

House File 572

H-1202

1 Amend the amendment, H-1147, to House File 572, as follows:

2 1. By striking page 1, line 2, through page 2, line 5, and  
3 inserting:

4 <\_\_\_. By striking page 1, line 9, through page 2, line 5,  
5 and inserting:

6 <2. a. "*Animal feeding operation*" means a place where  
7 agricultural animals are confined and fed and maintained for  
8 forty-five days or more in any twelve-month period, if the  
9 place is not within the corporate limits of a city.

10 b. "*Animal feeding operation*" includes an open feedlot  
11 operation as defined in section 459A.102; a lot or corral; or a  
12 structure, including a barn or similar building, used to house  
13 agricultural animals.

14 3. a. "*Convicted*" means the entry of a judgment of  
15 conviction under chapter 901 or adjudicated delinquent for an  
16 act which is an indictable offense in this state or in another  
17 state under chapter 232.

18 b. "*Convicted*" does not mean a plea, sentence, adjudication,  
19 deferred sentence, or deferred judgment which has been reversed  
20 or otherwise set aside.

21 4. "*Homestead*" means real property that includes the  
22 principal residence of a person, and up to four hundred feet  
23 of surrounding land with any improvements, if all such real  
24 property is both owned or leased by that person and not located  
25 within the corporate limits of a city.

26 5. "*Principal residence*" means the place where a person  
27 habitually lives for more days per year than another place in  
28 this state, if the place is not within the corporate limits of  
29 a city.

30 6. "*Railroad company*" means a business entity organized  
31 under the laws of this state or doing business in this state  
32 as a carrier by rail and regulated by the federal railroad  
33 administration.

34 7. "*Remotely piloted aircraft*" means a self-propelled  
35 vehicle used for navigation and flight, that is controlled by

1 the use of an electronic system and is not designed to carry a  
2 human.

3 8. "*Secure farmstead area*" means real property that includes  
4 an animal feeding operation and up to four hundred feet of  
5 surrounding land with any improvements, if all such real  
6 property is both owned or leased by a person and not located  
7 within the corporate limits of a city.

8 9. "*Surveillance device*" means a camera or electronic  
9 equipment that transmits or records images, sounds, or data  
10 if the transmission or recording is capable of reasonably  
11 identifying any of the following:

12 a. The identity, physical appearance, conduct, or voice of  
13 an individual.

14 b. The species of an agricultural animal.

15 c. The unique physical characteristics of land or an  
16 improvement to land.>

17 \_\_\_\_\_. By striking page 2, line 6, through page 3, line 27,  
18 and inserting:

19 <Sec. \_\_\_\_\_. NEW SECTION. 715D.2 **Distance measurements.**

20 In measuring the distance from an object to a remotely  
21 piloted aircraft in flight under this chapter, it shall be  
22 presumed as a matter of law that the remotely piloted aircraft  
23 is flying parallel to the object. The distance between the  
24 object and remotely piloted aircraft shall be measured from  
25 their closest possible points.

26 Sec. \_\_\_\_\_. NEW SECTION. 715D.3 **Intrusion by use of remotely  
27 piloted aircraft — offense.**

28 1. A person commits intrusion by the use of a remotely  
29 piloted aircraft if the person knowingly does any of the  
30 following:

31 a. Controls the flight of a remotely piloted aircraft over  
32 a homestead, if the homestead is not owned or leased by the  
33 person, and the remotely piloted aircraft remains over the  
34 homestead.

35 b. Controls the flight of remotely piloted aircraft over a

1 secure farmstead area, if the secure farm area is not owned or  
2 leased by the person, and the remotely piloted aircraft remains  
3 over the secure farmstead area.

4 2. a. A person who commits intrusion by the use of a  
5 remotely piloted aircraft is guilty of a simple misdemeanor.

6 b. Notwithstanding paragraph "a", a person who commits  
7 intrusion by the use of a remotely piloted aircraft is guilty  
8 of a serious misdemeanor if the person has previously been  
9 convicted of any of the following:

10 (1) Intrusion by the use of a remotely piloted aircraft as  
11 provided in this section.

12 (2) Surveillance by the use of a remotely piloted aircraft  
13 as provided in section 715D.4.

14 Sec. \_\_\_\_ . NEW SECTION. 715D.4 Surveillance by use of  
15 remotely piloted aircraft — offense.

16 1. A person commits surveillance by the use of a remotely  
17 piloted aircraft if the person knowingly does any of the  
18 following:

19 a. Controls the flight of a remotely piloted aircraft  
20 equipped with a surveillance device over a homestead, if  
21 the homestead is not owned or leased by the person, and the  
22 remotely piloted aircraft remains over the homestead.

23 b. Controls the flight of a remotely piloted aircraft  
24 equipped with a surveillance device over a secure farmstead  
25 area, if the secure farm area is not owned or leased by the  
26 person, and the remotely piloted aircraft remains over the  
27 secure farmstead area.

28 2. a. A person who commits surveillance by the use of a  
29 remotely piloted aircraft is guilty of a serious misdemeanor.

30 b. Notwithstanding paragraph "a", a person who commits  
31 surveillance by the use of a remotely piloted aircraft  
32 is guilty of an aggravated misdemeanor if the person has  
33 previously been convicted of any of the following:

34 (1) Intrusion by the use of a remotely piloted aircraft as  
35 provided in section 715D.3.

1 (2) Surveillance by the use of a remotely piloted aircraft  
2 as provided in this section.

3 Sec. \_\_\_\_ . NEW SECTION. 715D.5 Injunctive relief —  
4 harassment due to use of remotely piloted aircraft.

5 1. A person who is the owner or lessee of a homestead or  
6 secure farmstead area may petition the district court to obtain  
7 an order for a temporary injunction to prevent the respondent  
8 from using any remotely piloted aircraft equipped with a  
9 surveillance device, if a preponderance of evidence indicates  
10 that the respondent is harassing the petitioner by controlling  
11 the flight of the remotely piloted aircraft over the person's  
12 homestead or secure farmstead area. The court shall grant  
13 the temporary injunction for not more than two years. The  
14 court may continue the injunction upon a petition filed by the  
15 petitioner with the court prior to the order's expiration.

16 2. If a court grants an order for a temporary injunction  
17 under subsection 1, the court may award the petitioner court  
18 costs, reasonable attorney fees, and expenses related to the  
19 petitioner's investigation and adjudication of the case, which  
20 shall be taxed as part of the costs of the action.

21 3. a. Except as provided in paragraph "b", a court shall  
22 order that any person holding a retrievable image, sound, or  
23 data recorded in violation of this section destroy the image,  
24 sound, or data, including any copy of such image, sound, or  
25 data.

26 b. (1) A person may claim an ownership interest in a  
27 retrievable image, sound, or data recorded in violation of this  
28 section, to the extent that any of the following apply:

29 (a) The person is an individual who may be identified in the  
30 recording. A parent or guardian of the individual may claim  
31 the ownership interest on behalf of the individual.

32 (b) The person is an owner of an agricultural animal that  
33 may be identified in the recording.

34 (c) The person is an owner of the land or an improvement  
35 to land having unique physical characteristics that may be

1 identified in the recording.

2 (2) A person cannot claim an ownership interest in a  
3 retrievable image, sound, or data that includes an image,  
4 sound, or data that may identify another individual, an  
5 agricultural animal owned by another person, or land or  
6 an improvement owned by another person, unless that other  
7 individual or person consents.>

8 \_\_\_\_\_. Page 3, line 28, by striking <715D.5 Exceptions.> and  
9 inserting <715D.6 Exceptions — intrusion or surveillance by use  
10 of remotely piloted aircraft.>

11 \_\_\_\_\_. Page 3, by striking lines 29 through 31 and inserting:  
12 <Sections 715D.3 and 715D.4 do not prohibit a person from  
13 controlling a remotely piloted aircraft flying over a person's  
14 homestead or secure farmstead area if the person controlling  
15 the remotely piloted aircraft is any of the following:>>

16 2. Page 2, after line 14 by inserting:

17 <\_\_\_\_\_. Page 4, after line 11 by inserting:

18 <\_\_\_\_\_. The state or a governmental subdivision exercising  
19 rights to a public road right-of-way as defined in section  
20 306.3.

21 \_\_\_\_\_. The owner or lessee of the homestead or secure  
22 farmstead area.>>

23 3. By renumbering, redesignating, and correcting internal  
24 references as necessary.

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WULF of Black Hawk