

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 removing an existing monument in order to place an upgraded or more suitable monument in the same location.

(3) The person intentionally injures, destroys, disturbs, or removes any monument that has been established by the national geodetic survey, Iowa geodetic survey, or any county geographic information system for use in the determination of spatial location relative to the specified Iowa state plane coordinate system or precise elevation datum. A governmental entity and employees of such an entity are exempt from prosecution under this subparagraph for projects performed pursuant to section 314.8.

b. Criminal mischief in the fourth degree is a serious misdemeanor.

Sec. 2. Section 811.9, Code Supplement 2009, is amended to read as follows:

**811.9 Forfeiture of appearance bond.**

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in [section 805.14](#), or guaranteed arrest bond certificate as defined in [section 321.1](#). When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside unless a conviction for a scheduled violation under [chapter 321](#) was set aside under the procedures established in [section 321.200A](#), or upon a showing of good cause after the filing of a motion within ninety days of entry of the judgment, for mistake, inadvertence, surprise, excusable neglect, or unavoidable casualty.

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PATRICK J. MURPHY  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2473, Eighty-third General Assembly.

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MARK BRANDSGARD  
Chief Clerk of the House

Approved \_\_\_\_\_, 2010

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CHESTER J. CULVER  
Governor