

Reprinted

FEB 20 1990

HOUSE FILE 2500
BY COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION

Place On Calendar

(SUCCESSOR TO HSB 508)

Passed House, Date 3/2/90 (p. 823) Passed Senate, Date _____
Vote: Ayes 91 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the enforcement of outdoor recreation and
2 natural resource laws, by defining repeat offenders, by
3 requiring the reporting of hunting accidents, by providing for
4 the suspension of licenses, permits, and certificates, and by
5 providing penalties.

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

HOUSE FILE 2500

H-5491

- 1 Amend House File 2500 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "paid" the following: "or a payment schedule is
- 4 established by the court".
- 5 2. Page 1, line 21, by inserting after the word
- 6 "lifted." the following: "If a payment schedule is
- 7 established, the suspension shall be lifted and remain
- 8 so unless the person fails to make a payment pursuant
- 9 to that schedule."

By JAY of Appanoose

H-5491 FILED MARCH 1, 1990

Adopted 3/2 (p. 823)

HF 2500

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1 Section 1. NEW SECTION. 109.18 HUNTING ACCIDENTS --
2 MANDATORY REPORTING.

3 A person who is involved in a hunting accident with a fire-
4 arm and the accident results in injury to a person or property
5 damage exceeding one hundred dollars, shall report the
6 accident to the sheriff's office in the county where the
7 accident occurred or to the department within twelve hours
8 after the accident occurred. If an injury in the accident
9 prevents timely reporting, the report shall be made as soon as
10 practicable. Failure to report as required in this section is
11 punishable as provided in section 109.32.

12 Sec. 2. NEW SECTION. 109.133 SUSPENSION OF LICENSES,
13 CERTIFICATES, AND PERMITS.

54914 A person who is assessed damages pursuant to section
15 109.130 shall immediately surrender all licenses,
16 certificates, and permits to hunt, fish, or trap in the state
17 to the department. The licenses, permits, and certificates,
18 and the privileges associated with them shall remain suspended
19 until the assessed damages and any accrued interest are paid.
20 Upon payment of the assessed damages and any accrued interest,
21 the suspension is immediately lifted.

22 Sec. 3. NEW SECTION. 109.134 AUTHORITY TO SUSPEND OR
23 REVOKE LICENSE -- POINT SYSTEM.

24 The department shall establish rules pursuant to chapter
25 17A providing for the suspension or revocation of licenses
26 issued by the department. For purposes of determining when to
27 suspend or revoke a license issued by the department under
28 this section, the department shall adopt a point system
29 pursuant to chapter 17A for the purpose of weighing the
30 seriousness of violations of the provisions of chapter 109,
31 109A, 109B, 110, 110A, or 110B. The weighted scale may be
32 amended from time to time as experience dictates.

33 Sec. 4. NEW SECTION. 109.135 REPEAT OFFENDER -- RECORDS,
34 ENFORCEMENT, AND PENALTIES.

35 1. The commission shall establish by rule, a recordkeeping

1 system and other administrative procedures necessary to
2 administer this section.

3 2. A person who pleads guilty or is convicted of a
4 violation of any provision of chapter 109, 109A, 109B, 110,
5 110A, or 110B while the person's license or licenses are
6 suspended or revoked commits a simple misdemeanor if the
7 person has no other violations within the previous three years
8 which occurred while the person's license or licenses have
9 been suspended or revoked.

10 3. A person who pleads guilty or is convicted of a
11 violation of any provision of chapter 109, 109A, 109B, 110,
12 110A, or 110B while the person's license or licenses are
13 suspended or revoked commits a serious misdemeanor if the
14 person has one other violation within the previous three years
15 which occurred while the person's license or licenses have
16 been suspended or revoked.

17 4. A person who pleads guilty or is convicted of a
18 violation of any provision of chapter 109, 109A, 109B, 110,
19 110A, or 110B while the person's license or licenses are
20 suspended or revoked commits an aggravated misdemeanor if the
21 person has two or more violations within the previous three
22 years which occurred while the person's license or licenses
23 have been suspended or revoked.

24 EXPLANATION

25 The bill requires the reporting of hunting accidents with a
26 firearm which result in personal injury or property damage in
27 excess of \$100 to the sheriff's office within 12 hours.

28 If a person is assessed civil damages for unlawful taking
29 of an animal or fish, the person's licenses, permits, and
30 certificates associated with hunting, fishing, or trapping are
31 suspended at least until the damages are paid.

32 The department of natural resources is directed to
33 establish a point system to weigh the seriousness of vio-
34 lations of hunting, fishing, and trapping laws for the purpose
35 of suspending or revoking licenses and permits. The natural

1 resource commission is directed to establish a recordkeeping
2 system to administer a repeat offender program. If a person
3 violates a hunting, fishing, or trapping law while the
4 person's license is suspended or revoked, the person is guilty
5 of a simple misdemeanor. If a person violates a hunting,
6 fishing, or trapping law while the person's license is
7 suspended or revoked and the person has one other violation
8 within the previous 3 years, the person is guilty of a serious
9 misdemeanor. If the person has 2 or more previous violations
10 in the preceding 3 years and hunts, traps, or fishes while the
11 person's license is suspended or revoked, the person is guilty
12 of an aggravated misdemeanor.

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HOUSE FILE 2500
BY COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION

(SUCCESSOR TO HSB 508)

(As Amended and Passed by the House March 2, 1990)

Passed House, Date 3/28/90 (p.1531) Passed Senate, Date 3/26/90 (p.1313)
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0
Approved April 26, 1990 Passed Senate 4/7/90 (p.1655)
47-0

A BILL FOR

1 An Act relating to the enforcement of outdoor recreation and
2 natural resource laws, by defining repeat offenders, by
3 requiring the reporting of hunting accidents, by providing for
4 the suspension of licenses, permits, and certificates, and by
5 providing penalties.

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

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House Amendments _____

1 Section 1. NEW SECTION. 109.18 HUNTING ACCIDENTS --
2 MANDATORY REPORTING.

3 A person who is involved in a hunting accident with a fire-
4 arm and the accident results in injury to a person or property
5 damage exceeding one hundred dollars, shall report the
6 accident to the sheriff's office in the county where the
7 accident occurred or to the department within twelve hours
8 after the accident occurred. If an injury in the accident
9 prevents timely reporting, the report shall be made as soon as
10 practicable. Failure to report as required in this section is
11 punishable as provided in section 109.32.

12 Sec. 2. NEW SECTION. 109.133 SUSPENSION OF LICENSES,
13 CERTIFICATES, AND PERMITS.

14 A person who is assessed damages pursuant to section
15 109.130 shall immediately surrender all licenses,
16 certificates, and permits to hunt, fish, or trap in the state
17 to the department. The licenses, permits, and certificates,
18 and the privileges associated with them shall remain suspended
19 until the assessed damages and any accrued interest are paid
20 or a payment schedule is established by the court. Upon
21 payment of the assessed damages and any accrued interest, the
22 suspension is immediately lifted. If a payment schedule is
23 established, the suspension shall be lifted and remain so
24 unless the person fails to make a payment pursuant to that
25 schedule.

26 Sec. 3. NEW SECTION. 109.134 AUTHORITY TO SUSPEND OR
27 REVOKE LICENSE -- POINT SYSTEM.

28 The department shall establish rules pursuant to chapter
29 17A providing for the suspension or revocation of licenses
30 issued by the department. For purposes of determining when to
31 suspend or revoke a license issued by the department under
32 this section, the department shall adopt a point system
33 pursuant to chapter 17A for the purpose of weighing the
34 seriousness of violations of the provisions of chapter 109,
35 109A, 109B, 110, 110A, or 110B. The weighted scale may be

1 amended from time to time as experience dictates.

2 Sec. 4. NEW SECTION. 109.135 REPEAT OFFENDER -- RECORDS,
3 ENFORCEMENT, AND PENALTIES.

4 1. The commission shall establish by rule, a recordkeeping
5 system and other administrative procedures necessary to
6 administer this section.

7 2. A person who pleads guilty or is convicted of a
8 violation of any provision of chapter 109, 109A, 109B, 110,
9 110A, or 110B while the person's license or licenses are
10 suspended or revoked commits a simple misdemeanor if the
11 person has no other violations within the previous three years
12 which occurred while the person's license or licenses have
13 been suspended or revoked.

14 3. A person who pleads guilty or is convicted of a
15 violation of any provision of chapter 109, 109A, 109B, 110,
16 110A, or 110B while the person's license or licenses are
17 suspended or revoked commits a serious misdemeanor if the
18 person has one other violation within the previous three years
19 which occurred while the person's license or licenses have
20 been suspended or revoked.

21 4. A person who pleads guilty or is convicted of a
22 violation of any provision of chapter 109, 109A, 109B, 110,
23 110A, or 110B while the person's license or licenses are
24 suspended or revoked commits an aggravated misdemeanor if the
25 person has two or more violations within the previous three
26 years which occurred while the person's license or licenses
27 have been suspended or revoked.

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HOUSE FILE 2500

S-5543

1 Amend House File 2500, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking line 11 and inserting the
4 following: "a simple misdemeanor."

5 2. Page 1, line 22, by striking the words "is im-
6 mediately" and inserting the following: "shall be".

7 3. Page 1, line 25, by inserting after the word
8 "schedule." the following: "Failure to make a payment
9 shall cause the suspension to be renewed."

10 4. By striking page 1, line 26, through page 2,
11 line 1.

12 5. Page 2, line 2, by striking the figure
13 "109.135" and inserting the following: "109.134".

14 6. Page 2, line 24, by striking the word
15 "commits" and inserting the following: "is guilty
16 of".

17 7. Page 2, lines 24 and 25, by striking the words
18 "if the person has two or more violations" and insert-
19 ing the following: "when the person has had two or
20 more convictions".

21 8. Page 2, by inserting after line 27 the fol-
22 lowing:

23 "Sec. ____ . PLAN FOR SUSPENSION OR REVOCATION OF
24 LICENSES.

25 The director of the department of natural resources
26 shall prepare and submit a plan for suspension and
27 revocation of licenses issued by the department for
28 violations of chapter 109, 109A, 109B, 110, 110A, or
29 110B. The suspension and revocation plan shall be
30 submitted to the president or presiding officer of the
31 senate and the speaker of the house of representatives
32 of this state no later than January 15, 1991."

By DONALD V. DOYLE

S-5543 FILED MARCH 16, 1990
Adopted 3/26 (p. 1313)

HOUSE FILE 2500

S-5581

1 Amend the amendment, S-5543, to House File 2500, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 " ____ . Page 2, line 10, by striking the word
7 "commits" and inserting the following: "is guilty
8 of".

9 ____ . Page 2, line 17, by striking the word
10 "commits" and inserting the following: "is guilty
11 of"."

12 2. By renumbering sections as necessary.

By DONALD V. DOYLE

S-5581 FILED MARCH 20, 1990
Adopted 3/26 (p. 1313)

SENATE AMENDMENT TO HOUSE FILE 2500

H-5874

1 Amend House File 2500, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking line 11 and inserting the
4 following: "a simple misdemeanor."

5 2. Page 1, line 22, by striking the words "is im-
6 mediately" and inserting the following: "shall be".

7 3. Page 1, line 25, by inserting after the word
8 "schedule." the following: "Failure to make a payment
9 shall cause the suspension to be renewed."

x 10 4. By striking page 1, line 26, through page 2,
11 line 1.

12 5. Page 2, line 2, by striking the figure
13 "109.135" and inserting the following: "109.134".

14 6. Page 2, line 10, by striking the word
15 "commits" and inserting the following: "is guilty
16 of".

17 7. Page 2, line 17, by striking the word
18 "commits" and inserting the following: "is guilty
19 of".

20 8. Page 2, line 24, by striking the word
21 "commits" and inserting the following: "is guilty
22 of".

23 9. Page 2, lines 24 and 25, by striking the words
24 "if the person has two or more violations" and insert-
25 ing the following: "when the person has had two or
26 more convictions".

x 27 10. Page 2, by inserting after line 27 the fol-
28 lowing:

29 "Sec. ____ . PLAN FOR SUSPENSION OR REVOCATION OF
30 LICENSES.

31 The director of the department of natural resources
32 shall prepare and submit a plan for suspension and
33 revocation of licenses issued by the department for
34 violations of chapter 109, 109A, 109B, 110, 110A, or
35 110B. The suspension and revocation plan shall be
36 submitted to the president or presiding officer of the
37 senate and the speaker of the house of representatives
38 of this state no later than January 15, 1991."

RECEIVED FROM THE SENATE

H-5874 FILED MARCH 27, 1990

House amended (5927) + Concurred 3/28 (p. 1531)

HOUSE FILE 2500

H-5927

1 Amend the Senate amendment, H-5874, to House File
2 2500, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 10 and 11.

5 2. Page 1, by striking lines 27 through 38.

6 3. By renumbering as necessary.

By JAY of Appanoose

H-5927 FILED MARCH 28, 1990

ADOPTED (p. 1531)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2500

S-5793

- 1 Amend the Senate amendment, H-5874, to House File
- 2 2500, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 10 and 11.
- 5 2. Page 1, by striking lines 27 through 38.
- 6 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5793 FILED MARCH 30, 1990

Senate concurred 4/7 (p. 1655)

NATURAL RESOURCES AND
OUTDOOR RECREATION

HOUSE FILE 2500

BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
OUTDOOR RECREATION BILL
BY BLACK)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the enforcement of outdoor recreation and
2 natural resource laws, by defining degrees of repeat
3 offenders, by requiring the reporting of firearm accidents, by
4 providing for the suspension of licenses, permits, and
5 certificates, by providing penalties, and by providing
6 retroactive applicability.

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

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1 Section 1. Section 109.1, Code 1989, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 27. "First degree repeat offender" means
4 a person who pleaded guilty or was convicted four times within
5 three years of violating any provision of chapter 109, 109A,
6 109B, 110, 110A, or 110B.

7 NEW SUBSECTION. 28. "Second degree repeat offender" means
8 a first degree repeat offender who, while having all licenses,
9 permits, and certificates and related privileges suspended by
10 the department, violates the terms and conditions of the sus-
11 pension.

12 NEW SUBSECTION. 29. "Third degree repeat offender" means
13 a second degree repeat offender who, while having all
14 licenses, permits, and certificates and related privileges
15 suspended by the department, violates the terms and conditions
16 of the suspension.

17 NEW SUBSECTION. 30. "Fourth degree repeat offender" means
18 a third degree repeat offender who, while having all licenses,
19 permits, and certificates and related privileges revoked by
20 the department, violates the terms and conditions of the revo-
21 cation.

22 Sec. 2. NEW SECTION. 109.17 REPEAT OFFENDERS -- RECORDS,
23 ENFORCEMENT, AND PENALTIES.

24 1. The department is the sole state agency which is
25 responsible for the suspension or revocation of licenses,
26 permits, and certificates and related privileges issued by the
27 department. The natural resource commission shall establish,
28 by rule, a recordkeeping system and other administrative
29 procedures necessary to administer this section.

30 2. a. A first degree repeat offender is guilty of a
31 simple misdemeanor. In addition, all licenses, permits, and
32 certificates and related privileges issued or granted by the
33 department shall be suspended for not less than two years.

34 b. A second degree repeat offender is guilty of a serious
35 misdemeanor. In addition, all licenses, permits, and certifi-

1 cates and related privileges issued or granted by the depart-
2 ment shall be suspended for not less than five years.

3 c. A third degree repeat offender is guilty of an
4 aggravated misdemeanor. In addition, all licenses, permits,
5 and certificates and related privileges issued or granted by
6 the department shall be revoked for an indefinite period of
7 time.

8 d. A fourth degree repeat offender is guilty of a class
9 "D" felony. In addition, all licenses, permits, and
10 certificates and related privileges issued or granted by the
11 department shall be revoked permanently.

12 Sec. 3. NEW SECTION. 109.18 HUNTING ACCIDENTS --
13 MANDATORY REPORTING.

14 A person who is involved in a hunting accident with a fire-
15 arm and the accident results in injury to a person or
16 property, shall report the accident to the sheriff's office in
17 the county where the accident occurred or to the department
18 within twelve hours after the accident occurred. If an injury
19 in the accident prevents timely reporting, the report shall be
20 made as soon as practicable. Failure to report as required in
21 this section is punishable as provided in section 109.32.

22 Sec. 4. NEW SECTION. 109.133 SUSPENSION OF LICENSES,
23 CERTIFICATES, AND PERMITS.

24 A person who is assessed damages pursuant to section
25 109.130 shall immediately surrender all licenses,
26 certificates, and permits to hunt, fish, or trap in the state
27 to the district court which is assessing the damages. The
28 licenses, permits, and certificates, and the privileges
29 associated with them shall remain suspended until the assessed
30 damages and any accrued interest are paid. Upon payment of
31 the assessed damages and any accrued interest, the suspension
32 is immediately lifted.

33 Sec. 5. RETROACTIVE FOR CERTAIN LICENSEES AND PERMITTEES.

34 Section 109.133 shall apply to all persons who have valid
35 licenses, certificates, and permits to hunt, fish, or trap in

1 this state who have outstanding assessments of liquidated
2 damages against them on the effective date of this Act.

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EXPLANATION

4 This bill defines and provides a penalty for first degree
5 through fourth degree repeat offenders of chapters 109, 109A,
6 109B, 110, 110A, or 110B. A first degree repeat offender has
7 four violations of chapters 109 through 110B within three
8 years. A first degree repeat offender is guilty of a simple
9 misdemeanor and all licenses, permits, and certificates issued
10 by the department of natural resources are suspended for at
11 least two years.

12 A second degree repeat offender is a first degree repeat
13 offender who violates the suspension terms. The punishment is
14 a serious misdemeanor and suspension for at least five years.

15 A third degree repeat offender is a second degree repeat
16 offender who violates the suspension terms. This offender is
17 guilty of an aggravated misdemeanor and the licenses, permits,
18 and certificates are revoked indefinitely.

19 A fourth degree repeat offender is a third degree repeat
20 offender who violates the revocation terms. A fourth degree
21 repeat offender is guilty of a class "D" felony and all
22 hunting and fishing licenses, certificates, and permits issued
23 by the department of natural resources are permanently
24 revoked.

25 The bill also requires the reporting of firearm hunting ac-
26 cidents within twelve hours to the sheriff's office or to the
27 department.

28 If a person assessed damages under section 109.130 for il-
29 legally taking game fails to pay the assessment, all hunting,
30 fishing, and trapping licenses, permits, and certificates is-
31 sued to the person are suspended until the assessment and any
32 interest is paid. The suspension of licenses, certificates,
33 and permits also applies to persons who have outstanding as-
34 sessments against them on the effective date of this Act.

35

HOUSE FILE 2500

AN ACT

RELATING TO THE ENFORCEMENT OF OUTDOOR RECREATION AND NATURAL RESOURCE LAWS, BY DEFINING REPEAT OFFENDERS, BY REQUIRING THE REPORTING OF HUNTING ACCIDENTS, BY PROVIDING FOR THE SUSPENSION OF LICENSES, PERMITS, AND CERTIFICATES, AND BY PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 109.18 HUNTING ACCIDENTS -- MANDATORY REPORTING.

A person who is involved in a hunting accident with a fire-arm and the accident results in injury to a person or property damage exceeding one hundred dollars, shall report the accident to the sheriff's office in the county where the accident occurred or to the department within twelve hours after the accident occurred. If an injury in the accident prevents timely reporting, the report shall be made as soon as practicable. Failure to report as required in this section is a simple misdemeanor.

Sec. 2. NEW SECTION. 109.133 SUSPENSION OF LICENSES, CERTIFICATES, AND PERMITS.

A person who is assessed damages pursuant to section 109.130 shall immediately surrender all licenses, certificates, and permits to hunt, fish, or trap in the state to the department. The licenses, permits, and certificates, and the privileges associated with them shall remain suspended until the assessed damages and any accrued interest are paid or a payment schedule is established by the court. Upon payment of the assessed damages and any accrued interest, the suspension shall be lifted. If a payment schedule is established, the suspension shall be lifted and remain so unless the person fails to make a payment pursuant to that

schedule. Failure to make a payment shall cause the suspension to be renewed.

Sec. 3. NEW SECTION. 109.134 AUTHORITY TO SUSPEND OR REVOKE LICENSE -- POINT SYSTEM.

The department shall establish rules pursuant to chapter 17A providing for the suspension or revocation of licenses issued by the department. For purposes of determining when to suspend or revoke a license issued by the department under this section, the department shall adopt a point system pursuant to chapter 17A for the purpose of weighing the seriousness of violations of the provisions of chapter 109, 109A, 109B, 110, 110A, or 110B. The weighted scale may be amended from time to time as experience dictates.

Sec. 4. NEW SECTION. 109.134 REPEAT OFFENDER -- RECORDS, ENFORCEMENT, AND PENALTIES.

1. The commission shall establish by rule, a recordkeeping system and other administrative procedures necessary to administer this section.

2. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, 110A, or 110B while the person's license or licenses are suspended or revoked is guilty of a simple misdemeanor if the person has no other violations within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

3. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, 110A, or 110B while the person's license or licenses are suspended or revoked is guilty of a serious misdemeanor if the person has one other violation within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

4. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, 110A, or 110B while the person's license or licenses are

suspended or revoked is guilty of an aggravated misdemeanor when the person has had two or more convictions within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2500, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 26, 1990

TERRY E. BRANSTAD
Governor