

JAN 1 2 2005
PUBLIC SAFETY

HOUSE FILE 39
BY HUTTER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to enhancing the criminal penalty for offenses
2 against a person sixty-five years of age or older.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 39

1 Section 1. NEW SECTION. 902.14 CRIMINAL OFFENSE AGAINST
2 A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER -- ENHANCEMENT.

3 A criminal offense classified as a felony in the Code,
4 except a class "A" felony, shall be classified and punished as
5 an offense one degree higher than the underlying offense if
6 the person against whom the crime is committed is sixty-five
7 years of age or older.

8 Sec. 2. NEW SECTION. 903.7 CRIMINAL OFFENSE AGAINST A
9 PERSON SIXTY-FIVE YEARS OF AGE OR OLDER -- ENHANCEMENT.

10 A criminal offense classified as a misdemeanor in the Code
11 shall be classified and punished as an offense one degree
12 higher than the underlying offense if the person against whom
13 the crime is committed is sixty-five years of age or older.

14 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
15 3, shall not apply to this Act.

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EXPLANATION

17 This bill relates to enhancing the criminal penalty for
18 offenses against a person 65 years of age or older.

19 The bill provides that any criminal offense in the Code,
20 except a class "A" felony, shall be reclassified one degree
21 higher than the underlying criminal offense if the person
22 against whom the crime is committed is 65 years of age or
23 older.

24 The bill may include a state mandate as defined in Code
25 section 25B.3. The bill makes inapplicable Code section
26 25B.2, subsection 3, which would relieve a political
27 subdivision from complying with a state mandate if funding for
28 the cost of the state mandate is not provided or specified.
29 Therefore, political subdivisions are required to comply with
30 any state mandate included in the bill.

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