



Violent Crimes in Iowa and Intersection with Civil Law

Assault, Domestic Abuse Assault, Willful Injury,
Sex Abuse, 236 & 236A Petitions

Assault

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graph TD; A[Assault] --> B[Defined under I.C.A. § 708.1]; B --> C[Without justification, any act intended to cause physical contact causing pain, injury, or fear, with the ability to execute the act.]; C --> D[Special cases: firearms, lasers,]; D --> E[Excludes sports];
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Assault – Penalties



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graph TD; A[Assault – Penalties] --> B[Factors: weapon use, injury severity, victim status]; B --> C[Simple misdemeanor to Class “C” felony];
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Factors: weapon use, injury severity,
victim status

Simple misdemeanor to Class “C”
felony

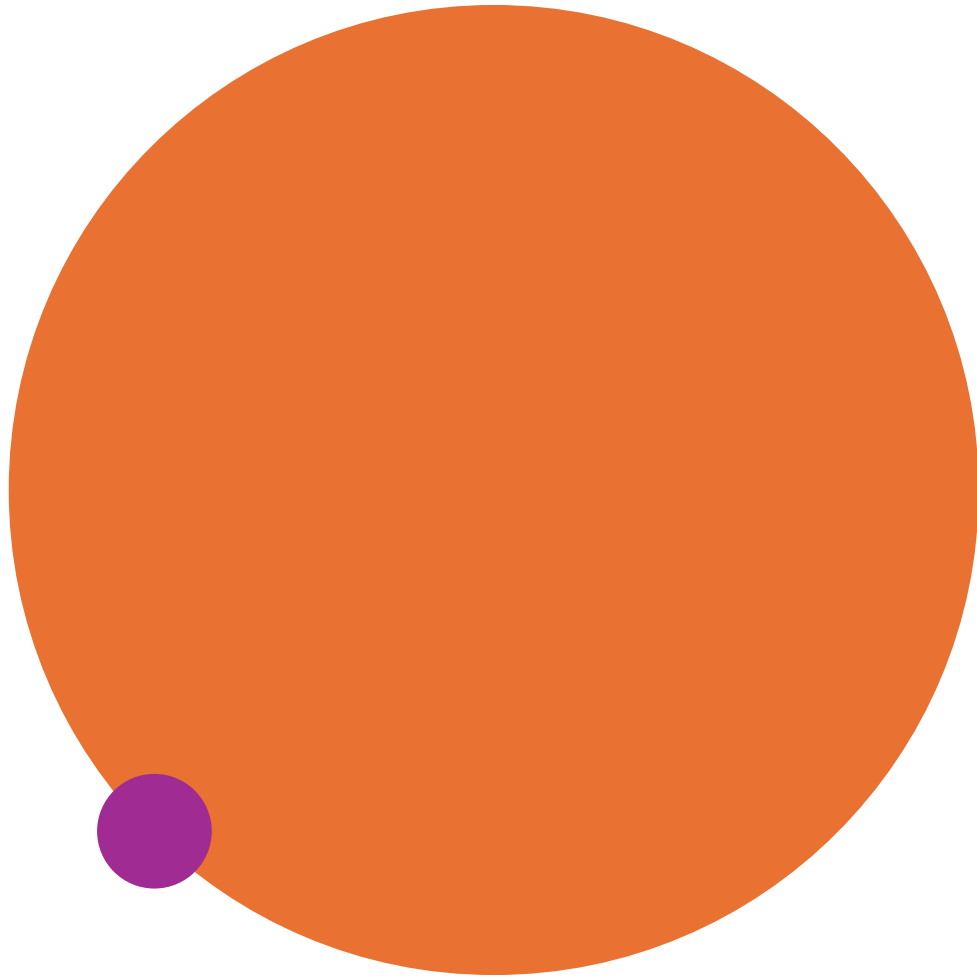
Domestic Abuse Assault – Definition (I.C.A. § 708.2A)

Assault (I.C.A. § 708.1) + Domestic Relationships (I.C.A. § 236.2)

What is a Domestic Relationship?

Includes spouses, separated spouses, parents of the same minor child, household and family members (1 year), intimate partners.

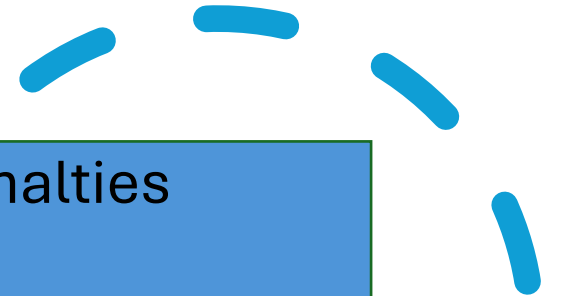




Domestic Abuse Assault Penalties

First offense: simple misdemeanor to
Class “D” felony

Repeat offenses escalate penalties
(I.C.A. § 708.2A)

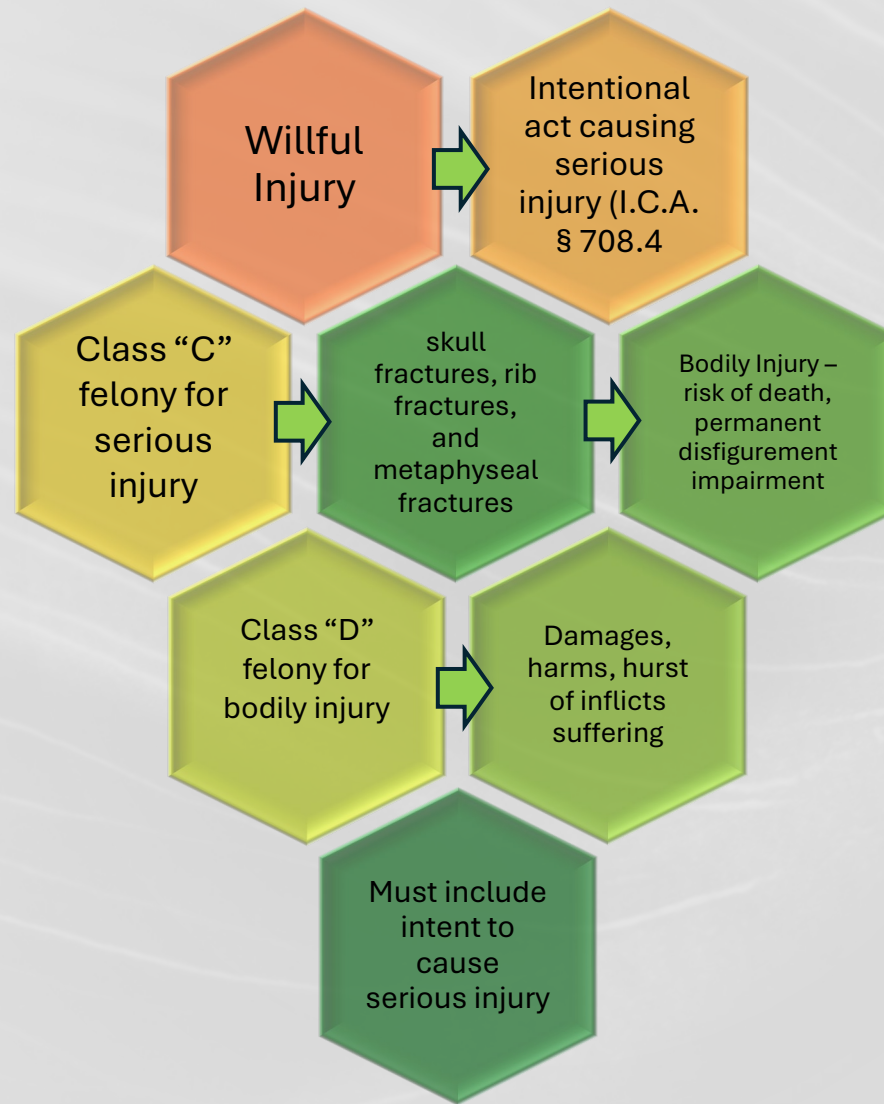


Domestic abuse assault collateral consequences

No Contact Orders (NCO) entered at initial appearance. Can include children. Cancellable. Extendable for 5 years at sentencing. Violations mandatory arrest and minimum 7-days in jail.

Iowa Domestic Abuse Program (IDAP) is mandatory for convictions or deferred judgments. 6-month program through Dept. of Corrections.

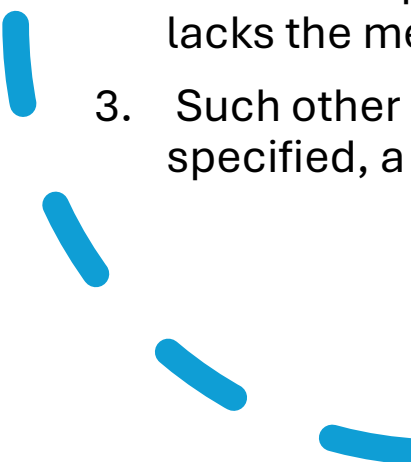
Loss of firearm rights for term of probation and NCO, and life-time for convictions.





709.1. Sexual abuse defined

Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances:

1. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
 2. Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters.
 3. Such other person is a child (I.C.A. § 702.5. Child. For purposes of Title XVI,¹ unless another age is specified, a “child” is any person under the age of fourteen years.)
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Sexual Abuse – Degrees

First Degree (I.C.A. § 709.2): serious injury,
Class “A” felony

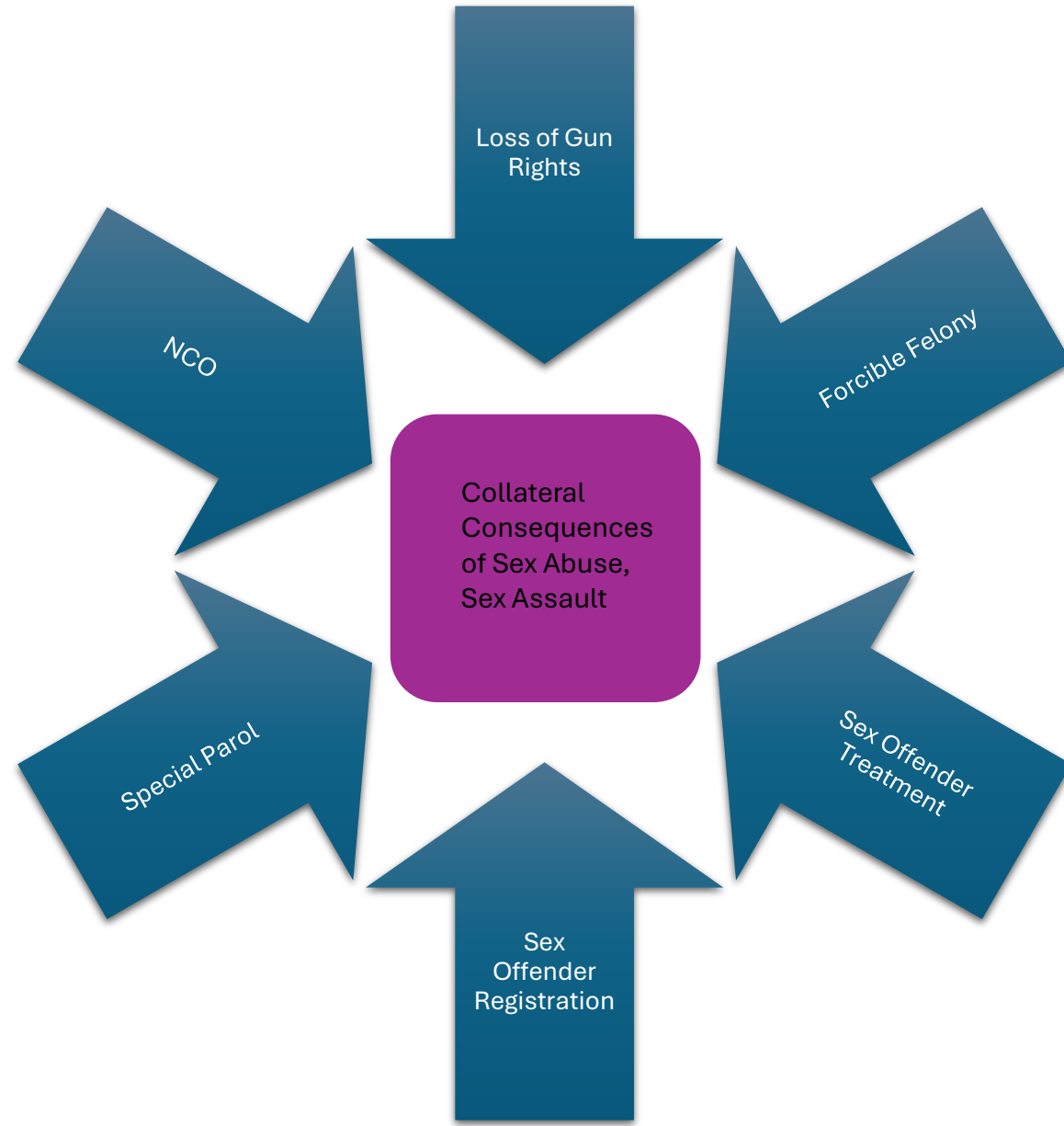
Second Degree (I.C.A. § 709.3): weapon use,
child victim, Class “B” felony

Third Degree (I.C.A. § 709.4): incapacitation,
age factors, Class “C” felony



Assault with Intent to Commit Sexual Abuse

- An Assault as defined in 708 coupled with intent to commit sex abuse.
- Class “C” felony if serious injury
- Aggravated misdemeanor if no injury




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236 Domestic
Abuse

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236A Sexual
Abuse

- A civil process brought by petitioner alleging domestic or sexual abuse.
 - Preponderance of the evidence standard.
 - Petitioner may request a temporary order of protection.
 - May include children and custody.
 - If petitioner prevails, court will extend the order of protection for 1 year.
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How these crimes intersect with civil law

Marriage
and Divorce

School
Admissions

Employment

Rights

Custody



QUESTIONS