

House Amendment to  
Senate File 2250

S-5326

1 Amend Senate File 2250, as passed by the Senate, as  
2 follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5 <Section 1. NEW SECTION. 711.5 Robbery —  
6 application.  
7 This chapter does not apply if section 714.3A  
8 applies.  
9 Sec. 2. NEW SECTION. 714.3A Aggravated theft.  
10 1. A person commits aggravated theft when the  
11 person commits an assault as defined in section  
12 708.1, subsection 1, that is punishable as a simple  
13 misdemeanor under section 708.2, subsection 6, after  
14 the person has removed or attempted to remove property  
15 not exceeding two hundred dollars in value which  
16 has not been purchased from a store or mercantile  
17 establishment, or has concealed such property of  
18 the store or mercantile establishment, either on  
19 the premises or outside the premises of the store or  
20 mercantile establishment.  
21 2. a. A person who commits aggravated theft is  
22 guilty of an aggravated misdemeanor.  
23 b. A person who commits aggravated theft, and who  
24 has previously been convicted of an aggravated theft,  
25 robbery in the first degree in violation of section  
26 711.2, robbery in the second degree in violation of  
27 section 711.3, or extortion in violation of section  
28 711.4, is guilty of a class "D" felony.  
29 3. In determining if a violation is a class "D"  
30 felony offense the following shall apply:  
31 a. A deferred judgment entered pursuant to section  
32 907.3 for a violation of any offense specified in  
33 subsection 2 shall be counted as a previous offense.  
34 b. A conviction or the equivalent of a deferred  
35 judgment for a violation in any other states under  
36 statutes substantially corresponding to an offense  
37 specified in subsection 2 shall be counted as a  
38 previous offense. The courts shall judicially notice  
39 the statutes of other states which define offenses  
40 substantially equivalent to the offenses specified  
41 in this section and can therefore be considered  
42 corresponding statutes.  
43 4. Aggravated theft is not an included offense of  
44 robbery in the first or second degree.  
45 Sec. 3. Section 808.12, subsections 1 and 3, Code  
46 2009, are amended to read as follows:  
47 1. Persons concealing property as set forth  
48 in section 714.3A or 714.5, may be detained and  
49 searched by a peace officer, person employed in a  
50 facility containing library materials, merchant, or

1 merchant's employee, provided that the detention is  
2 for a reasonable length of time and that the search is  
3 conducted in a reasonable manner by a person of the  
4 same sex and according to subsection 2 of this section.

5 3. The detention or search under this section by a  
6 peace officer, person employed in a facility containing  
7 library materials, merchant, or merchant's employee  
8 does not render the person liable, in a criminal or  
9 civil action, for false arrest or false imprisonment  
10 provided the person conducting the search or detention  
11 had reasonable grounds to believe the person detained  
12 or searched had concealed or was attempting to conceal  
13 property as set forth in section 714.3A or 714.5.>

14 2. Title page, lines 1 and 2, by striking <robbery  
15 in the third degree> and inserting <aggravated theft>