

Sen. Natural Resources 3/19
Amended per 5383 - Do Pass 3/25 (p. 915)

HOUSE FILE 2398

MAR 7 1982

BY COMMITTEE ON NATURAL RESOURCES

Place On Calendar

(Formerly House File 15)

Passed House, Date 3-16-82 (p. 838) Passed Senate, Date 4-7-82 (p. 1074)

Vote: Ayes 90 Nays 3 Vote: Ayes 46 Nays 1

Approved 5/21/82
Repassed House as amended by Sent
4-13-82 (p. 1437)
93-3

A BILL FOR

1 An Act relating to a penalty for taking certain game and
2 fish in violation of law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2398

HOUSE FILE 2398

H-5428

- 1 Amend House File 2398 as follows:
- 2 1. Page 1, by striking lines 1 through 10.
- 3 2. Title page, lines 1 and 2, by striking the
- 4 words "and fish".
- 5 3. By renumbering as necessary.

H-5428 FILED MARCH 15, 1982 BY HUMMEL of Benton
Lost 3/16 (p. 838)

HOUSE FILE 2398

H-5320

- 1 Amend House File 2398 as follows:
- 2 1. Page 1, line 14, by striking the words "one
- 3 thousand" and inserting in lieu thereof the words
- 4 "seven hundred fifty".

H-5320 FILED MARCH 4, 1982 BY BYERLY of Polk
Adopted 3/15 (p. 829)

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Section 1. Section 109.130, is amended by adding the following new subsection:

NEW SUBSECTION. For each fish, twenty dollars.

Sec. 2. Section 109.130, unnumbered paragraph 1, Code 1981, is amended to read as follows:

In addition to the penalties for violations of this chapter, any person convicted of unlawfully taking, catching, killing, injuring, destroying, or having in possession any fish, game, or fur-bearing animal, shall reimburse the state for the value of such as follows:

Sec. 3. Section 109.130, subsections 1 and 2, Code 1981, are amended to read as follows:

1. For each deer, elk, antelope, buffalo or moose, ~~three~~ hundred one thousand dollars.

2. For each wild turkey, ~~one~~ two hundred dollars.

EXPLANATION

This bill increases the fine for unlawfully taking, catching, killing, injuring, destroying, or having in possession a deer from three hundred dollars to one thousand dollars and for a wild turkey from one hundred dollars to two hundred dollars.

The bill also establishes a fine of twenty dollars for unlawfully taking, catching, killing, injuring, destroying, or in possession of a fish.

The bill takes effect July 1 following its enactment.

SENATE AMENDMENT TO HOUSE FILE 2398

54

1 Amend House File 2398 as amended and passed by
2 the House as follows:

3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting in lieu thereof the word
5 "subsections".

6 2. Page 1, line 3, by striking the word "twenty"
7 and inserting in lieu thereof the word "five".

8 3. Page 1, by inserting after line 3 the following:

9 "NEW SUBSECTION. For each beaver, mink, otter,
10 red fox, gray fox or raccoon, one hundred dollars."

11 4. Page 1, line 11, by striking the word and
12 figure "and 2" and inserting in lieu thereof the word
13 and figures ", 2 and 3".

14 5. Page 1, by inserting after line 15 the
15 following:

16 "3. For each game bird, fur-bearing animal or
17 game animal or the raw pelt or plumage of such game
18 for which damages are not otherwise prescribed, twenty-
19 five to fifty dollars."

20 6. Page 1, by inserting after line 15 the
21 following:

22 "Sec. 4. Section 109.131, Code 1981, is amended
23 to read as follows:

24 109.131 JUDGMENT--EXECUTION. In each case of
25 conviction of unlawfully taking, catching, killing,
26 injuring, destroying or having in possession any fish,
27 game or fur-bearing animal, the court shall enter
28 a judgment in favor of the state of Iowa for liquidated
29 damages in an amount as provided in section 109.130,
30 and it shall be the duty of the state conservation
31 commission and the prosecuting attorney or attorney
32 general, to collect the liquidated damages by execution
33 or otherwise. If two or more persons who have acted
34 together are convicted of the unlawful taking,
35 catching, killing, injuring, destroying or having
36 possession of any fish, game or fur-bearing animal,
37 the judgment shall be entered against them jointly.
38 Any liquidated damages received under this section
39 and section 109.130 shall be remitted to the treasurer
40 of state who shall credit such damages to the state
41 fish and game protection fund.

42 The return of any uninjured fish, game or fur-
43 bearing animal which has been unlawfully taken, caught,
44 or possessed, to the place where taken or caught or
45 to any other place approved by the state conservation
46 commission, shall constitute the discharge of any
47 liquidated damages provided under section 109.130.

48 Civil suits for the collection of judgments may
49 be prosecuted by the attorney general or by county
50 attorneys."

HOUSE FILE 2398

S-5447

- 1 Amend House File 2398 as amended and passed by
 2 the House as follows:
 3 1. Page 1, by inserting before line 1, the following
 4 new section:
 5 "Section 1. Section 109.113, Code 1981, is amended
 6 to read as follows:
 7 109.113 SIZE LIMITS. It shall ~~be~~ is lawful for any
 8 a person to take or catch, with commercial fishing
 9 gear, any a catfish not less than thirteen inches long.
 10 However, the minimum length of catfish, effective
 11 January 1, 1982 shall be not less than fourteen inches
 12 long and the minimum length catfish effective
 13 January 1, 1983, shall not be less than fifteen inches."

S-5447 FILED

BY ROBERT M. CARR

APRIL 1, 1982

Repealed out of order 4/7 (p. 1072)

HOUSE FILE 2398

S-5466

- 1 Amend House File 2398 as amended and passed by
 2 the House as follows:
 3 1. Page 1, line 2, by striking the word
 4 "subsection" and inserting in lieu thereof the word
 5 "subsections".
 6 2. Page 1, by inserting after line 3 the following:
 7 "NEW SUBSECTION. For each beaver, mink, otter, red
 8 fox, gray fox or raccoon, one hundred dollars."
 9 3. Page 1, line 11, by striking the word and
 10 figure "and 2" and inserting in lieu thereof the word
 11 and figures ", 2 and 3".
 12 4. Page 1, by inserting after line 15 the following:
 13 "3. For each game bird, fur-bearing animal or
 14 game animal or the raw pelt or plumage of such game for
 15 which damages are not otherwise prescribed, twenty-
 16 five to fifty dollars."

S=5466 FILED

BY DALE TIEDEN

APRIL 6, 1982

Adopted 4/7 (p. 1073)

HOUSE FILE 2398

S-5507

- 1 Amend House File 2398 as passed by the House as
 2 follows:
 3 1. Page 1, line 13, by striking the word "deer,"
 4 and inserting in lieu thereof the word "deer".
 5 2. Page 1, by inserting after line 15 the following:
 6 "3. For each deer, three hundred dollars."

S5507 FILED & LOST

BY SUE YENGER

APRIL 7, 1982 (p. 1074)

SENATE 6
MARCH 29, 1982

HOUSE FILE 2398

S-5396

1 Amend House File 2398 as amended and passed by
2 the House as follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "Sec. 4. Section 109.131, Code 1981, is amended
6 to read as follows:
7 109.131 JUDGMENT--EXECUTION. In each case of
8 conviction of unlawfully taking, catching, killing,
9 injuring, destroying or having in possession any fish,
10 game or fur-bearing animal, the court shall enter
11 a judgment in favor of the state of Iowa for liquidated
12 damages in an amount as provided in section 109.130,
13 and it shall be the duty of the state conservation
14 commission and the prosecuting attorney or attorney
15 general, to collect the liquidated damages by execution
16 or otherwise. If two or more persons who have acted
17 together are convicted of the unlawful taking,
18 catching, killing, injuring, destroying or having
19 possession of any fish, game or fur-bearing animal,
20 the judgment shall be entered against them jointly.
21 Any liquidated damages received under this section
22 and section 109.130 shall be remitted to the treasurer
23 of state who shall credit such damages to the state
24 fish and game protection fund.
25 The return of any uninjured fish, game or fur-
26 bearing animal which has been unlawfully taken, caught,
27 or possessed, to the place where taken or caught or
28 to any other place approved by the state conservation
29 commission, shall constitute the discharge of any
30 liquidated damages provided under section 109.130.
31 Civil suits for the collection of judgments may
32 be prosecuted by the attorney general or by county
33 attorneys."

S-5396 FILED
MARCH 26, 1982

BY FORREST SCHWENGELS

Adopted 4/7 (p. 1072)

HOUSE FILE 2398

S-5383

1 Amend House File 2398 as amended and passed by
2 the House as follows:
3 1. Page 1, line 3, by striking the word "twenty"
4 and inserting in lieu thereof the word "five".

S-5383 FILED
MARCH 25, 1982

BY COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, CHAIR

Adopted 4/7 (p. 1071)

HOUSE FILE 2398

AN ACT

RELATING TO A PENALTY FOR TAKING CERTAIN GAME AND FISH IN VIOLATION OF LAW.

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

Section 1. Section 109.130, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. For each fish, five dollars.

NEW SUBSECTION. For each beaver, mink, otter, red fox, gray fox or raccoon, one hundred dollars.

Sec. 2. Section 109.130, unnumbered paragraph 1, Code 1981, is amended to read as follows:

In addition to the penalties for violations of this chapter, any person convicted of unlawfully taking, catching, killing,

injuring, destroying, or having in possession any fish, game, or fur-bearing animal, shall reimburse the state for the value of such as follows:

Sec. 3. Section 109.130, subsections 1, 2 and 3, Code 1981, are amended to read as follows:

1. For each deer, elk, antelope, buffalo or moose, three hundred seven hundred fifty dollars.

2. For each wild turkey, one two hundred dollars.

3. For each game bird, fur-bearing animal or game animal or the raw pelt or plumage of such game for which damages are not otherwise prescribed, twenty-five to fifty dollars.

Sec. 4. Section 109.131, Code 1981, is amended to read as follows:

109.131 JUDGMENT--EXECUTION. In each case of conviction of unlawfully taking, catching, killing, injuring, destroying or having in possession any fish, game or fur-bearing animal, the court shall enter a judgment in favor of the state of Iowa for liquidated damages in an amount as provided in section 109.130, and it shall be the duty of the state conservation commission and the prosecuting attorney or attorney general, to collect the liquidated damages by execution or otherwise. If two or more persons who have acted together are convicted of the unlawful taking, catching, killing, injuring, destroying or having possession of any fish, game or fur-bearing animal, the judgment shall be entered against them jointly. Any liquidated damages received under this section and section 109.130 shall be remitted to the treasurer of state who shall credit such damages to the state fish and game protection fund.

The return of any uninjured fish, game or fur-bearing animal which has been unlawfully taken, caught, or possessed, to the place where taken or caught or to any other place approved by the state conservation commission, shall constitute the discharge of any liquidated damages provided under section 109.130.

Civil suits for the collection of judgments may be prosecuted by the attorney general or by county attorneys.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2398, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 5/21, 1982

ROBERT D. RAY
Governor