

## CHAPTER 1096

## UNDESIRABLE FISH

S. F. 240

AN ACT relating to undesirable fish.

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

1 SECTION 1. Section one hundred nine point seventy-six (109.76), Code 1975, is  
2 amended to read as follows:

3 **109.76 Unlawful means—exception.** It shall be unlawful, except as otherwise  
4 provided, to use on or in the waters of the state any grabhook, snaghook, artificial  
5 light, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or  
6 poisonous or stupefying substances, lime, ashes or electricity in the taking or  
7 attempting to take any fish, except that gaffhooks or landing nets may be used to  
8 assist in landing fish. No person shall take or kill, or attempt to take or kill any  
9 fish by hand fishing. *However, carp, buffalo, quillback, gar, sheepshead, dogfish, and*  
10 *other rough fish designated by the commission may be taken by hand fishing, by*  
11 *snagging, by spear, by bow and arrow, day or night, and with artificial light.* The  
12 snagging of paddlefish may be permitted at such times and at such places as may  
13 be determined by rule of the commission. ~~The spearing of earp, buffalo,~~  
14 ~~quillback, gar, sheepshead and dogfish, or the taking of such fish with a bow and~~  
15 ~~arrow with attached bow fishing reel and ninety pound minimum line attached to~~  
16 ~~the arrow may be permitted under section 111.42 by persons lawfully permitted to~~  
17 ~~fish shall be lawful between the hours of sunrise and sunset each day and at such~~  
18 ~~times and at such places as the commission may determine necessary to carry out~~  
19 ~~the purposes of section 109.38, subsection 1, except that it shall be unlawful to~~  
20 ~~spear from within an enclosure of the type that materially hides the fisherman~~  
21 ~~from view. This provision shall not be construed to prevent the spearing of such~~  
22 ~~fish by a person using skin diving equipment, or underwater breathing apparatus,~~  
23 ~~where the only concealment is the fact that he is wholly or partially submerged in~~  
24 ~~the water. The commission may make rules regulating such activity by said~~  
25 ~~persons.~~

Approved February 6, 1976

## CHAPTER 1097

## FUR-BEARING ANIMALS

H. F. 1390

AN ACT relating to civil damages for the taking of game or fur-bearing animals.

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

1 SECTION 1. Section one hundred nine point one hundred thirty (109.130),  
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975  
3 Session, chapter one hundred eight (108), is amended to read as follows:

4 **109.130 Damages in addition to penalty.** In addition to the penalties for  
5 violations of this chapter, any person convicted of unlawfully taking, catching,  
6 killing, injuring, destroying, or having in possession any game or *fur-bearing*  
7 *animal*, shall reimburse the state for the value of such ~~game~~ as follows:

- 8 1. For each deer, elk, antelope, buffalo or moose, three hundred dollars.  
 9 2. For each wild turkey, one hundred dollars.  
 10 3. For each game bird, *fur-bearing animal*, or game animal or the raw pelt or  
 11 plumage of such game for which damages are not otherwise prescribed, twenty-  
 12 five dollars.

1 SEC. 2. Section one hundred nine point one hundred thirty-one (109.131),  
 2 Code 1975, is amended to read as follows:

3 **109.131 Judgment—execution.** In each case of conviction of unlawfully  
 4 taking, catching, killing, injuring, destroying or having in possession any game,  
 5 the court shall enter a judgment in favor of the state of Iowa for liquidated  
 6 damages in an amount as provided in section 109.130, and it shall be the duty of  
 7 the state conservation commission, ~~with the assistance of~~ and the prosecuting  
 8 attorney ~~or attorney general~~, to collect the liquidated damages by execution or  
 9 otherwise. If two or more persons who have acted together are convicted of the  
 10 unlawful taking, catching, killing, injuring, destroying or having possession of any  
 11 game ~~or fur-bearing animal~~, the judgment shall be entered against them jointly.  
 12 Any liquidated damages received under this section and section 109.130 shall be  
 13 remitted to the treasurer of state who shall credit such damages to the state fish  
 14 and game protection fund.

15 The return of any uninjured game which has been unlawfully taken, caught, or  
 16 possessed, to the place where taken or caught or to any other place approved by  
 17 the state conservation commission, shall constitute the discharge of any liquidated  
 18 damages provided under section 109.130.

19 Civil suits ~~authorized by this section and section 109.130~~ for the collection of  
 20 judgments may be prosecuted by the attorney general or by county attorneys.

1 SEC. 3. Chapter one hundred nine (109), Code 1975, is amended by adding  
 2 the following new section:

3 **NEW SECTION.** Service of process upon or arrest of any person charged with  
 4 provisions of this chapter for which damages may be assessed pursuant to section  
 5 one hundred nine point one hundred thirty (109.130) of the Code, shall serve as  
 6 notice of the pendency of the liquidated damage claim. Trial on the criminal  
 7 charge may be separated from the determination of the liquidated damage claim  
 8 in the discretion of the court or by the request of the defendant, but upon  
 9 conviction of the defendant in the criminal case, the only issue to be determined  
 10 by the court on the liquidated damage claim is the fact of such conviction.

Approved June 23, 1976

## CHAPTER 1098

### HUNTING AND FISHING BY MILITARY PERSONNEL

H. F. 59

AN ACT exempting certain military personnel from obtaining a hunting or fishing license.

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

1 SECTION 1. Section one hundred ten point seventeen (110.17), unnumbered  
 2 paragraph seven (7), Code 1975, is amended to read as follows:

3 No license shall be required of minor pupils of the state school for the blind,  
 4 state school for the deaf, nor of minor inmates of other state institutions under  
 5 the control of a director of a division of the department of social services, except