

FILED FEB 9 1971

the Judiciary

Reprinted 3/11

SENATE FILE **188**

BY COMMITTEE ON JUDICIARY

Passed Senate, Date 3-11-71

Passed House, Date 4-8-71

Vote: Ayes 37 Nays 4

Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider lost 5/6

A BILL FOR

1 An Act to define criminal trespass and to prescribe the
2 penalty for such trespass.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. CRIMINAL TRESPASS DEFINED. Any of the follow-
2 ing acts, when committed by a person having no right to do
3 so, is a criminal trespass:

4 1. Entering any occupied structure, whether publicly or
5 privately-owned, without having reasonable grounds to believe
6 that such entry is lawful, or entering or remaining in any
7 place as to which notice against trespass is lawfully given
8 by actual communication or by notice posted in a manner rea-
9 sonably likely to come to the attention of intruders, or by
10 the presence of a wall, fence, or other enclosure manifestly
11 designed to exclude intruders.

12 2. Throwing down or leaving open any gate or bars on any
13 enclosed premises.

14 3. Hunting or trapping upon the land of another without
15 first obtaining permission from the owner or person having
16 control of such land, or his agent.

17 4. Fishing in any artificially constructed pond of an-
18 other, without first obtaining permission from the owner or
19 person having control of such pond, or his agent.

20 5. Entering any enclosure where cattle, hogs, or sheep
21 are kept, with firearms or dog, or discharging firearms within
22 the immediate vicinity of any such enclosure, without first
23 having procured permission from the owner or the person hav-
24 ing control of such enclosure.

25 6. Entering any building or enclosure or any public con-
26 veyance at a time when a fee or fare is being charged for
27 admittance thereto or the enjoyment or use thereof, with the
28 purpose of defrauding the proprietor or operator of his fee
29 or fare.

30 7. Occupying any public place in such a manner as to sub-
31 stantially interfere with the orderly and reasonable use of
32 the place by any other person who may lawfully use it, after
33 having been given reasonable notice to cease interfering with
34 the use of that place, by any peace officer or magistrate
35 or by any person whose duty it is to supervise the use of

1 the place. Nothing in this subsection shall be deemed to
2 restrict the right of picketing by a labor organization.

3 Sec. 2. PENALTY. Any person who violates section one
4 (1) of this Act shall, upon conviction, be fined not exceed-
5 ing one hundred dollars, or imprisoned in the county jail
6 not exceeding thirty days.

7 Sec. 3. Section seven hundred fourteen point four (714.4),
8 Code 1971, is amended as follows:

9 714.4 INJURY TO FENCE, PRODUCE OR FIXTURES. If any per-
10 son maliciously or mischievously break down, mar, deface,
11 or injure any fence, hedge, or ditch enclosing lands belonging
12 to another; ~~or-throw-down-or-leave-open-any-gate-or-bars not-~~
13 ~~his-own-or-under-his-charge; where-by-an-injury-is-done to-~~
14 ~~another;~~ or maliciously injure, destroy, or sever from the
15 land of another any produce thereof or anything attached
16 thereto, he shall be imprisoned in the county jail not more
17 than one year, or be fined not exceeding five hundred dollars,
18 or both.

19 Sec. 4. Sections seven hundred fourteen point twenty-five
20 (714.25), seven hundred seventeen point six (717.6), and seven
21 hundred forty-four point three (744.3), Code 1971, are re-
22 pealed.

23 EXPLANATION

24 With the exceptions of subsections 1 and 6, section 1 is
25 merely a rephrasing and a gathering together of material which
26 appears in our present Code. Subsection 1 is offered in
27 response to the request for a general criminal trespass
28 statute. The concept here is that a person ought to know
29 that he has no right to enter an occupied structure without
30 having some indication that he is invited to do so, but that
31 he is entitled to notice in some form as to other property
32 which he may be trespassing upon. This notice can be given
33 specifically to him, or it can be posted, and if neither of
34 these is done he should be able to understand that certain
35 types of barricades amount to an announcement that trespassers

S.F. 188

1 will not be welcome. Subsection 6 deals with the gate crashing
2 problem. Subsection 7 has the school problem in mind.

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Senate 2
March 11, 1971

SENATE FILE 188

1 Amend Senate File 188, page 3, by adding after line 2 the
2 following new section:

3 Sec. 2. The state conservation commission shall provide
4 duplicate permit form pads in sets of twenty-five, at a cost of
5 fifty cents per pad, which shall be purchased by licensed hunters.
6 These permit forms shall be used to comply with the provisions
7 of subsections three (3), four (4), and five (5) of section
8 one (1) of this Act.

9 The permit form, when completed, shall provide for list-
10 ing the following required information:

11 1. The date on which permission to hunt is granted.

12 2. The date or dates during which permission to hunt is
13 granted.

14 3. The license number of the hunter's motor vehicle, if
15 applicable.

16 4. The signature of the landowner or tenant or his
17 representative.

18 5. A statement signed by the hunter waiving liability
19 against the landowner or the tenant or the landowner's repre-
20 sentative for injury or property damage incurred while hunting.
21 The original copy of the permit shall be given to the landowner
22 or tenant, or the landowner's representative, and the duplicate
23 copy shall be retained by the hunter. Any person hunting on
24 private land shall show the permit to hunt on the land to the
25 landowner or tenant or the landowner's representative, or to

Page 2

1 any law enforcement officer or employee of the department of
2 conservation upon request.

Filed
March 10, 1971

By LAMBORN

SENATE FILE 188

1 Amend Senate File 188, page 3, line 2 by adding
2 after such line the following new paragraph:

3 "All hunting and fishing licenses issued in the state
4 of Iowa after January 1, 1972, shall contain in the face
5 thereof, in bold, type, the statement, 'Hunting (or fishing,
6 whichever is applicable) upon private property is legal
7 only with written permission of the owner or person in
8 control of such private property'."

Filed and Adopted
March 10, 1971

By GAUDINEER

1 Amend Senate File 188, page 3, line 2 by adding
2 after the word "organization" the words ", or the
3 rights of the people peaceably to assemble and to
4 petition the Government for a redress of grievances".

Filed and Adopted
March 10, 1971

By DODERER

Senate 5
March 11, 1971

SENATE FILE 188

- 1 Amend the Lamborn amendment filed March 10, 1971 to Senate File
- 2 188, as follows:
- 3 1. Page 1, line 11, by adding after the word "hunt, the words,
- 4 "or fish".
- 5 2. Page 1, line 12, by adding after the word "hunt", the words
- 6 "or fish".
- 7 3. Page 1, line 14, by adding after the word "hunter's", the
- 8 words, "or fisherman's".
- 9 4. Page 1, line 18, by adding after the word "hunter", the
- 10 words, "or fisherman".
- 11 5. Page 1, line 23, by adding after the word "hunting", the
- 12 words, "or fishing".
- 13 6. Page 1, line 24, by adding after the word "hunt", the
- 14 words, "or fish".

Filed and Adopted
March 10, 1971

By MILLER and KENNEDY

SENATE FILE 188

- 1 Amend the Lamborn amendment filed March 10, 1971 to
- 2 Senate File 188, Page 1 by striking all after the word
- 3 "pads" in line 4 and all of line 5, and inserting in
- 4 lieu thereof the following: "which shall be issued
- 5 to the purchasers of fishing and hunting licenses at
- 6 the time of purchase."

Filed and Lost
March 10, 1971

By MILLER and KENNEDY

SENATE FILE 188

- 1 Amend the Lamborn amendment, filed March 10, 1971, to Senate
- 2 File 188, page 1, by striking lines 18 through 20, and in-
- 3 serting in lieu thereof the figure "5".

Filed and Lost
March 10, 1971

By GAUDINEER

SENATE FILE 188

- 1 Amend the Lamborn amendment filed March 10, 1971 to Senate
- 2 File 188 as follows:
- 3 1. Line 5, by striking the word "shall" and inserting in
- 4 lieu thereof "may".
- 5 2. Line 6, by striking the word "shall" and inserting in
- 6 lieu thereof "may".

Filed and Adopted
March 10, 1971

By MESSERLY

22 and imprisonment.

23 Sec. 3. Any person who without either implied or actual
24 permission enters any public building or, having lawfully entered
25 a public building, causes any nuisance therein, or uses, misuses,

page 3

1 destroys, or partially destroys any public or private property
2 therein, shall be fined not more than three hundred dollars (\$300)
3 or imprisoned in the county jail not more than one year, or by
4 both said fine and imprisonment."

Filed. *Adopted as amended 3/11*
March 1, 1971

By MOWRY

1 Amend the Mowry amendment to Senate File 188, page 2,
2 line 25, as follows:

3 1. By inserting after the word "any", the words,
4 "disruption and".

Filed and Lost
March 11, 1971

By GLENN

1 Amend the Mowry amendment filed March 1, 1971 to
2 Senate File 188, page 3, by adding the following new
3 section after line 4:

4 Sec. 4. Anyone going on the land of another with
5 a gun shall first obtain written permission from the
6 owner or person having control of such land, or his
7 agent. Such written permission shall include the
8 dates on which entry to the land is planned.

Filed and Lost
March 11, 1971

By GRAHAM

1 Amend the Mowry amendment filed March 1, 1971 to Senate
2 File 188 by striking from page 2, line 25 the following words:
3 "nuisance therein, or uses," and inserting in lieu thereof the
4 following: "disturbance therein, or".

Filed. *Adopted 3/11*
March 10, 1971

By MOWRY

1 Amend the Mowry amendment to Senate File 188 filed
2 March 1, 1971 as follows:

3 1. Page 1, line 3, by inserting after the word,
4 "to" the word "substantially".

5 2. Page 2, line 5, by inserting after such line the
6 following new subsection and by re-lettering the remaining
7 subsection in conformity herewith:

8 "g. Nothing in this Act shall be deemed to prohibit
9 or restrict the right of lawful picketing by a labor or-
10 ganization".

11 3. Page 2, line 12, by striking the words, "or by
12 both such fine and imprisonment".

13 4. Page 2, line 25, by striking the words, "causes
14 any nuisance therein, or uses" and by inserting in lieu
15 thereof the words, "substantially interferes with the
16 orderly and resonable use thereof by any other person
17 who may lawfully use such building, or".

Filed
March 10, 1971

By GAUDINEER

SENATE CLIP SHEET
Tuesday, March 2, 1971

SENATE FILE 188

1 Amend Senate File 188 by striking all after the enacting clause
2 and inserting in lieu thereof the following:

3 "Section 1. It shall be unlawful for any person to enter
4 in or upon the lands, tenements, or hereditaments of another or
5 any building erection thereon without first having obtained the
6 permission of the owner, lessee, or person in possession of said
7 real estate. If the person making such entry causes no damage
8 to the real estate or any building erection thereon or personal
9 property located therein or thereon nor does not suffer or
10 permit or participate in a joint venture causing damage to the
11 real estate or any building erection thereon or personal property
12 located therein or thereon then in said event it shall be a
13 defense to the offense of trespass upon showing that:
14 a. the entry was by inadvertence or mistake, or
15 b. the entry was by invitation or license by one representing or
16 claiming to be the owner, lessee or person in possession, or
17 c. the entry was by a person less than 18 years of age, or
18 d. the entry was for a mutual business transaction or solicitation
19 of a legitimate business transaction or for a lawful business
20 purpose relating to the use or occupancy of the real estate, or
21 e. the entry was by a person pursuant to the exercise of the
22 service of a judicial process or in pursuit of a person having
23 committed a public offense or a peace officer in the pursuit of
24 a person where there is reason to believe a public offense has
25 been committed, or

page 2

1 f. the entry was by a person or with an associate of a person
2 related by marriage or within the fourth degree of consanguinity
3 to the owner, person in possession, lessee or a known friend or
4 mutual acquaintance, other than casual, to the owner, person in
5 possession or lessee, or
6 g. any one or more of the aforesaid defenses may be rebutted by
7 the prosecution and the issue shall be determined by the court
8 or jury as appropriate at the trial.
9 Sec. 2. Any person found guilty of the offense of
10 trespass shall be fined the sum of not more than one hundred
11 dollars (\$100) or to a term of not more than thirty days in the
12 county jail or by both said fine and imprisonment. If the person
13 having entered into or upon the real estate of another or any
14 building erection thereon as provided in section one (1) has been
15 requested to leave or vacate said real estate or any building
16 erection thereon the owner, lessee, or occupant or their agent
17 or employee and thereupon or thereafter fails fo forthwith
18 peaceably vacate said premise or as a consequence thereof causes
19 or participates in a disturbance said person shall be fined the
20 sum of not more than two hundred dollars (\$200) or to a term of
21 not more than sixty days in the county jail or by both said fine

March 11, 1971

Has Judiciary 3/12, amended 3/21

SENATE FILE 188

By COMMITTEE ON JUDICIARY
(AS PASSED BY THE SENATE)

*Per conference
committee report*

Passed Senate, Date *4-30-71* Passed House, Date *4-2-71*

Vote: Ayes *32* Nays *15* Vote: Ayes *92* Nays *3*

Approved *May 17, 1971*

Motion to reconsider filed 4/30

A BILL FOR

Conference Committee 4/19
Senators: Hawry, Nicholas,
Arbuckle and Hill
Representatives: Knabe,
Hansen, Christensen, Denton

- 1 An Act to define criminal trespass and to prescribe the
- 2 penalty for such trespass.
- 3 Be It Enacted by the General Assembly of the State of Iowa:

Passed House per Conference Committee Report
5-10-71
ayes 64 nays 30

Proof of Publication 6/8/71

Creston News-Advertiser 5/20
Marshalltown Times-Republican 5/20

1 *Section 1. It shall be unlawful for any person to enter*
2 *in or upon the lands, tenements, or hereditaments of another or*
3 *any building erection thereon without first having obtained the*
4 *permission of the owner, lessee, or person in possession of said*
5 *real estate. If the person making such entry causes no damage*
6 *to the real estate or any building erection thereon or personal*
7 *property located therein or thereon nor does not suffer or*
8 *permit or participate in a joint venture causing damage to the*
9 *real estate or any building erection thereon or personal property*
10 *located therein or thereon then in said event it shall be a*
11 *defense to the offense of trespass upon showing that:*

12 *a. the entry was by inadvertence or mistake, or*
13 *b. the entry was by invitation or license by one represent-*
14 *ing or claiming to be the owner, lessee, or person in possession,*
15 *or*

16 *c. the entry was by a person less than eighteen years of*
17 *age, or*

18 *d. the entry was for a mutual business transaction or*
19 *solicitation of a legitimate business transaction or for a*
20 *lawful business purpose relating to the use or occupancy of the*
21 *real estate, or*

22 *e. the entry was by a person pursuant to the exercise of*
23 *the service of a judicial process or in pursuit of a person*
24 *having committed a public offense or a peace officer in the*
25 *pursuit of a person where there is reason to believe a public*

1 offense has been committed, or

2 f. the entry was by a person or with an associate of a
3 person related by marriage or within the fourth degree of con-
4 sanguinity to the owner, person in possession, lessee or a
5 known friend or mutual acquaintance, other than casual, to the
6 owner, person in possession or lessee, or

7 g. any one or more of the aforesaid defenses may be
8 rebutted by the prosecution and the issue shall be determined
9 by the court or jury as appropriate at the trial.

10 h. Nothing in this Act shall be deemed to prohibit or
11 restrict the right of lawful picketing by a labor organization.

12 Sec. 2. Any person found guilty of the offense of
13 trespass shall be fined the sum of not more than one hundred
14 dollars (\$100) or to a term of not more than thirty days in the
15 county jail or by both said fine and imprisonment. If the
16 person having entered into or upon the real estate of another
17 or any building erection thereon as provided in section one (1)
18 has been requested to leave or vacate said real estate or any
19 building erection thereon by the owner, lessee, or occupant
20 or their agent or employee and thereupon or thereafter fails
21 to forthwith peaceably vacate said premise or as a consequence
22 thereof causes or participates in a disturbance said person
23 shall be fined the sum of not more than two hundred dollars
24 (\$200) or to a term of not more than sixty days in the county
25 jail or by both said fine and imprisonment.

1 *Sec. 3. Any person who without either implied or actual*
2 *permission enters any public building, or having lawfully*
3 *entered a public building, causes any disturbance therein, or*
4 *misuses, destroys, or partially destroys any public or private*
5 *property therein, shall be fined not more than three hundred*
6 *dollars (\$300) or imprisoned in the county jail not more than*
7 *one year, or by both said fine and imprisonment.*

SENATE CLIP SHEET
Wednesday, April 28, 1971

REPORT OF CONFERENCE COMMITTEE
(Senate File 188)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 188, a bill for an act to define criminal trespass and to prescribe the penalty for such trespass, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendments.
 2. That Senate File 188 as passed by the Senate be amended as follows:
 1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Criminal Trespass. Definitions:

 1. The term 'property' shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.
 2. The term 'trespass' shall mean one or more of the following acts:
 - a. Entering upon or in property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
 - b. Entering or remaining upon or in property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
 - c. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
 - d. Being upon or in property and using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
- Sec. 2. Any person who shall knowingly trespass upon the property of another is guilty of a public offense and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail for a term not to exceed thirty days.

Senate 2
April 28, 1971

Sec. 3. Any person committing a trespass as defined in section one (1) of this Act resulting in injury to any person or damage in an amount of more than one hundred dollars to anything, animate or inanimate, located thereon or therein shall be punished by a fine not to exceed three hundred dollars or by imprisonment in the county jail not to exceed six months or by both such fine and imprisonment.

Sec. 4. Sections seven hundred forty-four point three (744.3), and seven hundred forty-six point four (746.4), Code 1971, are repealed.

Sec. 5. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Creston News-Advertiser, a newspaper published in Creston, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa."

Filed
April 27, 1971

Senate adopted 4/30
House adopted 5/10

On the part of the Senate:

MOWRY, Chairman
NICHOLSON
ARBUCKLE
HILL

On the part of the House:

KNOKE, Chairman
HANSEN
CHRISTENSEN
DUNTON

Senate 12
April 12, 1971

HOUSE AMENDMENT TO SENATE FILE 188

1 Amend Senate File 188 as passed by the Senate and
2 reprinted by striking everything after the enacting clause
3 and inserting the following:

4 Section 1. Criminal Trespass. Any person who shall
5 trespass upon the property of another, whether publicly
6 or privately owned, is guilty of a public offense and upon
7 conviction shall be punished by a fine not to exceed one
8 hundred dollars or by imprisonment in the county jail for
9 a term not to exceed thirty days. For the purposes of this
10 Act, the following definitions shall apply:

11 a. The term "trespass" shall mean one or more of the
12 following acts:

13 1. Willfully entering upon or in the property without
14 legal justification or without the implied or actual
15 permission of the owner or occupier with the intent to commit
16 a public offense or to use, remove therefrom, alter, damage,
17 harass, or place thereon or therein anything tangible,
18 animate or inanimate, without the implied or actual permission
19 of the owner or occupier.

20 2. Willfully entering or remaining upon or in the property
21 without legal justification after being notified to remove
22 therefrom by the owner or occupier or by any peace officer,
23 magistrate, or public employee whose duty it is to supervise
24 the use of the property.

25 3. Willfully entering upon or in the property for the
Page 2

1 purpose or with the effect of unduly interfering with the
2 lawful use of the property by others.

3 4. Being upon or in the property and using, removing
4 therefrom, altering, damaging, harassing, or placing
5 thereon or therein anything tangible, animate or inanimate,
6 without the implied or actual permission of the owner or
7 occupier.

8 b. The term "publicly owned" shall mean any property
9 owned, used or under the control of the state or any agency
10 or political subdivision thereof.

11 c. The term "property" shall mean any land, dwelling,
12 building, conveyance, vehicle, or other temporary or
13 permanent structure.

14 Sec. 2. Sections seven hundred fourteen point
15 twenty-five (714.25), seven hundred forty-four point three
16 (744.3), and seven hundred forty-six point four (746.4),
17 Code 1971, are hereby repealed.

18 Sec. 3. This Act, being deemed of immediate importance,
19 shall take effect and be in force from and after its
20 publication in the Evening Democrat, a newspaper published

Senate 13
April 12, 1971

21 in Fort Madison, Iowa, and in the Oskaloosa Daily Herald,
22 a newspaper published in Oskaloosa, Iowa.

Received from the House
April 8, 1971

Senate refused to concur 4/13
House initiated 4/19

- 1 Amend Senate File 188 as follows:
- 2 1. By striking on page 2, line 4, the words "occupied
- 3 structure" and inserting in lieu thereof the word
- 4 "premises".
- 5 2. By inserting on page 2, line 12, after the word
- 6 "down" the word ", opening,".
- 7 3. By striking on page 2, line 20, the words "cattle,
- 8 hogs, or sheep" and inserting in lieu thereof the words
- 9 "livestock or poultry".

Filed - *3/10* *2/26*
 February 11, 1971 By DeKOSTER, Chairman
 COMMITTEE on JUDICIARY

- 1 Amend Senate File 188 as follows:
- 2 1. Page 3, by adding the following sentence after
- 3 line 2: "Those using lands and waters pursuant to
- 4 Chapter one hundred eleven C (111C), of the Code, shall
- 5 not be considered to be in violation of this act."
- 6 2. Page 3, by adding the following section after
- 7 line 22:
- 8 Sec. 5. Chapter one hundred eleven C point
- 9 one (111C.1), Code 1971, is amended as follows:
- 10 111C.1 PURPOSE. The purpose of this chapter is to
- 11 encourage private owners of land to make land and water
- 12 areas available to the public for recreational purposes
- 13 by limiting their liability toward persons entering who
- 14 have received permission, whether actual or implied,
- 15 to enter thereon for such purposes.

Filed - *3/10*
 February 12, 1971 By NEU

- 1 Amend Senate File 188, page 3, by adding the
- 2 following new section:
- 3 Sec. 5. This Act, being deemed of immediate
- 4 importance, shall take effect and be in force from
- 5 and after its publication in The Glidden Graphic, a
- 6 newspaper published in Glidden, Iowa and in the
- 7 LeMars Daily Sentinel, a newspaper published in
- 8 LeMars, Iowa.

Filed - *Last 3/10*
 February 15, 1971 By NEU

- 1 Amend Senate File 188, page 3, by adding after line 6 the
- 2 following new section and by renumbering the remaining
- 3 sections:
- 4 "Sec. ____ . Any person who without either implied or
- 5 actual permission enters any public building or causes any
- 6 nuisance, or uses, misuses, destroys, or partially destroys
- 7 any public or private property shall be fined not more than
- 8 three hundred dollars and imprisoned in the county jail not
- 9 more than one year."

Filed - *3/10*
 February 22, 1971 By NICHOLSON

E000X

1 Amend Senate File 188 as follows:
2 1. Page 3, by inserting after line 22 the follow-
3 ing new section:
4 "Sec. 5. Any person who in his presence injures
5 another person who is committing a public offense
6 against the person inflicting the injury or against
7 such person's property, shall not be liable for any
8 civil damages to the injured person or his heirs,
9 assignees, dependents, spouse, or personal represen-
10 tatives."
11 2. Page 1, lines 1 and 2, by inserting after the
12 word "trespass" the words ", relating to liabilities
13 involving trespass,".

Filed - *Revised amendment as adopted 3/10* By ANDERSON and GRAHAM
February 16, 1971

1 Amend Senate File 188 as follows:
2 1. Page 3, by adding after line 6, the following
3 new section:
4 "Sec. 3. In an action based upon the doctrine of
5 'attractive nuisance' a rebuttable presumption of due
6 care by the defendant shall arise if:
7 1. The defendant made a reasonable effort to inform
8 persons that they are not to intrude and that a
9 possible danger to an intruder exists, or
10 2. The defendant took reasonable steps to minimize
11 any possible danger to intruders, and
12 3. The possible danger is open or obvious and a
13 reasonable man would not normally take additional steps
14 to protect the lives and well-being of intruding
15 children."
16 2. Page 3, line 7, by striking the number "3" and
17 inserting in lieu thereof the number "4".
18 3. Page 3, line 19, by striking the number "4" and
19 inserting in lieu thereof the number "5".
20 4. Page 1, line 1, by inserting after the word
21 "trespass" the words ", relating to liability involving
22 trespass".

Filed - *Withdrawn 3/10* By ANDERSON
February 17, 1971

1 Amend the Neu amendment filed February 12, 1971 to
2 Senate File 188 as follows:
3 1. Line 14 by adding after the word "received" the
4 word "written".
5 2. Line 14 by striking the words ", whether actual or
6 implied,".

Filed - *Withdrawn 3/10* By GRAHAM
February 17, 1971

House 5
April 1, 1971

SENATE FILE 188

1 Amend Senate File 188 as passed by the Senate and
2 reprinted by striking everything after the enacting
3 clause and inserting the following:
4 Section 1. Criminal Trespass. Any person who
5 shall trespass upon the property of another, whether
6 publicly or privately owned, is guilty of a public
7 offense and upon conviction shall be punished by a
8 fine not to exceed one hundred dollars or by imprison-
9 ment in the county jail for a term not to exceed
10 thirty days. For the purposes of this Act, the
11 following definitions shall apply:

12 a. The term "trespass" shall mean one or more
13 of the following acts:

14 1. Willfully entering upon or in the property
15 without legal justification or without the implied
16 or actual permission of the owner or occupier with the
17 intent to commit a public offense or to use, remove
18 therefrom, alter, damage, harass, or place thereon or
19 therein anything tangible, animate or inanimate, with-
20 out the implied or actual permission of the owner or
21 occupier.

22 2. Willfully entering or remaining upon or in
23 the property without legal justification after being
24 notified to remove therefrom by the owner or occupier
25 or by any peace officer, magistrate, or public em-
26 ployee whose duty it is to supervise the use of the
27 property.

28 3. Willfully entering upon or in the property
29 for the purpose or with the effect of unduly inter-
30 fering with the lawful use of the property by others.

31 4. Being upon or in the property and using, re-
32 moving therefrom, altering, damaging, harassing, or
33 placing thereon or therein anything tangible, animate
34 or inanimate, without the implied or actual permission
35 of the owner or occupier.

36 b. The term "publicly owned" shall mean any
37 property owned, used or under the control of the state
38 or any agency or political subdivision thereof.

39 c. The term "property" shall mean any land,
40 dwelling, building, conveyance, vehicle, or other
41 temporary or permanent structure.

42 Section 2. Nothing in this Act shall be
43 deemed to prohibit or restrict the right of lawful
44 picketing by a labor organization.

45 Section 3. Sections seven hundred fourteen
46 point twenty-five (714.25), seven hundred seventeen
47 point six (717.6), seven hundred forty-four point
48 three (744.3), and seven hundred forty-six point
49 four (746.4), Code 1971, are hereby repealed.

Filed - ~~as amended~~ ^{adopted as amended} 4/6
March 31, 1971

By COMMITTEE ON JUDICIARY
PELTON, Chairman

1 Amend Committee amendment to Senate File 188,
2 filed March 31, 1971, line 44 by inserting after the
3 word "labor" the words "or farm".

Filed - *Withdrawn 4/6*
April 1, 1971

By PELTON of Clinton
District 74

1 Amend the Committee amendment to Senate File 188
2 filed March 31, 1971, line 44, by striking the words
3 "by a labor organization", and inserting in lieu
4 thereof a period (.).

Filed - *Withdrawn 4/6*
April 5, 1971

By BRAY Of Scott
District 77

1 Amend the committee on Judiciary amendment to
2 Senate File 188 filed March 31, 1971 by striking
3 all of lines 42 through 44.

Filed - *adopted 4/6*
April 5, 1971

By KREAMER of Polk
District 63

1 Amend Senate File 188, as passed by the Senate
2 and reprinted, by adding the following new section:
3 This Act, being deemed of immediate importance,
4 shall take effect and be in force from and after its
5 publication in the Evening Democrat, a newspaper
6 published in Fort Madison, Iowa, and in Oskaloosa Daily
7 Herald, a newspaper published in Oskaloosa, Iowa.

Filed - *Withdrawn 4/6*
April 5, 1971

HANSEN of Black Hawk,	District 37
KREAMER of Polk,	District 63
SCHROEDER of Pottawattamie,	District 54
MILLEN of Van Buren,	District 99
PIERSON of Mahaska,	District 87
KENNEDY of Chickasaw,	District 11
LARSON of Story,	District 34

1 Amend the Committee on Judiciary amendment to
2 Senate File 188, section 3, by striking therefrom
3 the following:
4 "seven hundred seventeen point six (717.6),".

Offered from the floor and Adopted
April 5, 1971

By WINKELMAN of Calhoun
District 26

1 Amend the committee on Judiciary amendment to
2 Senate File 188, filed March 31, 1971, as follows:
3 By striking from lines 14, 22 and 28 the word
4 "Willfully".

Offered from the floor and withdrawn
April 6, 1971

By WINKELMAN of Calhoun
District 26
WAUGH of Crawford
District 27

- 1 Amend Senate File 188 as follows:
2 1. Page 2, line 15 by adding after the word
3 "obtaining" the word "written".
4 2. Page 2, line 18 by adding after the word
5 "obtaining" the word "written".
6 3. Page 2, line 23 by adding after the word
7 "procured" the word "written".

Filed - *Last 2/26, Reconsidered and adopted 4/10* By GRAHAM
February 18, 1971

SENATE FILE 188

- 1 Amend the Nicholson amendment filed February 22, 1971
2 to Senate File 188 as follows:
3 1. Line 5, by inserting after the word "or" the
4 words ", having lawfully entered a public building,".
5 2. Line 6, by inserting after the word "nuisance"
6 the word "therein".
7 3. Line 7, by inserting after the word "property"
8 the word "therein".

Filed - *adopted 3/10* By RILEY and NICHOLSON
February 24, 1971

SENATE FILE 188

- 1 Amend the Nicholson amendment filed February 22, 1971, to
2 Senate File 188 as follows:
3 1. Line 8, by striking the word "and" and inserting in
4 lieu thereof the word "or".
5 2. Line 9, by inserting after the word "year" the words
6 "or both".

Filed By ARBUCKLE
February 25, 1971

SENATE FILE 188

- 1 Amend the Anderson, Graham amendment, filed February
2 16, 1971, to Senate File 188 as follows:
3 1. Line 6, by striking the words "or against"
4 2. Line 7, by striking the words "such person's property".

Filed - *adopted 3/10* By TAPSCOTT
February 26, 1971

SENATE FILE 188

1 Amend Senate File 188, page 2, line 20, as follows: by
2 inserting after the word "where" the words "domesticated game
3 animals,".

Filed - *adopted 2/10*
February 26, 1971

By BALLOUN

SENATE FILE 188

1 Amend Senate File 188 as follows:
2 1. Page 2, by adding the following new lines after
3 "intruders." on line 11: "For the purposes of this section
4 the term 'occupied structure' means any structure; land,
5 water or air vehicle, or enclosed place adapted for overnight
6 accommodation of persons, or occupied by persons for the
7 purpose of carrying on business or other activity therein,
8 or for the storage or safekeeping of anything of value.
9 Such a structure is an 'occupied structure' whether vacant
10 or not."

Filed - *adopted 3/10*
February 26, 1971

By GLENN

SENATE FILE 188

1 Amend the Nicholson amendment filed February 22, 1971
2 to Senate File 188, line 6, by striking the word "uses".

Filed - *adopted 2/10*
March 3, 1971

By RILEY

1 Amend the Nicholson amendment to Senate File 188,
2 filed February 22, 1971, by striking in line 6, the
3 word "nuisance" and inserting in lieu thereof the
4 word "disturbance".

Filed and Adopted
March 10, 1971

By TAPSCOTT

- 1 Amend the Committee Amendment filed March 31 to
2 Senate File 188 as follows:
3 1. Strike from line 14 the words "Willfully
4 entering" and insert in lieu thereof the word "While".
5 2. Strike from lines 16 and 17 the words "with the
6 intent to commit a public offense or" and insert in
7 lieu thereof the word "willfully".
8 3. Insert in line 21 after the word "occupier"
9 the words "or willfully attempt to do any of the afore-
10 said acts".
11 4. Strike from line 23 the words "without legal
12 justification".
13 5. Insert in line 27 after the word "property"
14 the words ", provided that in the case of public pro-
15 perty such order to remove shall only be given to
16 protect lives or property or to prevent disruption of
17 public or governmental function".
18 6. Strike from line 28 the words "Willfully
19 entering" and insert in lieu thereof the word "While".
20 7. Strike from line 29 the words "for the purpose
21 or with the effect of" and insert in lieu thereof the
22 words "willfully and".
23 8. Insert in line 30 before the word "with" the
24 words "or attempting to interfere".
25 9. Strike lines 31, 32, 33, 34, and 35.

Offered from the floor and By SMALL of Johnson
Amendments 1, 2, 3, 6, 7, 8 District 69
and 9 lost; Amendment 4 withdrawn
and Amendment 5 Lost.
April 6, 1971

- 1 Amend the committee amendment to Senate File 188,
2 as passed by the Senate and reprinted, by adding
3 the following new section:
4 This Act, being deemed of immediate importance,
5 shall take effect and be in force from and after
6 its publication in the Evening Democrat, a newspaper
7 published in Fort Madison, Iowa, and in the
8 Oskaloosa Daily Herald, a newspaper published in
9 Oskaloosa, Iowa.

Offered from the floor By HANSEN of Black Hawk, District 37
and Adopted KREAMER of Polk District 63
April 6, 1971 SCHROEDER of Pottawattamie, District 54
MILLEN of Van Buren, District 99
PIERSON of Mahaska, District 87
KENNEDY of Chickasaw, District 11
LARSON of Story, District 34