

Reprinted 3/26/81

FILED FEB 23 1981

SENATE FILE 289

BY COMMITTEE ON NATURAL RESOURCES  
*Approved 2/23 (p. 547)*  
(FORMERLY SSB 69)

Passed Senate, Date 2-23-81 (p. 925) Passed House, Date 4/23/81 (P. 1352)  
Vote: Ayes 44 Nays 6 Vote: Ayes 96 Nays 0  
Approved June 17, 1981

### A BILL FOR

1 An Act relating to trespass on private property and imposing  
2 a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4  
5  
6  
7  
8  
9  
10

SENATE FILE 289

S-3181

1 Amend Senate File 289 as follows:  
2 1. Page 1, by striking lines 8 through 11  
3 and inserting in lieu thereof the following:  
4 "animate or inanimate, or to hunt with a dog, firearm  
5 or bow and arrow, or to fish or trap thereon, or therein."

S-3181 FILED  
MARCH 12, 1981  
*Adopted 2/23/81 (p. 925)*

BY DALE L. TIEDEN

SENATE FILE 289

S-3108

Amend Senate File 289:  
1. Page 1, line 8, by striking the word "dog,". A  
2. Page 1, line 10, by striking the word "dog,". B

S-3108 FILED  
MARCH 2, 1981  
A- *Adopted 3/4 (p. 651)*  
B- *w/0 3/23 (p. 925)*

BY GARY L. BAUGHER

1 Section 1. Section 716.7, subsection 2, paragraph a, Code  
2 1981, is amended to read as follows:

3 a. Entering upon or in property ~~without-justification~~  
4 ~~or~~ without the ~~implied-or-actual~~ express permission of the  
5 owner, lessee, or person in lawful possession with the intent  
6 to commit a public offense ~~or~~, to use, remove therefrom,  
7 alter, damage, harass, or place thereon or therein anything  
8 animate or inanimate, or to hunt with a dog, firearm, bow  
9 and arrow, or to fish or trap. Possession of a firearm, bow  
10 and arrow, dog, fishing equipment, or trap creates a  
11 presumption of intent to hunt, fish, or trap.

12 EXPLANATION

13 This bill amends the law on trespass to provide that express  
14 permission is required for entry upon property for certain  
15 purposes including hunting, fishing, or trapping. The bill  
16 also provides that possession of a firearm, bow and arrow,  
17 dog, fishing equipment or trap creates a presumption of intent  
18 to hunt, fish, or trap.

19 The bill takes effect July 1 following enactment.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Agriculture: Cook, Chair; Chiodo and Bennett.

Amended from 2549 & D. Passed 4/8/81 (p. 1131)

SENATE FILE 289  
BY COMMITTEE ON NATURAL RESOURCES

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1981)

Passed Senate, Date 3-23-81 (p. 925) Passed House, Date 4-23-81 (p. 1352)

Vote: Ayes 44 Nays 6 Vote: Ayes 96 Nays 0

Approved June 17, 1981  
*Motion to reconsider (p. 1366) w/ R 4/24 (p. 1447)*

### A BILL FOR

1 An Act relating to trespass on private property and imposing  
2 a penalty.

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

4 *Conference Committee Appointed*  
5 *Representatives Cook (Chair), Pellett, Smalley, Chiodo, and Wanda 5/20 (p. 2095)*  
6 *Senators Linder (Chair), Hubert, Gaudin, Van Bilet, and Carr 5/21 (p. 1783)*

7  
8 *Passed per Conference Committee Report*  
9 *Senate 5-21-81 (p. 1809) 40-6* *House 5-21-81 (p. 2188) 99-0*

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**\_\_\_\_\_** = New Language  
by the Senate

1 Section 1. Section 716.7, subsection 2, paragraph a, Code  
2 1981, is amended to read as follows:

3 a. Entering upon or in property ~~without-justification~~  
4 ~~or~~ without the ~~implied-or-actual~~ express permission of the  
5 owner, lessee, or person in lawful possession with the intent  
6 to commit a public offense ~~or~~, to use, remove therefrom,  
7 alter, damage, harass, or place thereon or therein anything  
8 animate or inanimate, or to hunt with a dog, firearm or bow  
9 and arrow, or to fish or trap thereon or therein.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 289

H-3549

1 Amend Senate File 289, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 9, by inserting after the word  
4 "therein." the following: "Nothing in this paragraph  
5 shall prohibit dogs in hot pursuit of game or fur-  
6 bearing animals from entering upon property that the  
7 hunter has not received approval to hunt."

H-3549 FILED

BY COMMITTEE ON AGRICULTURE

APRIL 8, 1981

PELLETT, Chair

*Adopted 4/23/81 (p. 1346)*

SENATE FILE 289

H-3779

1 Amend amendment H-3617 to Senate File 289 as  
2 amended, passed and reprinted by the Senate as follows:  
3 1. Page 1, by inserting after line 2, the  
4 following:  
5 "1. Page 1, line 9, by inserting after the word  
6 "therein" the following: ", if property lines are  
7 clearly marked so as to demonstrate ownership different  
8 from that of adjacent property". "  
9 2. By renumbering as necessary to conform to this  
10 amendment.

H-3779 FILED APRIL 23, 1981  
NOT GERMANE-MOTION TO  
SUSPEND RULES LOST (*p. 1348*)

BY SMALLEY of Polk  
AVENSON of Fayette  
JAY of Appanoose

H-3617

1 Amend Senate File 289 as amended, passed and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 9 the following:  
 4 "Nothing in this paragraph shall restrict the  
 5 activities of law enforcement officers or persons  
 6 engaging in emergency or life-saving activities or  
 7 the service of process."

8 2. Page 1, by inserting after line 9 the following:  
 9 "Express permission may be granted either orally  
 10 or in writing for whatever time period and under any  
 11 restrictions specified by the grantor."

12 3. Page 1, by inserting after line 9 the following:  
 13 "Nothing in this paragraph shall prohibit the owner  
 14 of domestic animals from entering upon the property  
 15 of another to recover them."

16 4. Page 1, by inserting after line 9 the following:  
 17 "Nothing in this paragraph shall prohibit a person  
 18 from pursuing and taking game or furbearing animals  
 19 lawfully injured or killed which come to rest on or  
 20 escape to the property of another."

21 5. Page 1, by inserting after line 9 the following:  
 22 "Nothing in this paragraph shall require permission  
 23 for navigating upon any watercourse in the state of  
 24 Iowa, regardless of the ownership of the watercourse  
 25 bed, so long as the vessel is lawfully launched and  
 26 removed."

27 6. Page 1, by inserting after line 9 the following:  
 28 "Nothing in this paragraph shall apply to state-  
 29 owned land not designated as a wildlife refuge or  
 30 otherwise restricted by law or rule."

31 7. Page 1, by inserting after line 9 the following:  
 32 "Nothing in this paragraph shall extend the  
 33 liability for injuries sustained by persons entering  
 34 upon property with the express permission of the  
 35 person in lawful possession."

36 8. Page 1, by inserting after line 9 the following:  
 37 "Nothing in this paragraph shall apply to unposted  
 38 land without a boundary fence in place."

H-3617 FILED APRIL 13, 1981 BY SMALLEY of Polk

*G. Lost 4/23/81 (p. 1351), A w/d  
 B- Adopted, H w/d, C-Adopted, D-Adopted;  
 E- w/d, F-Adopted 4/23 (p. 1352)*

SENATE FILE 289

H-3616

1 Amend Senate File 289 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 5 through 9 and  
 4 inserting in lieu thereof the words "~~owner, lessee,~~  
 5 ~~or person in lawful possession with the intent to~~  
 6 ~~commit a public offense or to use, remove therefrom,~~  
 7 ~~alter, damage, harass, or place thereon or therein~~  
 8 ~~anything animate or inanimate."~~

H-3616 FILED APRIL 13, 1981 BY SMALLEY of Polk

*w/d 4/23/81 (p. 1346)*

HOUSE AMENDMENT TO SENATE FILE 289

S-3582

1 Amend Senate File 289 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by inserting after the word  
4 "therein." the following: "Nothing in this paragraph  
5 shall prohibit dogs in hot pursuit of game or fur-  
6 bearing animals from entering upon property that the  
7 hunter has not received approval to hunt."

8 2. Page 1, by inserting after line 9 the following:  
9 "Express permission may be granted either orally  
10 or in writing for whatever time period and under any  
11 restrictions specified by the grantor."

12 3. Page 1, by inserting after line 9 the following:  
13 "Nothing in this paragraph shall prohibit a person  
14 from pursuing and taking game or furbearing animals  
15 lawfully injured or killed which come to rest on or  
16 escape to the property of another."

17 4. Page 1, by inserting after line 9 the following:  
18 "Nothing in this paragraph shall require permission  
19 for navigating upon any watercourse in the state of  
20 Iowa, regardless of the ownership of the watercourse  
21 bed, so long as the vessel is lawfully launched and  
22 removed."

23 5. Page 1, by inserting after line 9 the following:  
24 "Nothing in this paragraph shall extend the  
25 liability for injuries sustained by persons entering  
26 upon property with the express permission of the  
27 person in lawful possession."

S-3582 FILED  
APRIL 28, 1981

RECEIVED FROM THE HOUSE

*Senate referred to committee 5/1/81 (p. 1525)  
House inserted 5/19/81 (p. 2061)*

SENATE FILE 289

S-3610

1 Amend the House amendment, S-3582, to Senate  
2 File 289 as amended, passed and reprinted by the  
3 Senate as follows:

4 1. Page 1, line 9, by striking the word  
5 "may" and inserting in lieu thereof the word "shall".

S-3610 FILED  
APRIL 29, 1981

BY LOWELL L. JUNKINS  
GARY L. BAUGHER

*4/25 5/1/81 (p. 1524)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 289

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 289, a bill for an Act relating to trespass on private property and imposing a penalty, respectfully make the following report:

1. That the House recede from its amendment S-3582 to Senate File 289 as amended, passed and reprinted by the Senate.

2. That Senate File 289 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 8 and 9 and inserting in lieu thereof the following: "animate or inanimate, or to hunt, fish or trap on or in the property. This paragraph does not prohibit the unarmed pursuit of game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another."

ON THE PART OF THE SENATE:

DALE TIEDEN, CHAIRPERSON  
BOB CARR  
NORMAN GOODWIN  
A.R. BUD KUDART  
BASS VAN GILST

ON THE PART OF THE HOUSE:

LISLE COOK, CHAIRPERSON  
NED CHIODO  
WENDELL PELLETT  
DOUGLAS SMALLEY  
JACK WOODS

FILED:  
MAY 21, 1981

*Senate adopted 5/21/81 (p. 1509)*

*House adopted 5/21/81 (p. 2187)*

of game or furbearing animals lawfully injured or killed which  
come to rest on or escape to the property of another.

-----  
TERRY E. BRANSTAD  
President of the Senate

-----  
DELWYN STROMER  
Speaker of the House

SENATE FILE 289

AN ACT

RELATING TO TRESPASS ON PRIVATE PROPERTY AND IMPOSING A  
PENALTY.

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

Section 1. Section 716.7, subsection 2, paragraph a, Code  
1981, is amended to read as follows:

a. Entering upon or in property ~~without justification~~  
~~or~~ without the ~~implied-or-actual~~ express permission of the  
owner, lessee, or person in lawful possession with the intent  
to commit a public offense ~~or~~, to use, remove therefrom,  
alter, damage, harass, or place thereon or therein anything  
animate or inanimate, or to hunt, fish or trap on or in the  
property. This paragraph does not prohibit the unarmed pursuit

I hereby certify that this bill originated in the Senate and  
is known as Senate File 289, Sixty-ninth General Assembly.

-----  
LINDA HOWARTH MACKAY  
Secretary of the Senate

Approved June 17, 1981

-----  
ROBERT D. RAY  
Governor