or~~  
 4 fire fighter, or civilian employee of a fire department, and  
 5 who uses or displays a dangerous weapon in connection with the  
 6 assault, is guilty of a class ~~"D"~~ "C" felony.

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

23 4. Any other assault, as defined in [section 708.1](#), committed  
 24 against a peace officer, civilian employee of a law enforcement  
 25 agency, jailer, correctional staff, member or employee of  
 26 the board of parole, health care provider, employee of the  
 27 department of human services, employee of the department of  
 28 revenue, ~~or~~ fire fighter, or civilian employee of a fire  
 29 department whether paid or volunteer, by a person who knows  
 30 that the person against whom the assault is committed is a  
 31 peace officer, jailer, correctional staff, member or employee  
 32 of the board of parole, health care provider, employee of  
 33 the department of human services, employee of the department  
 34 of revenue, or fire fighter, is a ~~serious~~ an aggravated  
 35 misdemeanor.

1 Sec. 4. Section 708.7, subsection 2, paragraph a, Code 2021,  
2 is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) Commits harassment against another  
4 person who is lawfully in a place of public accommodation.

5 Sec. 5. Section 716.4, subsection 1, Code 2021, is amended  
6 to read as follows:

7 1. Criminal mischief is criminal mischief in the second  
8 degree if ~~the~~ any of the following apply:

9 a. The cost of replacing, repairing, or restoring the  
10 property that is damaged, defaced, altered, or destroyed  
11 exceeds one thousand five hundred dollars but does not exceed  
12 ten thousand dollars.

13 b. The acts damage, deface, alter, or destroy any publicly  
14 owned property, including a monument or a statue. In addition  
15 to any sentence imposed for a violation of this paragraph, the  
16 court shall include an order of restitution for any property  
17 damage or loss incurred as a result of the offense.

18 Sec. 6. Section 723.1, Code 2021, is amended to read as  
19 follows:

20 **723.1 Riot.**

21 A riot is three or more persons assembled together in a  
22 violent manner, ~~to the disturbance of~~ disturbing others, and  
23 with any use of unlawful force or violence by them or any of  
24 them against another person or persons, or causing property  
25 damage. A person who willingly joins in or remains a part of a  
26 riot, knowing or having reasonable grounds to believe that it  
27 is such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

28 Sec. 7. Section 723.2, Code 2021, is amended to read as  
29 follows:

30 **723.2 Unlawful assembly.**

31 An unlawful assembly is three or more persons assembled  
32 together, with them or any of them acting in a violent manner,  
33 and with intent that they or any of them will commit a public  
34 offense. A person who willingly joins in or remains a part  
35 of an unlawful assembly, knowing or having reasonable grounds

1 to believe that it is such, commits a ~~simple~~ an aggravated  
2 misdemeanor.

3 Sec. 8. Section 723.4, Code 2021, is amended by striking the  
4 section and inserting in lieu thereof the following:

5 **723.4 Disorderly conduct.**

6 1. A person commits a simple misdemeanor when the person  
7 does any of the following:

8 a. Engages in fighting or violent behavior in any public  
9 place or in or near any lawful assembly of persons, provided,  
10 that participants in athletic contests may engage in such  
11 conduct which is reasonably related to that sport.

12 b. Makes loud and raucous noise in the vicinity of any  
13 residence or public building which causes unreasonable distress  
14 to the occupants thereof.

15 c. Directs abusive epithets or makes any threatening gesture  
16 which the person knows or reasonably should know is likely to  
17 provoke a violent reaction by another.

18 d. Without lawful authority or color of authority, the  
19 person disturbs any lawful assembly or meeting of persons by  
20 conduct intended to disrupt the meeting or assembly.

21 e. By words or action, initiates or circulates a report or  
22 warning of fire, epidemic, or other catastrophe, knowing such  
23 report to be false or such warning to be baseless.

24 f. (1) Knowingly and publicly uses the flag of the United  
25 States in such a manner as to show disrespect for the flag as  
26 a symbol of the United States, with the intent or reasonable  
27 expectation that such use will provoke or encourage another to  
28 commit trespass or assault.

29 (2) As used in this paragraph:

30 (a) "*Deface*" means to intentionally mar the external  
31 appearance.

32 (b) "*Defile*" means to intentionally make physically unclean.

33 (c) "*Flag*" means a piece of woven cloth or other material  
34 designed to be flown from a pole or mast.

35 (d) "*Mutilate*" means to intentionally cut up or alter so as

1 to make imperfect.

2 (e) "*Show disrespect*" means to deface, defile, mutilate, or  
3 trample.

4 (f) "*Trample*" means to intentionally tread upon or  
5 intentionally cause a machine, vehicle, or animal to tread  
6 upon.

7 (3) This paragraph does not apply to a flag retirement  
8 ceremony conducted pursuant to federal law.

9 2. A person commits a serious misdemeanor when the person,  
10 without lawful authority or color of authority, obstructs any  
11 street, sidewalk, highway, or other public way, with the intent  
12 to prevent or hinder its lawful use by others.

13 3. A person commits an aggravated misdemeanor when the  
14 person commits disorderly conduct as described in subsection 2  
15 and does any of the following:

16 a. Obstructs or attempts to obstruct a fully  
17 controlled-access facility on a highway, street, or road in  
18 which the speed restriction is controlled by section 321.285,  
19 subsection 3 or 5.

20 b. Commits property damage.

21 c. Is present during an unlawful assembly as defined in  
22 section 723.2.

23 4. A person commits a class "D" felony when the person  
24 commits disorderly conduct as described in subsection 2 and  
25 does any of the following:

26 a. Is present during a riot as defined in section 723.1.

27 b. Causes bodily injury.

28 5. A person commits a class "C" felony when the person  
29 commits disorderly conduct as described in subsection 2 and the  
30 person causes serious bodily injury or death.

31 **Sec. 9. NEW SECTION. 723.6 Interference with public**  
32 **disorder control.**

33 Any person who possesses a tool, instrument, or device  
34 with the intent to use the tool, instrument, or device to  
35 suppress or disrupt law enforcement from legally deploying a

1 device to control public disorder under this chapter commits an  
2 aggravated misdemeanor.

3 Sec. 10. Section 804.21, Code 2021, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 7. Notwithstanding any other provision in  
6 this section:

7 *a.* A defendant arrested for the offense of criminal  
8 mischief, as defined in section 716.4, subsection 1, paragraph  
9 "b"; rioting, as defined in section 723.1; unlawful assembly, as  
10 defined in section 723.2; or disorderly conduct, as defined in  
11 section 723.4, subsections 2 and 3, shall be held for at least  
12 twenty-four hours after the time of the arrest. The court  
13 may, however, release the defendant in less than twenty-four  
14 hours if the court finds that the defendant is not likely  
15 to immediately resume the criminal behavior based on the  
16 circumstances of the arrest and the defendant's prior criminal  
17 history, if any.

18 *b.* The findings of the court shall be reduced to writing.  
19 The written findings shall be attached to the warrant and be  
20 preserved as a permanent part of the record. The arresting  
21 officer shall make official note of the time of the arrest in  
22 order to establish the beginning of the twenty-four-hour period  
23 required by this subsection.