

House File 945 - Reprinted

HOUSE FILE 945
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 213)

(As Amended and Passed by the House March 24, 2025)

A BILL FOR

1 An Act providing for a hearing to determine immunity from
2 criminal or civil liability following a use of reasonable
3 force in defense of one's self, others, or property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 704.13, Code 2025, is amended to read as
2 follows:

3 **704.13 Immunity.**

4 1. A person who is justified in using reasonable force
5 against an aggressor in defense of oneself, another person,
6 or property pursuant to section 704.4 is immune from criminal
7 or prosecution, criminal liability for all damages, and civil
8 liability for all damages incurred by the aggressor pursuant to
9 the application of reasonable force.

10 2. A defendant in a criminal action may file a motion
11 asserting the immunity granted in this section not less than
12 forty-five days before trial. The court shall conduct a pretrial
13 hearing to determine whether the defendant is immune from
14 criminal prosecution. If the court finds that the defendant has
15 established a prima facie claim of immunity, the state shall bear
16 the burden of proof by clear and convincing evidence to overcome
17 the claim of immunity. If the state overcomes the claim of
18 immunity, the case will proceed to trial as provided by the rules
19 of criminal procedure. If the state does not overcome the claim
20 of immunity, the case shall be dismissed with prejudice.

21 3. A defendant in a civil action may raise the immunity
22 granted by this section as an affirmative defense as provided by
23 the rules of civil procedure.

24 4. A defendant in a criminal action may raise any defense or
25 immunity granted by this chapter as a trial defense. The denial
26 of a defendant's pretrial motion under this section shall not
27 preclude the defendant's right to raise any affirmative defense
28 or immunity at trial.