

Do Pass 2/7 (p. 369)

Judiciary
Doyle, Chair
Ritsema
Gentleman
Mann
Coleman

FILED JAN 13 1983

SENATE FILE

76

BY DOYLE

See Judiciary 2/16 Do Pass 3/31/83

Senate File 76

Judiciary and Law Enforcement: Miller, Chair; Brammer and McIntee.

Passed Senate, Date 2-10-83 (p. 392) Passed House, Date 4-12-83 (p. 1247)

Vote: Ayes 50 Nays 0 Vote: Ayes 98 Nays 0

Approved May 2, 1983 (p. 1515)

A BILL FOR

1 An Act relating to the penalties for criminal mischief.

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

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S.F. 76

1 Section 1. Section 716.5, unnumbered paragraph 1, Code
2 1983, is amended to read as follows:

3 Criminal mischief is criminal mischief in the third degree
4 if the cost of replacing, repairing, or restoring the property
5 so damaged, defaced, altered, or destroyed exceeds ~~one~~ two
6 hundred dollars, but does not exceed five hundred dollars,
7 or if the property is a deed, will, commercial paper or any
8 civil or criminal process or other instrument having legal
9 effect, or if the act consists of rendering substantially
10 less effective than before any light, signal, obstruction,
11 barricade, or guard which has been placed or erected for the
12 purpose of enclosing any unsafe or dangerous place or of
13 alerting persons to an unsafe or dangerous condition. Criminal
14 mischief in the third degree is an aggravated misdemeanor.

15 Sec. 2. Section 716.6, Code 1983, is amended to read as
16 follows:

17 716.6 CRIMINAL MISCHIEF IN THE FOURTH DEGREE AND FIFTH
18 DEGREES. Criminal mischief is criminal mischief in the fourth
19 degree if the cost of replacing, repairing, or restoring the
20 property so damaged, defaced, altered, or destroyed exceeds
21 one hundred dollars, but does not exceed two hundred dollars.
22 Criminal mischief in the fourth degree is a serious
23 misdemeanor. All criminal mischief which is not criminal
24 mischief in the first degree, second degree, ~~or~~ third degree,
25 or fourth degree is criminal mischief in the ~~fourth~~ fifth
26 degree. Criminal mischief in the ~~fourth~~ fifth degree is a
27 simple misdemeanor.

28 EXPLANATION

29 This bill raises the floor amount of damages for the crime
30 of criminal mischief in the third degree from one hundred
31 dollars to two hundred dollars. Criminal mischief in the
32 third degree is an aggravated misdemeanor. The bill makes
33 the present crime of criminal mischief in the fourth degree
34 which is a simple misdemeanor, the crime of criminal mischief
35 in the fifth degree, and creates a new intermediate crime

1 of criminal mischief in the fourth degree which is to be a
2 serious misdemeanor, when damages from the mischief exceed
3 one hundred dollars but do not exceed two hundred dollars.

4 The bill would take effect July 1 following enactment.

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degree. Criminal mischief in the ~~fourth~~ fifth degree is a simple misdemeanor.

SENATE FILE 76

AN ACT
RELATING TO THE PENALTIES FOR CRIMINAL MISCHIEF.

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

Section 1. Section 716.5, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Criminal mischief is criminal mischief in the third degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds ~~one~~ two hundred dollars, but does not exceed five hundred dollars, or if the property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect, or if the act consists of rendering substantially less effective than before any light, signal, obstruction, barricade, or guard which has been placed or erected for the purpose of enclosing any unsafe or dangerous place or of alerting persons to an unsafe or dangerous condition. Criminal mischief in the third degree is an aggravated misdemeanor.

Sec. 2. Section 716.6, Code 1983, is amended to read as follows:

716.6 CRIMINAL MISCHIEF IN THE FOURTH DEGREE AND FIFTH DEGREES. Criminal mischief is criminal mischief in the fourth degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds one hundred dollars, but does not exceed two hundred dollars. Criminal mischief in the fourth degree is a serious misdemeanor. All criminal mischief which is not criminal mischief in the first degree, second degree, ~~or~~ third degree, or fourth degree is criminal mischief in the ~~fourth~~ fifth

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 76, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 2, 1983

TERRY E. BRANSTAD
Governor