

MAR 8 2005
PUBLIC SAFETY

HOUSE FILE 625
BY SWAIM

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

A BILL FOR

1 An Act relating to a person who assaults a peace officer by
2 exchanging or attempting to exchange bodily fluids and
3 providing a penalty.

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

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HF 625

1 Section 1. NEW SECTION. 708.14 ASSAULT BY BODILY FLUIDS
2 AGAINST PEACE OFFICER -- TEST -- PENALTY FOR FAILURE TO
3 COMPLY.

4 1. For purposes of this section, "infectious disease"
5 means any infectious condition which if spread by
6 contamination would place others at serious health risk.

7 2. A person who bites a peace officer, or who causes an
8 exchange of bodily fluids with the officer, or who causes any
9 bodily secretion to be cast upon the officer, shall submit to
10 the withdrawal of a bodily specimen for testing to determine
11 if the person is infected with a contagious infectious
12 disease. The person shall be taken to the jail and a bodily
13 specimen shall be taken, at the person's own expense, by the
14 attending physician of that jail or the county medical
15 examiner to determine if the person is infected with a
16 contagious disease. The specimen taken shall be sent to the
17 state hygienic laboratory at the state university at Iowa City
18 or some other laboratory approved by the Iowa department of
19 public health. If a person to be tested pursuant to this
20 section refuses to submit to the withdrawal of a bodily
21 specimen, application may be made by the sheriff or person in
22 charge of the jail to the district court for an order
23 compelling the person to submit to the withdrawal and, if
24 infected, to available treatment. An order authorizing the
25 withdrawal of a specimen for testing may be issued only by a
26 district judge or district associate judge upon application by
27 the sheriff or person in charge of the jail.

28 3. Personnel at the jail shall be notified if a person
29 confined is found to have a contagious infectious disease.

30 4. The sheriff or person in charge of the jail shall take
31 any appropriate measure to prevent the transmittal of a
32 contagious infectious disease to other persons, including the
33 segregation of a confined person who tests positive for a
34 contagious infectious disease from other confined persons.

35 5. A person who fails to comply with an order issued

1 pursuant to this section is guilty of a serious misdemeanor.

2 EXPLANATION

3 This bill relates to a person who assaults a peace officer
4 by exchanging or attempting to exchange bodily fluids.

5 Under the bill, a person who bites a peace officer, or who
6 causes an exchange of bodily fluids with the officer, or who
7 causes any bodily secretion to be cast upon the officer, shall
8 submit to the withdrawal of a bodily specimen, at the person's
9 own expense, for testing to determine if the person is
10 infected with a contagious infectious disease. Current law
11 provides that the person must be confined in a jail before any
12 such test is required.

13 The bill provides the person shall be taken to the jail and
14 a bodily specimen shall be taken by the attending physician of
15 that jail or the county medical examiner to determine if the
16 person is infected with a contagious disease.

17 If a person to be tested under the bill refuses to submit
18 to the withdrawal of a bodily specimen, an application may be
19 made by the sheriff or person in charge of the jail to the
20 district court for an order compelling the person to submit to
21 the withdrawal.

22 A person who fails to comply with an order issued pursuant
23 to the bill is guilty of a serious misdemeanor.

24 A serious misdemeanor is punishable by confinement for no
25 more than one year and a fine of at least \$250 but not more
26 than \$1,500.

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