

CHAPTER 1121**URBAN DEER CONTROL — MISCELLANEOUS PROVISIONS***H.F. 2546*

AN ACT allowing private landowners limited immunity from premises liability during urban deer control hunts.

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

Section 1. Section 461C.1, Code 2005, is amended to read as follows:

461C.1 PURPOSE.

The purpose of this chapter is to encourage private owners of land to make land and water areas available to the public for recreational purposes and for urban deer control by limiting their liability toward persons entering thereon for such purposes.

Sec. 2. Section 461C.2, subsection 3, Code 2005, is amended to read as follows:

3. "Land" means private land located in a municipality including abandoned or inactive surface mines, caves, and land used for agricultural purposes, including marshlands, timber, grasslands and the privately owned roads, water, water courses, private ways and buildings, structures and machinery or equipment appurtenant thereto.

Sec. 3. Section 461C.2, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "Municipality" means any city or county in the state.

NEW SUBSECTION. 5. "Urban deer control" means deer hunting with a bow and arrow on private land in a municipality, without charge, as authorized by a municipal ordinance, for the purpose of reducing or stabilizing an urban deer population in the municipality.

Sec. 4. Section 461C.3, Code 2005, is amended to read as follows:

461C.3 LIABILITY OF OWNER LIMITED.

Except as specifically recognized by or provided in section 461C.6, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes or urban deer control, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Sec. 5. Section 461C.4, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Except as specifically recognized by or provided in section 461C.6, a holder of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes or urban deer control does not thereby:

Sec. 6. Section 461C.5, Code 2005, is amended to read as follows:

461C.5 DUTIES AND ABILITIES¹ OF OWNER OF LEASED LAND.

Unless otherwise agreed in writing, the provisions of sections 461C.3 and 461C.4 shall be deemed applicable to the duties and liability of an owner of land leased, or any interest or right therein transferred to, or the subject of any agreement with, the United States or any agency thereof, or the state or any agency or subdivision thereof, for recreational purposes or urban deer control.

Sec. 7. Section 461C.6, subsection 2, Code 2005, is amended to read as follows:

2. For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof or for deer hunting, except that in the case of land or any interest or right therein, leased or transferred to, or the subject of any agreement with, the United States or any agency thereof or the state or any agency thereof

¹ According to enrolled Act; the word "LIABILITIES" probably intended

or subdivision thereof, any consideration received by the holder for such lease, interest, right or agreement, shall not be deemed a charge within the meaning of this section.

Sec. 8. Section 461C.7, subsection 2, Code 2005, is amended to read as follows:

2. Relieve any person using the land of another for recreational purposes or urban deer control from any obligation which the person may have in the absence of this chapter to exercise care in the use of such land and in the person's activities thereon, or from the legal consequences of failure to employ such care.

Sec. 9. NEW SECTION. 461C.8 URBAN DEER CONTROL — MUNICIPAL ORDINANCE.

1. A municipality may adopt an ordinance authorizing trained, volunteer hunters to hunt deer with a bow and arrow on private land within the municipality, without charge, for the purpose of urban deer control.

2. The ordinance shall specify all of the following:

a. How a person qualifies to participate in urban deer control.

b. Where urban deer control can occur.

c. Conditions under which urban deer control can be conducted, which are intended to minimize the risk of injury to persons and property.

3. A hunter who participates in urban deer control pursuant to this section shall be otherwise qualified to hunt deer in this state, have a hunting license and pay the wildlife habitat fee, and obtain a special deer hunting license valid only for the dates, locations, and type of deer specified on the license. Special deer hunting licenses issued pursuant to this section shall be available only to residents and shall cost the same as deer hunting licenses issued during general deer seasons. The commission may establish procedures for issuing more than one license per person as necessary to achieve the purposes of urban deer control, and the cost of each additional license shall be ten dollars.

4. An urban deer control ordinance is not effective until it has been approved by the department of natural resources.

5. The department of natural resources shall adopt rules in accordance with chapter 17A necessary for the administration of this section.

Approved May 24, 2006

CHAPTER 1122

LAW ENFORCEMENT AGENCY ELECTRONIC MAIL AND TELEPHONE BILLING RECORDS

H.F. 2562

AN ACT to make electronic mail and telephone billing records of law enforcement agencies confidential if that information is part of an investigation.

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

Section 1. Section 22.7, subsection 5, Code Supplement 2005, is amended to read as follows:

5. Peace officers' investigative reports, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date,