

House File 69 - Enrolled

House File 69

AN ACT

RELATING TO CRIMINAL TRESPASS AND MODIFYING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 716.7, subsection 2, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. A person has received notice to abstain from entering or remaining upon or in property within the meaning of this subparagraph (2) if any of the following is applicable:

(a) The person has been notified to abstain from entering or remaining upon or in property personally, either orally or in writing, including by a valid court order under chapter 236.

(b) A printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the property or the forbidden part of the property.

Sec. 2. Section 716.8, subsections 1 and 5, Code 2017, are amended to read as follows:

1. Any person who knowingly trespasses upon the property of another commits a simple misdemeanor, ~~except that any person who intentionally trespasses as defined in section 716.7, subsection 2, paragraph "a", subparagraph (7), commits a serious misdemeanor~~ punishable as a scheduled violation under section 805.8C, subsection 11. A peace officer shall consider arresting and may arrest the person under section 805.9, subsection 3, paragraph "c", if the person refuses to leave the property after receiving a citation or immediately returns to the property after receiving a citation, or may arrest the person as otherwise provided under law.

5. A person who commits a trespass while hunting deer, other than a farm deer as defined in [section 170.1](#) or preserve whitetail as defined in [section 484C.1](#), commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 11. A peace officer shall consider arresting and may arrest the person under section 805.9, subsection 3, paragraph "c", if the person refuses to leave the property after receiving a citation or immediately returns to the property after receiving a citation, or may arrest the person as otherwise provided under law. The person shall also be subject to civil penalties as provided in [sections 481A.130](#) and [481A.131](#). A deer taken by a person while committing such a trespass shall be subject to seizure as provided in section 481A.12.

Sec. 3. Section 716.8, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Any person who intentionally trespasses as defined in section 716.7, subsection 2, paragraph "a", subparagraph (7), commits a serious misdemeanor.

Sec. 4. Section 805.8C, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *Trespassing violations.* For trespasses punishable under section 716.8, subsection 1 or 5, the

scheduled fine is two hundred dollars for a first violation,  
five hundred dollars for a second violation, and one thousand  
dollars for a third or subsequent violation.

---

LINDA UPMEYER  
Speaker of the House

---

JACK WHITVER  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 69, Eighty-seventh General Assembly.

---

CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2017

---

TERRY E. BRANSTAD  
Governor