

571—15.16(481A,481B,482,483A,484A,484B) Multiple offenders—revocation and suspension of hunting, fishing, and trapping privileges from those persons who are determined to be multiple offenders.

15.16(1) Definitions. For the purpose of this rule, the following definitions shall apply:

“*Department*” means the Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034.

“*Multiple offender*” means any person who has equaled or exceeded five points for convictions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716 during a consecutive three-year period as provided in subrule 15.16(3).

“*Revocation*” means the taking or cancellation of an existing license or privilege.

“*Suspension*” means to bar or exclude one from applying for or acquiring licenses or privileges for future seasons.

15.16(2) Recordkeeping procedures. For the purpose of administering this rule, it shall be the responsibility of the clerk of district court for each county to deliver, on a monthly basis, disposition reports of each charge filed under Iowa Code chapters 456A, 481A, 481B, 482, 483A, 484A, 484B, and 716 to the department. Dispositions and orders of the court of all cases filed on the chapters listed in this subrule shall be sent to the department regardless of the jurisdiction or the department of the initiating officer.

a. License suspensions. In the event of a license suspension pursuant to Iowa Code section 481A.133, the clerk of court shall immediately notify the department.

b. Entering information. Upon receipt of the disposition information from the clerks of court, the department will, on a monthly basis, enter this information into a licensed system that is directly accessible to all law enforcement agencies of the state.

c. Disposition report information. Information from the disposition report that will be entered into an electronic license system which includes but may not be limited to the following:

- (1) County of violation,
- (2) Name of defendant,
- (3) Address of defendant,
- (4) Social security or driver’s license number,
- (5) Date of birth,
- (6) Race,
- (7) Sex,
- (8) Height,
- (9) Weight,
- (10) Date and time of violation,
- (11) Charge and Iowa Code section,
- (12) Officer name/C-number who filed charge, and
- (13) Date of conviction.

15.16(3) Point values assigned to convictions. Point values for convictions shall be assessed as stated in this subrule. Multiple citations and convictions of the same offense will be added as separate convictions:

a. Convictions of the following offenses shall have a point value of three:

- (1) Illegal sale of birds, game, fish, or bait.
- (2) More than the possession or bag limit for any species of game or fish.
- (3) Hunting, trapping, or fishing during the closed season.
- (4) Hunting by artificial light.
- (5) Hunting from aircraft, snowmobiles, all-terrain vehicles or motor vehicle.
- (6) Any violation involving threatened or endangered species.
- (7) Any violations of Iowa Code chapter 482, except Iowa Code sections 482.6 and 482.14.
- (8) Any violation of nonresident license requirements.
- (9) No fur dealer license (resident or nonresident).
- (10) Illegal taking or possession of protected nongame species.
- (11) The unlawful taking of any fish, turtle, game, or fur-bearing animal.

- (12) Illegal taking, possession, or transporting of a raptor.
- (13) Hunting, fishing, or trapping while under license suspension or revocation.
- (14) Illegal removal of fish, minnows, frogs, or other aquatic wildlife from a state fish hatchery.
- (15) Any fur dealer violations except failure to submit a timely annual report.
- (16) Any resident or nonresident making false claims to obtain a license.
- (17) Illegal taking or possession of hen pheasant.
- (18) Applying for or acquiring a license while under suspension or revocation.
- (19) Taking game from the wild—see Iowa Code section 481A.61.
- (20) Violation of Iowa Code sections 483A.27(7) and 483A.27A.
- (21) Any violation of Iowa Code section 716.8 while hunting, fishing, or trapping.
- b. Convictions of the following offenses shall have a point value of two:
 - (1) Hunting, fishing, or trapping on a refuge.
 - (2) Illegal possession of fur, fish, turtle, or game.
 - (3) Chasing wildlife from or disturbing dens.
 - (4) Trapping within 200 yards of an occupied building or private drive.
 - (5) Possession of undersized or oversized fish.
 - (6) Shooting within 200 yards of occupied building or feedlot.
 - (7) No valid resident license relating to deer, turkey, or paddlefish.
 - (8) Illegal importation of fur, fish, or game.
 - (9) Failure to exhibit catch to an officer.
 - (10) Trapping or poisoning game birds, or poisoning game animals.
 - (11) Violations pertaining to private fish hatcheries and aquaculture.
 - (12) Violations of the fur dealers reporting requirements.
 - (13) Violation of Iowa Code section 481A.126 pertaining to taxidermy.
 - (14) Loaded gun in a vehicle.
 - (15) Attempting to unlawfully take any fish, turtle, game, or fur-bearing animals.
 - (16) Attempting to take game before or after legal shooting hours.
 - (17) Wanton waste of fish, game or fur-bearing animals.
 - (18) Illegal discharge of a firearm pursuant to Iowa Code section 481A.54.
 - (19) Any violation of Iowa Code section 482.14 pertaining to commercial fishing.
 - (20) Failure to tag deer, turkey, or paddlefish.
 - (21) Applying for or obtaining more than the legal number of licenses allowed for deer or turkey.
 - (22) Illegal transportation of game, fish or furbearers.
 - (23) Violation of Iowa Code section 483A.27, except Iowa Code section 483A.27(7).
- c. All other convictions of provisions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B shall have a point value of one.

15.16(4) *Length of suspension or revocation.*

- a. The term of license suspension or revocation shall be determined by the total points accumulated during any consecutive three-year period, according to the following: 5 points through 8 points is one year, 9 points through 12 points is two years, and 13 points or over is three years.
- b. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code section 481A.135(2) shall have an additional suspension of one year. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code section 481A.135(3) shall have an additional suspension of two years. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code section 481A.135(4) shall have an additional suspension of three years. The foregoing provisions apply whether or not a person has been found guilty of a simple misdemeanor, serious misdemeanor or aggravated misdemeanor pursuant to Iowa Code sections 481A.135(2), 481A.135(3) and 481A.135(4). If a magistrate suspends the privilege of a defendant to procure another license and the conviction contributes to the accumulation of a point total that requires the department to initiate a

suspension, the term of suspension shall run consecutively up to a maximum of five years. After a five-year suspension, remaining time will be calculated at a concurrent rate.

15.16(5) *Points applicable toward suspension or revocation.* If a person pleads guilty or is found guilty of an offense for which points have been established by this rule but is given a suspended sentence or deferred sentence by the court as defined in Iowa Code section 907.1, the assigned points will become part of that person's violation record and apply toward a department suspension or revocation.

15.16(6) *Notification of intent to suspend and revoke license.* If a person reaches a total of five or more points, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 571—Chapter 7. If the person requests a hearing, it shall be conducted in accordance with 571—Chapter 7.

15.16(7) *Dates of suspension or revocation.* The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in subrule 15.16(6) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

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