

CHAPTER 290

DUTCH ELM DISEASE

S. F. 335

AN ACT to define trees infected with Dutch elm disease as a nuisance when located in cities and towns and to provide for the abatement of same.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section six hundred fifty-seven point two (657.2),
2 Code 1958, is hereby amended by adding thereto the following sub-
3 section:

4 "Trees infected with Dutch elm disease in cities and towns."

1 SEC. 2. Section three hundred sixty-eight point three (368.3),
2 Code 1958, is amended by adding the following new paragraph:

3 "In any city or town the council may order the owner, occupant, or
4 person in charge of any property to remove at his own expense any
5 tree infected with Dutch elm disease found thereon, by serving such
6 person with written notice, stating some reasonable time within which
7 such removal shall be made, and if such person fails to comply with
8 said order, the council may cause the same to be executed and the cost
9 assessed against the property."

Approved April 11, 1961.

CHAPTER 291

SHOPLIFTING

H. F. 52

AN ACT relating to larceny, creating and defining the offense of shoplifting, providing penalties for such offense.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter seven hundred nine (709), Code 1958, is
2 hereby amended by adding thereto the following:

3 "Whoever shall willfully take possession of any goods, wares, or
4 merchandise offered for sale by any store or other mercantile estab-
5 lishment, with the intention of converting the same to his own use
6 without paying the purchase price thereof, shall be guilty of shoplift-
7 ing and, when the value of the property so taken into possession ex-
8 ceeds the sum of twenty dollars, he shall be punished by imprisonment
9 in the penitentiary not more than five years, or in the county jail not
10 more than one year, or by fine of not more than one thousand dollars,
11 or by both such fine and imprisonment; when the value does not ex-
12 ceed twenty dollars, by fine not exceeding one hundred dollars, or im-
13 prisonment in the county jail not exceeding thirty days."

1 SEC. 2. The fact that any person has concealed unpurchased
2 goods or merchandise of any store or other mercantile establishment,
3 either on the premises or outside the premises of such store, shall be
4 material evidence of concealment of such article with the intention of
5 converting the same to his own use without paying the purchase price

6 thereof within the meaning of Section one (1) of this Act, and the
 7 finding of such unpurchased goods or merchandise concealed, upon the
 8 person or among the belongings of such person, shall be material evi-
 9 dence of willful concealment and, if such person conceals, or causes
 10 to be concealed, such unpurchased goods or merchandise, upon the
 11 person or among the belongings of another, the finding of the same
 12 shall also be material evidence of willful concealment on the part of
 13 the person concealing such goods.

1 SEC. 3. Persons so concealing such goods may be detained and
 2 searched by a peace officer, merchant, or a merchant's employee, pro-
 3 vided that the detention is for a reasonable length of time and that
 4 the search is conducted in a reasonable manner by a person of the
 5 same sex and according to section four (4).

1 SEC. 4. No search of the person shall be conducted by any person
 2 other than someone acting under the direction of a peace officer ex-
 3 cept where permission of the one to be searched has been first ob-
 4 tained.

1 SEC. 5. The detention or search under this Act by a peace officer,
 2 merchant, or merchant's employee shall not render such peace officer,
 3 merchant, or merchant's employee liable, in a criminal or civil action,
 4 for false arrest or false imprisonment provided the peace officer, mer-
 5 chant, or merchant's employee had reasonable grounds to believe the
 6 person detained or searched committed or was attempting to commit
 7 the crime of shoplifting as defined in this Act.

Approved February 9, 1961.

CHAPTER 292

FIREWORKS

H. F. 216

AN ACT relating to the definition of fireworks.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seven hundred thirty-two point seventeen
 2 (732.17), Code 1958, is hereby amended by adding the following new
 3 sentence thereto:

4 The term "fireworks" shall not include gold-star-producing spark-
 5 lers on wires which contain no magnesium or chlorate or perchlorate,
 6 nor flitter sparklers in paper tubes that do not exceed one-eighth of
 7 an inch in diameter, nor toy snakes which contain no mercury.

Approved April 19, 1961.