

MAR 28 2002

JUDICIARY

HOUSE FILE 2598  
BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act creating increased criminal penalties for assault and  
2 harassment of members of certain occupations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2598

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

3 1. A person who commits an assault, as defined in section  
4 708.1, against a peace officer, jailer, correctional staff,  
5 member of the board of parole, health care provider, or fire  
6 fighter, whether paid or volunteer, with the knowledge that  
7 the person against whom the assault is committed is a peace  
8 officer, jailer, correctional staff, member of the board of  
9 parole, health care provider, or fire fighter and with the  
10 intent to inflict a 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 "D" felony.

14 2. A person who commits an assault, as defined in section  
15 708.1, against a peace officer, jailer, correctional staff,  
16 member of the board of parole, health care provider, or fire  
17 fighter, whether paid or volunteer, who knows that the person  
18 against whom the assault is committed is a peace officer,  
19 jailer, correctional staff, member of the board of parole,  
20 health care provider, or fire fighter and who uses or displays  
21 a dangerous weapon in connection with the assault, is guilty  
22 of a class "D" felony.

23 3. A person who commits an assault, as defined in section  
24 708.1, against a peace officer, jailer, correctional staff,  
25 member of the board of parole, health care provider, or fire  
26 fighter, whether paid or volunteer, who knows that the person  
27 against whom the assault is committed is a peace officer,  
28 jailer, correctional staff, member of the board of parole,  
29 health care provider, or fire fighter, and who causes bodily  
30 injury or mental illness, is guilty of an aggravated  
31 misdemeanor.

32 4. Any other assault, as defined in section 708.1,  
33 committed against a peace officer, jailer, correctional staff,  
34 member of the board of parole, health care provider, or fire  
35 fighter, whether paid or volunteer, by a person who knows that

1 the person against whom the assault is committed is a peace  
2 officer, jailer, correctional staff, member of the board of  
3 parole, health care provider, or fire fighter, is a serious  
4 misdemeanor.

5 Sec. 2. Section 708.7, subsections 2 through 4, Code 2001,  
6 are amended to read as follows:

7 2. A person commits harassment in the first degree when  
8 the person commits harassment involving a threat to commit a  
9 forcible felony, or commits harassment and has previously been  
10 convicted of harassment three or more times under this section  
11 or any similar statute during the preceding ten years.

12 Harassment in the first degree is an aggravated  
13 misdemeanor, except that a person who commits harassment in  
14 the first degree against a peace officer, jailer, correctional  
15 staff, member of the board of parole, health care provider, or  
16 fire fighter as set forth in section 708.3A, with the  
17 knowledge that the person against whom the harassment is  
18 committed is a peace officer, jailer, correctional staff,  
19 member of the board of parole, health care provider, or fire  
20 fighter, is guilty of a class "D" felony.

21 3. A person commits harassment in the second degree when  
22 the person commits harassment involving a threat to commit  
23 bodily injury, or commits harassment and has previously been  
24 convicted of harassment two times under this section or any  
25 similar statute during the preceding ten years.

26 Harassment in the second degree is a serious misdemeanor,  
27 except that a person who commits harassment in the second  
28 degree against a peace officer, jailer, correctional staff,  
29 member of the board of parole, health care provider, or fire  
30 fighter as set forth in section 708.3A, with the knowledge  
31 that the person against whom the harassment is committed is a  
32 peace officer, jailer, correctional staff, member of the board  
33 of parole, health care provider, or fire fighter, is guilty of  
34 an aggravated misdemeanor.

35 4. Any other act of harassment is harassment in the third

1 degree. Harassment in the third degree is a simple  
2 misdemeanor, except that a person who commits harassment in  
3 the third degree against a peace officer, jailer, correctional  
4 staff, member of the board of parole, health care provider, or  
5 fire fighter as set forth in section 708.3A, with the  
6 knowledge that the person against whom the harassment is  
7 committed is a peace officer, jailer, correctional staff,  
8 member of the board of parole, health care provider, or fire  
9 fighter, is guilty of a serious misdemeanor.

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EXPLANATION

11 This bill amends Code section 708.3A relating to an assault  
12 on a peace officer, jailer, correctional staff, health care  
13 provider, or fire fighter by adding a member of the board of  
14 parole to the list of occupations covered under Code section  
15 708.3A. The effect of the bill is to increase the penalty for  
16 an assault on a member of the board of parole.

17 The bill provides that if a person assaults a member of the  
18 board of parole with the intent to inflict serious injury or  
19 uses a dangerous weapon in connection with the assault, that  
20 person commits a class "D" felony. If a person assaults a  
21 member of the board of parole and causes bodily injury, that  
22 person commits an aggravated misdemeanor and if the person  
23 commits any other type of assault, that person commits a  
24 serious misdemeanor.

25 The bill also amends Code section 708.7 relating to  
26 harassment by providing that a person who commits harassment  
27 of a peace officer, jailer, correctional staff, member of the  
28 board of parole, health care provider, or fire fighter as  
29 described in Code section 708.3A, with the knowledge that the  
30 person against whom the harassment is committed is a peace  
31 officer, jailer, correctional staff, member of the board of  
32 parole, health care provider, or fire fighter, is subject to  
33 increased penalties.

34 The bill provides that if a person harasses a peace  
35 officer, jailer, correctional staff, member of the board of

1 parole, health care provider, or fire fighter with a threat to  
2 commit a forcible felony or has previously been convicted of  
3 harassment three or more times in the preceding 10 years, that  
4 person commits a class "D" felony. The bill also provides  
5 that if a person harasses a peace officer, jailer,  
6 correctional staff, member of the board of parole, health care  
7 provider, or fire fighter with a threat to commit bodily harm  
8 and has been convicted of harassment two times during the  
9 preceding two years, that person commits an aggravated  
10 misdemeanor. Any other act of harassment against the above-  
11 named persons is a serious misdemeanor.

12 A class "D" felony is punishable by confinement for no more  
13 than five years and a fine of at least \$750 but not more than  
14 \$7,500. An aggravated misdemeanor is punishable by  
15 confinement for no more than two years and a fine of at least  
16 \$500 but not more than \$5,000. A serious misdemeanor is  
17 punishable by confinement for no more than one year and a fine  
18 of at least \$250 but not more than \$1,500.

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