

FEB 8 1973

Place On Calendar  
*Natural Resources Pass per 2230*  
House File 160  
Winkelman, Chairman  
Heying  
Miller of Marshall

HOUSE FILE 160  
BY COMMITTEE ON NATURAL RESOURCES

Passed House, Date 2-27-73 (436) Passed Senate, Date 4-2-74 (1140)  
Vote: Ayes 20 Nays 2 Vote: Ayes 33 Nays 8

Approved 4-25-74  
*Passed House per Senate amendment*  
4-15-74 (1712)  
81-3

### A BILL FOR

1 An Act relating to liability for the unlawful destruction,  
2 taking, or possession of wildlife owned by the state and  
3 imposing civil damages.

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

5 Section 1. Section one hundred nine point two (109.2),  
6 Code 1973, is amended by adding the following new subsections:

7 NEW SUBSECTIONS. Any person who willfully kills, destroys,  
8 takes, or has in his possession, except pursuant to law, any  
9 animal, fowl, or bird shall be liable to the state for damages  
10 in an amount not exceeding three hundred dollars for every  
11 deer; one hundred dollars for every wild turkey; twenty-five  
12 dollars for every wild goose and for every other game bird,  
13 game animal, or fur-bearing animal, or the raw pelts of such  
14 animal for which damages are not otherwise prescribed.

15 Damages may be collected by the state conservation commission  
16 by civil suit, and all such damages shall be remitted to the  
17 state conservation commission which shall deposit the same with  
18 the treasurer of state for placement in the state fish and game  
19 protection fund.

#### EXPLANATION

20  
21 This bill permits the State of Iowa to recover liquidated  
22 damages caused by the destruction, taking, or possession of state-  
23 owned wildlife. It establishes the amount of damages, permits  
24 court action for their recovery and provides that damages collected  
25 be placed into the state fish and game protection fund.

H-43

1 Amend House File 160, by inserting after  
2 the period in line 19, the following new  
3 sentence:  
4 Civil suits authorized by this Act may  
5 be prosecuted by the attorney general or  
6 by county attorneys.

Filed - *Adopted 2/27*  
February 13, 1973

By HILL of Polk  
FREEMAN of Buena Vista

H-46

1 Amend House File 160, line 10, by inserting a  
2 colon after the word "exceeding".

Filed - *Adopted 2/27*  
February 13, 1973

By WYCKOFF of Benton

FISCAL NOTE  
HOUSE FILE 160

Date prepared February 14, 1973

Requested by Bill Sponsor of Committee on Natural  
Resources.

Prepared in regard to H.F. 160 - An Act relating to  
liability for the unlawful destruction, taking, or possession  
of wild life owned by the State and imposing civil damages.  
Following is the fiscal effect in dollars of the legislative  
proposal as required by House Rule 48.

Fiscal Estimate not available.

Source: Robert Barratt  
Conservation Commission

Filed  
February 23, 1973

GERRY D. RANKIN  
Legislative Fiscal Director

1 Amend House File 160, as amended and passed by  
2 the House, page 1, by striking lines 5 through 19,  
3 inclusive, and inserting in lieu thereof the following:  
4 "Section 1. Chapter one hundred nine (109), Code  
5 1973, is amended by adding sections two (2) and  
6 three (3) of this Act.

7 Sec. 2. NEW SECTION. In addition to the penalties  
8 for violations of this chapter, any person convicted  
9 of unlawfully taking, catching, killing, injuring,  
10 destroying, or having in possession any game, shall  
11 reimburse the state for the value of such game as  
12 follows:

- 13 1. For each deer, three hundred dollars.
- 14 2. For each wild turkey, one hundred dollars.
- 15 3. For each game bird or game animal or the raw  
16 pelt or plumage of such game for which damages are  
17 not otherwise prescribed, twenty-five dollars.

18 Sec. 3. NEW SECTION. In each case of conviction  
19 of unlawfully taking, catching, killing, injuring,  
20 destroying, or having in possession any game, the  
21 court shall enter a judgment in favor of the state  
22 of Iowa for liquidated damages in an amount as pro-  
23 vided in section two (2) of this Act, and it shall  
24 be the duty of the state conservation commission,  
25 with the assistance of the prosecuting attorney, to

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1 collect the liquidated damages by execution or other-  
2 wise. If two or more persons who have acted together  
3 are convicted of the unlawful taking, catching, kill-  
4 ing, injuring, destroying, or having possession of any  
5 game, the judgment shall be entered against them  
6 jointly. Any liquidated damages received under this  
7 Act shall be remitted to the treasurer of state who  
8 shall credit such damages to the state fish and game  
9 protection fund.

10 The return of any uninjured game which has been  
11 unlawfully taken, caught, or possessed, to the place  
12 where taken or caught or to any other place approved by  
13 the state conservation commission, shall constitute the  
14 discharge of any liquidated damages provided under  
15 section two (2) of this Act."

SENATE AMENDMENT TO HOUSE FILE 160

1 Amend House File 160, as amended and passed by the  
2 House, page 1, by striking lines 5 through 19,  
3 inclusive, and inserting in lieu thereof the follow-  
4 ing:

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25 Act, and it shall be the duty of the state  
26 conservation commission, with the assistance of the  
27 prosecuting attorney, to collect the liquidated  
28 damages by execution or otherwise. If two or more  
29 persons who have acted together are convicted of the  
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31 ing, or having possession of any game, the judgment  
32 shall be entered against them jointly. Any liqui-  
33 dated damages received under this Act shall be re-  
34 mitted to the treasurer of state who shall credit  
35 such damages to the state fish and game protection  
36 fund.

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38 unlawfully taken, caught, or possessed, to the place  
39 where taken or caught or to any other place approved  
40 by the state conservation commission, shall  
41 constitute the discharge of any liquidated damages  
42 provided under section two (2) of this Act."

Received from the Senate  
April 3, 1974

*House Concurrent 4-15*