

CHAPTER 1005
AGRICULTURAL PRODUCTION FACILITY FRAUD
H.F. 589

AN ACT relating to an offense involving agricultural operations, and providing penalties, and including effective date provisions.

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

Section 1. Section 717A.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Agricultural production facility" means an animal facility as defined in subsection 4, paragraph "a", or a crop operation property.

Sec. 2. NEW SECTION. **717A.3A Agricultural production facility fraud.**

1. A person is guilty of agricultural production facility fraud if the person willfully does any of the following:

a. Obtains access to an agricultural production facility by false pretenses.

b. Makes a false statement or representation as part of an application or agreement to be employed at an agricultural production facility, if the person knows the statement to be false, and makes the statement with an intent to commit an act not authorized by the owner of the agricultural production facility, knowing that the act is not authorized.

2. A person who commits agricultural production facility fraud under subsection 1 is guilty of the following:

a. For the first conviction, a serious misdemeanor.

b. For a second or subsequent conviction, an aggravated misdemeanor.

3. a. A person who conspires to commit agricultural production facility fraud under subsection 1 is subject to the provisions of chapter 706. A person who aids and abets in the commission of agricultural production facility fraud under subsection 1 is subject to the provisions of chapter 703. When two or more persons, acting in concert, knowingly participate in committing agricultural production facility fraud under subsection 1, each person is responsible for the acts of the other person as provided in section 703.2. A person who has knowledge that agricultural production facility fraud under subsection 1 has been committed and that a certain person committed it, and who does not stand in the relation of husband or wife to the person committing the agricultural production facility fraud under subsection 1, and who harbors, aids, or conceals the person committing the agricultural production facility fraud under subsection 1, with the intent to prevent the apprehension of the person committing the agricultural production facility fraud under subsection 1, is subject to section 703.3.

b. A trial information or an indictment relating to agricultural production facility fraud under subsection 1 need not contain allegations of vicarious liability as provided in chapter 703.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 2, 2012