

Sec. 4. Section 123.49, subsection 2, paragraph j, Code 2009, is amended to read as follows:

*j.* Knowingly permit or engage in any criminal activity on the premises covered by the license or permit. However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph “j”. For purposes of this paragraph “j”, “premises” includes parking lots and areas adjacent to the premises of a liquor licensee or permittee authorized to sell alcoholic beverages for consumption on the licensed premises and used by patrons of the liquor licensee or permittee.

Sec. 5. Section 321.284, Code 2009, is amended to read as follows:

**321.284 Open containers in motor vehicles — drivers.**

1. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “e”.

2. A person under the age of twenty-one who violates this section is guilty of a violation of section 123.47.

Sec. 6. Section 321.284A, Code 2009, is amended by adding the following new subsection:  
NEW SUBSECTION. 3A. A person under the age of twenty-one years who violates this section is guilty of a violation of section 123.47.

Sec. 7. Section 805.8C, subsection 7, Code Supplement 2009, is amended to read as follows:

7. *Alcoholic beverage violations by persons ~~under legal~~ eighteen, nineteen, or twenty years of age.* For first offense violations of section 123.47, subsection 3, the scheduled fine is two hundred dollars.

Approved April 12, 2010

## CHAPTER 1129

### ENTICING OR ATTEMPTING TO ENTICE A MINOR

*H.F. 2438*

**AN ACT** relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

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

Section 1. Section 710.10, Code 2009, is amended to read as follows:

**710.10 Enticing away a minor.**

1. A person commits a class “C” felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices away the minor under the age of thirteen, or entices away or attempts to entice a person reasonably believed to be under the age of thirteen.

2. A person commits a class "D" felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of sixteen, the person entices away a minor under the age of sixteen, or entices away or attempts to entice a person reasonably believed to be under the age of sixteen.

~~3. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice away a minor under the age of sixteen, or attempts to entice away a person reasonably believed to be under the age of sixteen.~~

~~4. A person's intent to commit a violation of this section may be inferred when the person is not known to the person being enticed away and the person does not have the permission of the parent, guardian, or custodian to contact the person being enticed away.~~

3. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices a person reasonably believed to be under the age of sixteen.

4. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice a person reasonably believed to be under the age of sixteen. A person convicted under this subsection shall not be subject to the registration requirements under chapter 692A unless the finder of fact determines that the illegal act was sexually motivated.

5. A person shall not be convicted of a violation of this section unless the person commits an overt act evidencing a purpose to entice.

5. 6. For purposes of determining jurisdiction under section 803.1, an offense is considered committed in this state if the communication to entice away a minor or attempt to entice a person believed to be a minor who is present in this state originates from another state, or the communication to entice away a minor or attempt to entice a person believed to be a minor is sent from this state.

Approved April 12, 2010

## CHAPTER 1130

### CRIMINAL MISCHIEF AND APPEARANCE BONDS IN CRIMINAL PROCEEDINGS

H.F. 2473

**AN ACT** relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

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

Section 1. Section 716.6, subsection 1, Code Supplement 2009, is amended to read as follows:

1. a. Criminal mischief is criminal mischief in the fourth degree if ~~the~~ any of the following apply:

(1) The cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars.

(2) The person intentionally injures, destroys, disturbs, or removes any monument, as defined in section 355.1, placed on any tract of land, street, or highway, designating any point, course, or line on the boundary of the tract of land, street, or highway, if the monument was placed at such location by a land surveyor licensed under chapter 542B, or by any person directed by a licensed land surveyor. A governmental entity and employees of such an entity are exempt from prosecution under this subparagraph for projects performed pursuant to section 314.8. A licensed land surveyor and persons under the direction of a licensed land surveyor are also exempt from prosecution under this subparagraph for