

JAN 28 2002

JUDICIARY

HOUSE FILE 2134

BY FORD

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to increase the criminal penalties for an assault on
2 members of certain occupations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2134

1 Section 1. Section 708.3A, Code 2001, is amended by adding
2 the following new subsection before subsection 1:

3 NEW SUBSECTION. 0A. A person who commits an assault, as
4 defined in section 708.1, against a peace officer, jailer,
5 correctional staff, member of the board of parole, health care
6 provider, or fire fighter whether paid or volunteer, with the
7 knowledge that the person against whom the assault is
8 committed is a peace officer, jailer, correctional staff,
9 member of the board of parole, health care provider, or fire
10 fighter, and causes serious injury upon the peace officer,
11 jailer, correctional staff, member of the board of parole,
12 health care provider, or fire fighter, is guilty of a class
13 "C" felony.

14 Sec. 2. Section 708.3A, subsections 1 through 4, Code
15 2001, are amended to read as follows:

16 1. A person who commits an assault, as defined in section
17 708.1, against a peace officer, jailer, correctional staff,
18 health care provider, or fire fighter, whether paid or
19 volunteer, with the knowledge that the person against whom the
20 assault is committed is a peace officer, jailer, correctional
21 staff, member of the board of parole, health care provider, or
22 fire fighter and with the intent to inflict a serious injury
23 upon the peace officer, jailer, correctional staff, member of
24 the board of parole, health care provider, or fire fighter, is
25 guilty of a class "D" 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 of the board of parole, health care provider, or fire
29 fighter, whether paid or volunteer, who knows that the person
30 against whom the assault is committed is a peace officer,
31 jailer, correctional staff, member of the board of parole,
32 health care provider, or fire fighter and who uses or displays
33 a dangerous weapon in connection with the assault, is guilty
34 of a class "D" felony.

35 3. A person who commits an assault, as defined in section

1 708.1, against a peace officer, jailer, correctional staff,
2 member of the board of parole, health care provider, or fire
3 fighter, whether paid or volunteer, who knows that the person
4 against whom the assault is committed is a peace officer,
5 jailer, correctional staff, member of the board of parole,
6 health care provider, or fire fighter, and who causes bodily
7 injury or mental illness, is guilty of an aggravated
8 misdemeanor.

9 4. Any other assault, as defined in section 708.1,
10 committed against a peace officer, jailer, correctional staff,
11 member of the board of parole, health care provider, or fire
12 fighter, whether paid or volunteer, by a person who knows that
13 the person against whom the assault is committed is a peace
14 officer, jailer, correctional staff, member of the board of
15 parole, health care provider, or fire fighter, is a serious
16 misdemeanor.

17 EXPLANATION

18 This bill amends Code section 708.3A relating to an assault
19 on a peace officer, jailer, correctional staff, health care
20 provider, or fire fighter. The bill adds a "member of the
21 board of parole" to the list of occupations covered under Code
22 section 708.3A. The bill effectively increases the penalty
23 for an assault on a member of the board of parole.

24 The bill provides that if a person assaults a member of the
25 board of parole with the intent to inflict serious injury or
26 uses a dangerous weapon in connection with the assault, that
27 person commits a class "D" felony. If a person assaults a
28 member of the board of parole and causes bodily injury, that
29 person commits an aggravated misdemeanor and if the person
30 commits any other type of assault, that person commits a
31 serious misdemeanor.

32 The bill also creates a penalty for an assault that causes
33 serious injury to a person who is a member of a listed
34 occupation under Code section 708.3A. Under the bill, if a
35 person assaults a peace officer, jailer, correctional staff,

1 member of the board of parole, health care provider, or fire
2 fighter, and causes serious injury, the person commits a class
3 "C" felony. Existing law does not provide for an enhanced
4 penalty for an assault that causes serious injury on a peace
5 officer, jailer, correctional staff, member of the board of
6 parole, health care provider, or fire fighter.

7 A serious misdemeanor is punishable by confinement for no
8 more than one year and a fine of at least \$250 but not more
9 than \$1,500. An aggravated misdemeanor is punishable by
10 confinement for no more than two years and a fine of at least
11 \$500 but not more than \$5,000. A class "D" felony is
12 punishable by confinement for no more than five years and a
13 fine of at least \$750 but not more than \$7,500. A class "C"
14 felony is punishable by confinement for no more than 10 years
15 and a fine of at least \$1,000 but not more than \$10,000.

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