

MAR 28 2002

JUDICIARY

HOUSE FILE 2599

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 harassment of
2 members of certain occupations.

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

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HF 2599

1 Section 1. Section 708.7, subsections 2 through 4, Code
2 2001, are amended to read as follows:

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

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

16 3. A person commits harassment in the second degree when
17 the person commits harassment involving a threat to commit
18 bodily injury, or commits harassment and has previously been
19 convicted of harassment two times under this section or any
20 similar statute during the preceding ten years.

21 Harassment in the second degree is a serious misdemeanor,
22 except that a person who commits harassment in the second
23 degree against a peace officer, jailer, correctional staff,
24 health care provider, or fire fighter as set forth in section
25 708.3A, with the knowledge that the person against whom the
26 harassment is committed is a peace officer, jailer,
27 correctional staff, health care provider, or fire fighter, is
28 guilty of an aggravated misdemeanor.

29 4. Any other act of harassment is harassment in the third
30 degree. Harassment in the third degree is a simple
31 misdemeanor, except that a person who commits harassment in
32 the third degree against a peace officer, jailer, correctional
33 staff, health care provider, or fire fighter as set forth in
34 section 708.3A, with the knowledge that the person against
35 whom the harassment is committed is a peace officer, jailer,

1 correctional staff, health care provider, or fire fighter, is
2 guilty of a serious misdemeanor.

3 EXPLANATION

4 This bill amends Code section 708.7 relating to harassment
5 by providing that a person who commits harassment of a peace
6 officer, jailer, correctional staff, health care provider, or
7 fire fighter as described in Code section 708.3A, with the
8 knowledge that the person against whom the harassment is
9 committed is a peace officer, jailer, correctional staff,
10 health care provider, or fire fighter, is subject to increased
11 penalties.

12 The bill provides that if a person harasses a peace
13 officer, jailer, correctional staff, health care provider, or
14 fire fighter with a threat to commit a forcible felony or has
15 previously been convicted of harassment three or more times in
16 the preceding 10 years, that person commits a class "D"
17 felony. The bill also provides that if a person harasses a
18 peace officer, jailer, correctional staff, health care
19 provider, or fire fighter with a threat to commit bodily harm
20 and has been convicted of harassment two times during the
21 preceding two years, that person commits an aggravated
22 misdemeanor. Any other act of harassment against the above-
23 named persons is a serious misdemeanor.

24 A class "D" felony is punishable by confinement for no more
25 than five years and a fine of at least \$750 but not more than
26 \$7,500. An aggravated misdemeanor is punishable by
27 confinement for no more than two years and a fine of at least
28 \$500 but not more than \$5,000. A serious misdemeanor is
29 punishable by confinement for no more than one year and a fine
30 of at least \$250 but not more than \$1,500.

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