

HATE CRIME – FAQs

IOWA

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Note: This guide is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, please call 844-9-NO-HATE.

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1. What is a hate crime or hate incident?

A hate crime is generally defined as a crime against a person or property that is motivated by bias, prejudice, or hatred toward the personal, or perceived personal, characteristics of a victim, including: race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

The definition of a hate crime differs from state to state, but always includes an underlying crime.¹ Several states do not have separate statutes for crimes motivated by hate, but at a minimum, most states have enhanced penalties for crimes motivated by hatred based upon the above characteristics. Furthermore, if state and local authorities do not sufficiently protect victims of hate crimes, then the federal government may step in and prosecute hate crime violations.

Iowa's hate crime definition closely resembles the general definition above. Iowa's hate crime law covers several public offenses that are "committed against a person or a person's property because of the person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability."²

A hate incident is based on the same behaviors and motivations as a hate crime, but does not rise to the level of a crime. For example, you may be a victim of hate speech, which, depending on the circumstances, may not constitute a crime (and may be protected under the First Amendment), but which may constitute a hate incident.

2. I believe I was the victim of a hate crime or hate incident. What should I do?

If you think you may be a victim of a hate crime or hate incident, you should immediately take the following three steps:

STEP 1 - - REPORT IT

For emergencies:

- If you (or others) have been injured or fear for your safety, call 911 immediately.
- If you are uncomfortable calling 911 or local law enforcement, consider calling the local United States Attorney, the local FBI Field Office, or the State Attorney General's office to report the offense. Understand, however, that these authorities may not respond as quickly as local law enforcement responding to a 911 call.
- Obtain medical attention if necessary.

For non-emergencies:

- If a non-emergency, call your local police station, or visit your local police office or federal law enforcement office as soon as possible to report the offense.
- If you are not comfortable calling law enforcement, consider calling a trusted community or legal services organization. You can call 1-844-9-NO-HATE to be connected to a local organization.

Follow-up and key things to remember for both emergencies and non-emergencies:

- Ensure that a police report is filed regarding the offense and obtain a copy of the report (which should include the responding officer's name and badge number).
- Request that the police report indicate that the offense may have been a hate crime or a hate incident.
- File the report with local law enforcement, the State Attorney General's office, and federal law enforcement.
- For additional support and documentation, also report it to 844-9-NO HATE.

STEP 2 - - GATHER INFORMATION

- Preserve any evidence and take photographs of the evidence. For example, do not remove graffiti but instead, take photographs of the graffiti. Do not delete electronic correspondence (e.g., text messages, e-mails, social media posts, etc.), including your own. If you decide to involve law enforcement, you should preserve all evidence as directed by law enforcement.
- Document the experience in writing as soon as possible after the offense, including any specific words used during the offense. Record all your thoughts.
- Record any information you can remember about the perpetrator, including approximate age, height, weight, gender, race, clothing and any other distinguishing characteristics.
- Obtain contact information (names, addresses, and telephone numbers) of any other victims or witnesses to the offense.

STEP 3 - - GET ADDITIONAL SUPPORT

- Find support in the community -- through friends and family, victims' organizations, advocacy or community groups, religious organizations, legal groups, professional counseling, etc.
- Consider seeking legal representation.

Remember: you can always contact 1-844-9-NO-HATE.

3. Does Iowa have a state hate crime law?

Yes. Iowa does have a state hate crime law. Generally, I.C.A. § 729A.1 of Iowa's criminal law states that persons within the state of Iowa "have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability."³

I.C.A. § 729A.2 – Iowa's main hate crime statute provides that if any of the following crimes or public offenses are "committed against a person or a person's property because of the person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation,

age, or disability,” these crimes are subject to automatic elevated reclassification and enhanced penalties: ⁴

- Assault
- Arson in the 2nd or 3rd degree
- Criminal Mischief
- False Reports (Making of)
- Threats (Making of)
- Trespass
- Reckless Use of Fire or Explosives
- Possession of Explosive or Incendiary Materials or Devices

In other words, if a person committed one of these crimes against a person or property due to a victim’s affiliation or association with a race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, an offender will face a lengthier sentence and increased fines if he or she is found guilty of the underlying crime.

I.C.A. § 712.9 – Provides that the crimes of arson in the 2nd or 3rd degree, reckless use of fire or explosives, (making of) false reports, (making of) threats, and (possession of) explosive or incendiary materials or devices will be classified and punished as an offense one degree higher than the underlying offense if the circumstances of the crime also qualify as a hate crime as defined in section 729A.2.⁵

4. Who is protected under Iowa’s hate crime law?

Iowa’s hate crime law protects any person who is the victim of a crime because of his or her: ⁶

- Race;
- Color;
- Religion;
- Sex
- Age
- Disability;
- Political affiliation
- Sexual orientation;
- National origin; or
- Ancestry.

Note: Iowa does not have protections against hate crimes based on gender identity.

5. Someone damaged my property and it appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., a swastika, derogatory terms, etc). What are Iowa’s relevant laws?

I.C.A. § 729A.2 – (See [Question 3](#)) Iowa’s main hate crime statute covers crimes against property. The crimes of arson, criminal mischief, trespass and others are subject to automatic elevated reclassification and enhanced penalties if a person commits one of these crimes against a person or property because of race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability.⁷

I.C.A. § 716.6A – Criminal mischief includes “any damage, defacing, alteration, or destruction of property” that is done intentionally by someone who has no legal right to do so. Any person found guilty of committing the crime of criminal mischief in the 3rd,

4th, or 5th degree will be classified and punished as an offense one degree higher than the underlying offense if the crime included conduct that was prohibited by Iowa's hate crime laws. In other words, if a person committed the crime of criminal mischief in the third degree "against a person or a person's property because of the person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability," an offender will be charged and subject to the penalties associated with the crime of criminal mischief in the fourth degree if this person is found guilty.⁸

Note: If the cost of replacing, repairing, or restoring damaged, defaced, altered, or destroyed property exceeds \$500, the crime will be classified as criminal mischief in the 3rd degree (or higher).⁹

I.C.A. § 716.8(3)&(4) – Any person who commits the crime of trespass due to a person or property owner's affiliation or association with a race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, will be subject to automatic enhanced penalties for the underlying crime.

- If a person knowingly trespasses on the property of another with the intent to commit a hate crime, this crime will be classified and charge as a simple misdemeanor.
- If a person commits a trespass with the intent to commit a hate crime and injury to any person or damage over the amount of \$200 to the property occurs, this crime will be classified and charge as an aggravated misdemeanor.¹⁰

Note: "trespass" can include entering onto a person's property without the express permission of an owner, lessee, or person in lawful possession of the property and can also include remaining on a person's property without justification after being asked to leave. In other words, physical property damage does not need to occur for this conduct to be considered a crime.¹¹

Note: these are criminal laws, so these claims must be brought by a prosecutor.

I.C.A. § 729A.5 – Victims who have suffered physical, emotional, or financial harm as a result of the commission of a hate crime committed in violation of Iowa's hate crime laws are entitled to and may bring an action for injunctive relief, general and special damages, reasonable attorney fees, and costs. In other words, if a victim of a hate crime suffered physical, emotional, or financial harm, a victim can also file a civil suit to recover damages that were incurred as a result of the hate crime.¹²

6. Someone attacked me or a family member. The attack appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., before attacking, the perpetrator shouted "Go home!"). What are Iowa's relevant laws?

I.C.A. § 729A.2 and I.C.A. § 708.2C – (See [Question 3](#)) Iowa's main hate crime statute covers the crime of assault. Section 708.2C of Iowa's criminal law lists the penalties associated with the varying levels of assault.

- If a victim is assaulted due to a victim's affiliation or association with a race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, the crime will automatically be classified as a serious misdemeanor.
- If a hate-motivated assault results in bodily injury or mental illness, the crime will be classified as an aggravated misdemeanor.
- If a hate-motivated assault is committed and the offender either used or displayed a dangerous weapon in connection with the assault, or committed the crime, with the intent to inflict a serious injury on another person, the crime will automatically be classified as a class "D" felony.¹³

Note: "Assault" includes acts which are done with the intent to cause pain, injury, or physical contact which will be insulting or offensive to a victim. Acts that are done with the intent to place a victim in fear of immediate physical contact which will be painful, injurious, insulting, or offensive are also prohibited. If these acts are done with the apparent ability to execute an act, such conduct can qualify as an assault. For example, intentionally pointing a gun or displaying a dangerous weapon in a threatening manner towards a victim qualifies as an assault. In other words, the crime of assault focuses on *intent* and does not require that an offender actually make contact with a victim.¹⁴

7. Someone defaced my place of worship (or otherwise targeted a religious institution). Does Iowa have any special laws protecting religious groups from hate motivated acts?

I.C.A. § 729A.2 (Violation of individual rights--hate crime) – (See [Question 3](#)) Iowa's main hate crime statute covers crimes against property. The crimes of arson, criminal mischief, trespass and others are subject to automatic elevated reclassification and enhanced penalties if a person commits a crime against a person or property because of the person's "race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability." Thus, if an offender is found guilty, he or she will face a lengthier sentence and increased fines.¹⁵

I.C.A. § 716.6A (Criminal mischief in violation of individual rights) – (See [Question 5](#)) If the cost of replacing, repairing, or restoring damaged, defaced, altered, or destroyed property exceeds \$500, the crime will be classified as criminal mischief in the 3rd degree (or higher). Any person found guilty of committing the crime of criminal mischief in the 3rd, 4th, or 5th degree will be classified and punished as an offense one degree higher than the underlying offense if the crime included prohibited conduct that was prohibited by Iowa's hate crime laws.¹⁶

I.C.A. § 723.5 (Disorderly conduct--funeral or memorial service) – A person may not make loud and raucous noise which causes unreasonable distress to persons attending a funeral or memorial service or participating in a funeral procession. A person also may not direct abusive epithets or make any threatening gestures which the person knows or reasonably should know is likely to provoke a violent reaction in another person. People are prohibited from intending to and achieving the result of disturbing or disrupting such

services. Persons are prohibited from engaging in such conduct both 60 minutes prior and after a service and during such services. Conduct is prohibited within 1000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1000 feet of a funeral procession or burial.¹⁷

I.C.A. § 708.6 (Intimidation with a dangerous weapon) – Makes it either a class “C” or class “D” felony to place occupants or people in reasonable apprehension of serious injury or to threaten to commit an act under circumstances raising a reasonable expectation that the threat will be carried out by shooting, throwing, launching, or discharging a dangerous weapon at, into, or in a building, vehicle, plane, railroad car, or boat, occupied by another person, or within an assembly of people.¹⁸

Note: These are criminal laws, and any claims under these provisions must be brought by a prosecutor.

8. Someone hung a noose at my work, burnt a religious symbol by my home, or otherwise tried to intimidate me and members of my community with a symbol or message. Are there any special laws against intimidation or terrorism in Iowa?

I.C.A. § 712.9 – (See [Question 3](#)) No Iowa laws criminalize common hate tactics, such as the hanging of a noose, the displaying of signs, marks, or symbols, or the burning or desecration of a religious symbol. However, hate crimes involving arson and explosive devices are punished as an offense one degree higher than the underlying offense.¹⁹

Other Iowa criminal laws may not be directed at hate crimes, but may offer protection for victims and deter unwanted conduct that is commonly engaged in by perpetrators who target victims through the use of bias-motivated crimes. For example, laws that focus on harassment, stalking, hazing, terrorism, and intimidation may provide relief for victims.

I.C.A. § 708.8 – Prohibits persons from going armed with a dangerous weapon with the intent to use the weapon against another person. However, the intent required for this violation will not be inferred from the mere carrying or concealment of a dangerous weapon. This crime is classified as a class “D” felony.

I.C.A. § 729.5 – A person may not act alone or conspire with others to injure, oppress, threaten, intimidate, or interfere with the free exercise or enjoyment of any rights or privileges secured to another person by Iowa’s constitution or laws or by the U.S. constitution or laws if this person assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death if these persons intend to employ these techniques or means in furtherance of the conspiracy. Persons found guilty of violating this section will be charged and subject to the penalties associated with a class “D” felony.

I.C.A. § 708A.2 – “Terrorism” is an act intended to intimidate or coerce a civilian population, or to influence the policy of or to affect the conduct of a unit of government by intimidation or coercion by shooting, throwing, discharging, or otherwise using a dangerous weapon at, into, or in a building, vehicle, plane, railroad car, or boat, occupied by another person, or within an assembly of people. In Iowa, a person who commits or attempts to commit an act of terrorism commits a class “B” felony. A person who

threatens to commit terrorism or threatens to cause terrorism to be committed and who causes a reasonable expectation or fear of the imminent commission of such an act of terrorism commits a class “D” felony.²⁰

Local Ordinances – Many cities have local ordinances that may also offer protection for victims and deter unwanted conduct. For example, [Des Moines ordinance § 62-104](#) states that it is a public offense to use force or threat of force to intentionally intimidate or interfere with or to attempt to interfere with a person because the person is or has been participating, without discrimination because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status, in an activity service, organization, or facility (defined in subsection (a)(1)). Any person found guilty of violating this city code will be guilty of a municipal infraction punishable by a civil penalty. Note that this ordinance only applies to the city of Des Moines, Iowa.

Iowa’s criminal laws related to hazing, stalking, and harassment can also prohibit other forms of intimidating conduct:

Harassment § 708.7: A person may not purposefully and absent a legitimate purpose have “personal contact” with a victim with the intent to threaten, intimidate, or alarm a victim. “Personal contact” is an encounter in which 2 or more people are in visual or physical proximity to each other; it does not require physical touch or oral communication. A person also may not engage in conduct done with the intent to intimidate, annoy, or alarm a victim if in doing so the person does any of the following:

- Absent a legitimate purpose and in a manner likely to cause harm, the person communicates with another person by phone, writing, or electronic communication;
- Places a simulated explosive or simulated incendiary device in or near a building, vehicle, plane, railroad engine or car, or boat occupied by another person;
- Orders merchandise or services in the name of another person to be delivered to the other person absent consent;
- Reports or causes false information to be reported to law enforcement implicating another person in criminal activity with knowledge that such information is false, or reports the alleged occurrence of a criminal act that did not occur; or
- Disseminates, publishes, distributes, posts, or causes a photo or film showing another person in a state of full or partial nudity or engaged in a sex act to be disseminated, published, distributed, or posted, knowing that the other person did not consent to such dissemination, publication, distribution, or posting.

Hazing § 708.10: a person may not intentionally or recklessly engage in an act or acts involving forced activity which endanger the physical health or safety of a student for the purpose of initiation, admission, or affiliation with, any organization operating in connection with a school or university. The crime of “hazing” is a simple misdemeanor, but if hazing causes serious bodily injury, the crime will be classified as a serious misdemeanor.²¹

Stalking § 708.11: A person may not purposefully engage in a “course of conduct” (on 2 or more occasions) directed at a victim that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, or to fear that the person intends to cause bodily injury to, or the death of, the victim or a member of the victim's immediate family if the person has knowledge (or should have knowledge) that a reasonable person would feel terrorized, frightened, intimidated, threatened or fearful from such conduct.²²

“Course of conduct” is defined as:

- maintaining a visual or physical proximity to a person without legitimate purpose,
- repeatedly utilizing a technological device to locate, listen to, or watch a person without legitimate purpose,
- or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

The “stalking” offense is not connected with Iowa’s hate crimes laws, but certain other exacerbating factors can cause this crime to be classified at a higher degree. The following penalties apply for violations of this section:

- A first offense will be classified as an aggravated misdemeanor.
- If any of the following circumstances apply the crime will be classified as a class “D” felony:
 - The victim is under 18 years of age.
 - The offense is a 2nd offense.
 - The offender commits stalking while in possession of a dangerous weapon.
 - The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim or between the person and another person against whom the person has committed a public offense.
- If the offense is a 3rd or subsequent offense, the crime will be classified as a class “C” felony.

I.C.A. §§ 915.22, 664A.2-664A.7 – Victims who suffer from stalking, harassment, or intimidation can seek a temporary or regular restraining order so that a court demands that an assailant have no contact with a victim, or the victim's family or household.

I.C.A. § 915.22 – If a court finds that there are reasonable grounds to believe that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain harassment or intimidation of a victim in a criminal case, a court will issue a temporary restraining order prohibiting such harassment or intimidation. Both a temporary and regular protective order will set forth reasons for issuance of the order, be specific in terms, and describe in reasonable detail the prohibited act or acts. A temporary order will expire at such time as the court directs, not to exceed 10 days from the date of issuance, but before the order expires, a court can extend the expiration date for up to 10 days, or for a longer period agreed to by the adverse party. If after a hearing a court finds by a preponderance of the evidence that harassment or intimidation of a victim or witness in a criminal case exists or that the order is necessary to prevent and restrain harassment or intimidation, the court will issue

a protective order (not temporary) prohibiting such harassment or intimidation. The court will set the duration of a protective order for a period it determines is necessary, but the duration will not exceed 1 year from the date of issuance. However, within 90 days before an order is due to expire, a plaintiff may apply for a new order. Violation of an order issued under this section constitutes contempt of court.²³

I.C.A. § 664A.3 – When a person is arrested for stalking or harassment and is brought in for an initial court appearance, if a judge finds that probable cause exists to believe that stalking or harassment, or a violation of a no-contact order has occurred, and that presence of or contact with a defendant poses a threat to the safety of the alleged victim, persons living with the victim, or members of the victim's family, the judge will enter a no-contact order. The order will remain until it is modified or terminated by future court actions. A no-contact order will restrict a defendant from having contact with a victim, persons residing with a victim, or a victim's immediate family.²⁴

I.C.A. § 664A.5 – If a defendant is convicted, receives a deferred judgment, or pleads guilty to stalking or harassment, or is held in contempt for violating a no-contact order issued under § 664A.3 or for a violation of a protective order issued pursuant to § 915.22, the court shall either terminate or modify the temporary no-contact order issued by the judge. The court may enter a no-contact order or continue the no-contact order already in effect for a period of 5 years from the date that the judgment is entered or the deferred judgment is granted.²⁵

I.C.A. § 664A.2 & 664A.7 – Penalties for violations of no-contact orders issued, or for alleged violations of stalking or harassment and penalties for violations of § 915.22 are both listed in § 664A.7. If convicted of or held in contempt for a violation of a no-contact order or a modified no-contact order for stalking or harassment arising from § 664A.7, offenders will face at least 7 days of jail time. If convicted or held in contempt for a violation of a civil protective order arising from § 664A.7, an offender will serve a jail sentence. A person who is convicted of or held in contempt for a violation of a protective order for stalking or harassment may be ordered by a court to pay a plaintiff's attorney's fees and court costs. Violation of a no-contact order issued pursuant to § 915.22 constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, a court may hold a person in contempt of court for the violation.²⁶

I.C.A. § 664A.6 – If an officer has probable cause to believe that a person has violated a no-contact order issued under § 664A.7, the officer will take the person into custody and will take the person before the nearest or most accessible judge in the judicial district where the person was taken into custody.²⁷

9. The state is not investigating my case or bringing a lawsuit. How can I get in touch with an attorney with the state to discuss my case?

The Lawyers' Committee for Civil Rights Under Law maintains the Stop Hate Resource Hotline (1-844-9-NO-HATE) which serves as a resource for organizations and individuals working to combat hate in their community and can be called for reporting and resource purposes.

You can contact the Iowa Victim Assistance Association:
<https://www.iowaattorneygeneral.gov/about-us/divisions/crime-victim-assistance/>
(515) 281-5044.

10. The state is not investigating my case or bringing a lawsuit, but I would like to explore bringing a case with a private attorney against the perpetrator (known as a “civil case”). Does Iowa have civil laws relevant to hate crimes or hate incidents?

Yes, Iowa has civil laws relevant to hate crimes or hate incidents. Under Section 729A.5, a victim who suffers physical, emotional, or financial harm as a result of a violation under Section 729A.2 (as a criminal offense) is entitled to, and can bring a civil lawsuit for injunctive relief, general and special damages, and reasonable attorney fees and costs. An individual has 2 years from the time of the incident to bring an action under this section and the burden of proof for a claim under this section will be the same as other civil actions under the Iowa Code for similar relief.²⁸

I.C.A. § 280.28 – Iowa law requires that all school districts and accredited nonpublic schools within the state implement anti-harassment/anti-bullying policies. Schools must make complaint forms available to individuals targeted by bullying or harassment, institute investigative procedures for occurrences of bullying or harassment, and collect and report data on reported incidents. A copy of the school policy must be made available to all school employees, volunteers, students, and parents or guardians. These policies must include a definition of harassment and bullying and must also list the consequences and appropriate remedial action for a person who violates the anti-harassment and anti-bullying policy. These policies cannot prevent victims from seeking administrative or legal remedies under any applicable provision of Iowa law.²⁹

As described in [Question 11](#) below, there are other civil remedies outside of this particular statute.

11. I have been attacked, put in fear of danger, intentionally made to suffer emotional distress, had my property vandalized, or harmed in another way due to an act motivated by hate. What other civil laws can I use to bring a case?

I.C.A. § 729A.5 – (See [Question 5](#)) This provision permits filing a civil suit for physical as well as emotional and financial harm. Individuals may bring an action for injunctive relief, general and special damages, and reasonable attorney fees and costs if damages were incurred as the result of the commission of a hate crime committed in violation of Iowa’s hate crime laws.

Iowa Civil Rights Commission – If a hate incident occurs in the arena of housing, employment, credit, public accommodation, or education, an individual may also file a complaint with the [Iowa Civil Rights Commission](#) as a discriminatory act under Section 216 of the Iowa Code.

Torts – There are a number of other civil laws that you can use to bring a case against someone who physically or emotionally injures you. This is true even if the person’s actions do not rise to the legal definition of a hate crime or hate incident. These other civil laws, or causes of action, are generally known as torts. A tort is a wrongful act that

results in legal liability. All torts arise from the legal duty to abstain from injuring the person or property of another. In Iowa, if someone intentionally injures you or your property, you may be able to sue that person for damages using any of the following tort causes of action:

- **Assault** – Assault is not treated separately from battery in Iowa.
- **Battery** – Battery is defined as causing bodily harm to another by act done with intent to cause bodily harm without the consent of the person upon whom the harm is inflicted. An example of a battery is when someone punches someone, stabs someone, or uses a gun to shoot another person.
- **False Imprisonment** – False imprisonment is defined as “the unlawful restraint by one person of the physical liberty of another.”³⁰ In other words, a person is falsely imprisoned if he or she is wrongfully deprived of the freedom to leave a particular place due to the conduct of another person. An example of false imprisonment would be if someone locked you in a room and you were unable to escape.
- **Intentional Infliction of Emotional Distress (“IIED”)** – IIED is best defined by its elements. To bring an IIED claim, you must be able to show: 1) that the defendant intended to cause emotional distress by the conduct; 2) that the conduct was extreme and outrageous; 3) that such conduct actually caused the emotional distress; and 4) that the emotional distress the plaintiff suffered was severe and disabling. An example of outrageous conduct that could lead to a successful IIED claim would be someone calling your home phone and leaving threatening messages of physical violence or death.
- **Trespass to Land & Conversion** – Trespass to land and conversion are causes of action used when another damages your real or personal property. Trespass to land applies to real property and is defined as “when a person enters or remains upon land in the possession of another without privilege to do so.”³¹ An example of this would be if someone vandalized, or otherwise damaged, your front lawn, although physical damage need not occur. Conversion, on the other hand, applies to personal property, and is best defined by its elements. A person is liable for conversion “when he or she (1) intentionally controls or takes property belonging to another, (2) without the owner's consent, (3) resulting in serious interference with the owner's rights to possess the property.”³² An example of conversion would be if someone removed a coat from a coat rack and used it for several months.

In addition, if it can be proven that the person injured you or your property because of bias, prejudice, or hatred, you may be able to recover punitive damages. Punitive damages are damages awarded in addition to typical compensatory damages and they are generally considered to be a form of punishment. In Iowa, “[t]he burden of proof for recovering punitive damages is: to a reasonable degree of certainty by evidence that is clear, satisfactory and convincing [showing that the] defendant's conduct was malicious or in intentional disregard of plaintiff's rights.”³³ Intentional disregard of your rights can occur in one of two ways: 1) if the perpetrator acts with a purpose to disregard to your rights; or 2) the person is aware that his or her acts are substantially certain to result in your rights being disregarded.³⁴ There is no requirement of intent to injure or cause harm.

Note: Private citizens can bring these civil tort claims.

12. I would like to explore bringing a case with a private attorney against the perpetrator (known as a “civil case”), but I do not know any private attorneys. How can I find someone to represent me?

You can contact the 844-9-NO-HATE hotline.

13. What are some local and state organizations working on hate crimes and incidents?

The following agencies are key providers of legal assistance for victims of hate crimes and discrimination:

1. **Crime Victim Assistance**
Phone: (515) 281-5044
<https://www.iowaattorneygeneral.gov/about-us/divisions/crime-victim-assistance/>
2. **Crime Victim Compensation Program**
Phone: (515) 281-5044
<https://www.iowaattorneygeneral.gov/for-crime-victims/crime-victim-compensation-program/>
3. **Iowa Judicial Branch** - provides resources to people who represent themselves in Iowa courts
[http://www.iowacourts.gov/For the Public/Representing Yourself in Court/](http://www.iowacourts.gov/For_the_Public/Representing_Yourself_in_Court/)

14. I need additional help. Where can I find additional information or get help?

If you would like additional information or need additional help, please visit the Communities Against Hate resource page at www.communitiesagainsthate.org. If the information you are seeking is not on the resource page or if you need immediate help, please contact 844-9-NO-HATE.

¹ Examples of underlying crimes include: assault, battery, destruction of property, threats, rape, murder, arson, robbery, and burglary. This list of criminal offenses is not exhaustive, however, and other criminal offenses may also be considered hate crimes.

² Iowa Code Ann. § 729A.2.

³ Iowa Code Ann. § 729A.1.

⁴ Iowa Code Ann. § 729A.2.

⁵ Iowa Code Ann. § 712.9.

⁶ Iowa Code Ann. § 729A.2; Iowa Code Ann. § 729.5.

⁷ Iowa Code Ann. § 729A.2.

⁸ Iowa Code Ann. § 716.6A; Iowa Code Ann. § 716.5.

⁹ Iowa Code Ann. § 716.6A; Iowa Code Ann. § 716.1.

¹⁰ Iowa Code Ann. § 716.8.

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- ¹¹ Iowa Code Ann. § 716.7.
- ¹² Iowa Code Ann. § 729A.5.
- ¹³ Iowa Code Ann. § 729A.2; Iowa Code Ann. § 708.2C.
- ¹⁴ Iowa Code Ann. § 708.1.
- ¹⁵ Iowa Code Ann. § 729A.2.
- ¹⁶ Iowa Code Ann. § 716.6A; Iowa Code Ann. § 716.5.
- ¹⁷ Iowa Code Ann. § 723.5.
- ¹⁸ Iowa Code Ann. § 708.6.
- ¹⁹ Iowa Code Ann. § 712.9.
- ²⁰ Iowa Code Ann. § 708A.1; Iowa Code Ann. § 708A.2; Iowa Code Ann. § 708A.5.
- ²¹ Iowa Code Ann. § 708.10.
- ²² Iowa Code Ann. § 708.11.
- ²³ Iowa Code Ann. § 915.22.
- ²⁴ Iowa Code Ann. § 664A.3.
- ²⁵ Iowa Code Ann. § 664A.5.
- ²⁶ Iowa Code Ann. § 664A.2; Iowa Code Ann. § 664A.7.
- ²⁷ Iowa Code Ann. § 664A.6.
- ²⁸ Iowa Code Ann. § 729A.5.
- ²⁹ Iowa Code Ann. § 280.28.
- ³⁰ Lane v. Collins, 29 Wis. 2d 66, 69, 138 N.W.2d 264, 266 (1965).
- ³¹ Geyso v. Daly, 2005 WI App 18, ¶ 8, 278 Wis. 2d 475, 481, 691 N.W.2d 915, 918.
- ³² Midwestern Helicopter, LLC v. Coolbaugh, 2013 WI App 126, ¶ 6, 351 Wis. 2d 211, 216, 839 N.W.2d 167, 170.
- ³³ Sickels v. Barklow, No. 03 CV 322, 2004 WL 3611395, at *1 (Wis. Cir. Ct. Mar. 2004).
- ³⁴ Strenke v. Hogner, 2005 WI 25, 279 Wis. 2d 52, 694 N.W.2d 296.