

Shey, chair
Tremmel

HSB 690

JUDICIARY

Succeeded

S. O 2546

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act classifying the criminal offense of assault as a general
2 intent crime.

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

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1 Section 1. Section 708.1, unnumbered paragraph 1, and
2 subsections 1 through 3, Code 2001, are amended to read as
3 follows:

4 An assault as defined in this section is a general intent
5 crime. A person commits an assault when, without
6 justification, the person does any of the following:

7 1. Any act which is intended to cause pain or injury to,
8 or which is intended to result in physical contact which will
9 be insulting or offensive to another, coupled with the
10 apparent ability to execute the act.

11 2. Any act which is intended to place another in fear of
12 immediate physical contact which will be painful, injurious,
13 insulting, or offensive, coupled with the apparent ability to
14 execute the act.

15 3. Intentionally points any firearm toward another, or
16 displays in a threatening manner any dangerous weapon toward
17 another.

18 EXPLANATION

19 This bill classifies the criminal offense of assault as a
20 general intent crime.

21 Current case law classifies the criminal offense of assault
22 as a specific intent crime. The Iowa supreme court in State
23 v. Heard, 636 N.W.2d 227, recently distinguished the
24 difference between a general criminal intent and a specific
25 criminal intent crime. The Iowa supreme court concluded that
26 a crime is a general intent crime when a crime consists of
27 only the description of a particular act, without reference to
28 intent to do a further act or achieve a further consequence,
29 and in this case the court only asks whether the defendant
30 intended to do the particular act.

31 The Iowa supreme court also concluded that a crime is a
32 specific intent crime when the definition of a crime refers to
33 a defendant's intent to do some further act or achieve some
34 additional consequence.

S. 3/13/02 Judiciary
S. 3/14/02 Do Pass

FEB 26 2002
Place On Calendar

HOUSE FILE 2546
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 690)

Passed House, ^(P.755) Date 3-12-02 Passed Senate, ^(P.763) Date 3-21-02
Vote: Ayes 88 Nays 4 Vote: Ayes 48 Nays 0
Approved April 8, 2002

A BILL FOR

1 An Act classifying the criminal offense of assault as a general
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HF 2546

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32 specific intent crime when the definition of a crime refers to
33 a defendant's intent to do some further act or achieve some
34 additional consequence.

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HOUSE FILE 2546

H-8242

- 1 Amend House File 2546 as follows:
2 1. Page 1, lines 4 and 5, by striking the words
3 "An assault as defined in this section is a general
4 intent crime."
5 2. Page 1, line 7, by striking the words "is
6 intended" and inserting the following: "is intended
7 the person knows or reasonably should know is likely".
8 3. Page 1, line 8, by striking the words "is
9 intended" and inserting the following: "is intended
10 the person knows or reasonably should know is likely".
11 4. Page 1, line 11, by striking the words "is
12 intended" and inserting the following: "is intended
13 the person knows or reasonably should know is likely".

By TREMMEL of Wapello

H-8242 FILED MARCH 11, 2002

W/P (P. 755)
3-12-02

HOUSE FILE 2546

H-8255

- 1 Amend the amendment, H-8242, to House File 2546 as
2 follows:
3 1. Page 1, by striking lines 2 through 4.

By TREMMEL of Wapello

H-8255 FILED MARCH 12, 2002

0/0
3-12-02 (P. 755)

3. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

HOUSE FILE 2546

AN ACT

CLASSIFYING THE CRIMINAL OFFENSE OF ASSAULT AS A GENERAL INTENT CRIME.

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

Section 1. Section 708.1, unnumbered paragraph 1, and subsections 1 through 3, Code 2001, are amended to read as follows:

An assault as defined in this section is a general intent crime. A person commits an assault when, without justification, the person does any of the following:

1. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

2. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2546, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/8, 2002

THOMAS J. VILSACK
Governor