

February 10, 1969

SENATE FILE 213

Passed on File

*Re Assembly 2-11. Pass as amended 2-13* By STANLEY, BALLOUN and  
*then " 2-28* THORDSEN

(Drake, Corey, Peterson  
and Kruse)

Passed Senate, Date.....*2-27-69*..... Passed House, Date .....*5-5-69*.....

Vote: Ayes *50*..... Nays *1*..... Vote: Ayes .....*85*..... Nays *13*.....

Approved .....*5-12-69*.....

*Passed Senate and  
amended by House  
5-7; 5-2-69*

## A BILL FOR

- 1 An Act relating to trespass upon certain posted private
- 2 property and prescribing a penalty therefor.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. No person shall go upon any posted private
- 5 property without the consent of the owner or occupant thereof
- 6 if the private property has a privately-owned pond, pool,
- 7 lake, or water-filled pit upon it. This Act shall not apply
- 8 to a person entering upon posted private property for the
- 9 purpose of talking to, conducting business with, or perform-
- 10 ing services for the owner or occupant. No private property
- 11 shall be considered posted for the purposes of this Act un-
- 12 less the posting is by a sign or signs in plain view, warn-
- 13 ing others not to trespass, and plainly displaying a number
- 14 registered with the sheriff of the county. The sheriff of
- 15 each county shall assign a number to each owner or occupant
- 16 who registers to post private property under this Act and
- 17 shall keep a record of the numbers. Any person violating
- 18 this Act shall be guilty of a misdemeanor and shall be
- 19 punished by a fine not exceeding one hundred dollars.

### EXPLANATION OF SENATE FILE 213

This bill makes it a misdemeanor to trespass on private property which contains a privately-owned pond, pool, lake, or water-filled pit—but only if the property is plainly posted and the posting is registered with the sheriff.

Unauthorized use of private ponds and gravel pits is a growing problem. Large groups enter without permission, and they often engage in drinking parties and property damage. Occasional drownings occur. There is no

law prohibiting this kind of trespassing. Chapter 714 of the Code does not cover this situation. Law enforcement officers believe that if the trespass is made illegal, they will be better able to control this problem.

- 1 Amend Senate File 213 as follows:
- 2 By inserting the following sentence after the period in
- 3 line 17:
- 4 "No person shall tear down, remove or damage any sign
- 5 lawfully posted in compliance with this act, except with
- 6 the consent of the owner or occupant of the posted property."

Filed - *Adopted 2-27*  
February 13, 1969

By COMMITTEE ON JUDICIARY

*Senate*

- 1 Amend Senate File 213 by striking the period
- 2 in line ten (10) and insert in lieu thereof the
- 3 following: ", or employees of the owner or
- 4 occupant."

Filed - *Adopted 5-5*  
February 28, 1969

TAPSCOTT of Polk

*House*

- 1 Amend Senate File 213 by striking the word "go"
- 2 in line four (4) and inserting the word "trespass".

Filed - *Adopted 5-5*  
April 21, 1969

COREY of Louisa-Muscatine

*House*

- 1 Amend Senate File 213 as follows:
- 2 1. By striking in line fifteen (15) the word "shall"
- 3 and inserting in lieu thereof the word "may".
- 4 2. By striking the period at the end of line nineteen
- 5 (19) and inserting in lieu thereof the following: "or
- 6 imprisoned in the county jail not exceeding thirty days,
- 7 Chapter two hundred thirty-two (232), of the Code, shall
- 8 have no application in the prosecution of offenses committed
- 9 by minors under this chapter."

Filed - *Adopted 5-5*  
April 28, 1969

DRAKE of Louisa-Muscatine  
DOYLE of Woodbury

*House*

#### HOUSE AMENDMENT TO SENATE FILE 213

- 1 Amend Senate File 213 as follows:
- 2 1. By striking the word "go" in line four (4) and
- 3 inserting the word "trespass".
- 4 2. By striking the period in line ten (10) and inserting
- 5 in lieu thereof the following: ", or employees of the
- 6 owner or occupant."
- 7 3. By striking in line fifteen (15) the word "shall"
- 8 and inserting in lieu thereof the word "may".
- 9 4. By striking the period at the end of Section one (1)
- 10 and inserting in lieu thereof the following: "or
- 11 imprisoned in the county jail not exceeding thirty days,
- 12 Chapter two hundred thirty-two (232) of the Code shall
- 13 have no application in the prosecution of offenses
- 14 committed by minors under this chapter."

*Senate  
concerned  
5-7*