

for Judiciary 2/28 Bo Pass 3/7

FILED FEB 9 1990

SENATE FILE 2290  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2056)

Passed Senate, Date 2/26/90 (p. 723) Passed House, Date 3/13/90 (p. 1060)  
Vote: Ayes 43 Nays 3 Vote: Ayes 86 Nays 5  
Approved March 26, 1990

A BILL FOR

1 An Act relating to the theft of fish from private fish  
2 hatcheries.

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

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SC 2290

TLSB 7341SV 73

mc/mc/6

1 Section 1. Section 109.2, Code 1989, is amended to read as  
2 follows:

3 109.2 STATE OWNERSHIP AND TITLE -- EXCEPTIONS.

4 The title and ownership of all fish, mussels, clams, and  
5 frogs in any of the public waters of the state, and in all  
6 ponds, sloughs, bayous, or other land and waters adjacent to  
7 any public waters stocked with fish by overflow of public  
8 waters, and of all wild game, animals, and birds, including  
9 their nests and eggs, and all other wildlife, found in the  
10 state, whether game or nongame, native or migratory, except  
11 deer in parks and in public and private preserves, the  
12 ownership of which was acquired prior to April 19, 1911, are  
13 hereby declared to be in the state, except as otherwise in  
14 this chapter provided. The title and ownership of all fish in  
15 private fish hatcheries, as defined in section 109.64, shall  
16 be in private persons.

17 Sec. 2. Section 109.64, Code 1989, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. All fish in a private fish  
20 hatchery are private property and are not the property of the  
21 state, and the theft of fish from a private fish hatchery is  
22 punishable as provided in section 714.2.

23 EXPLANATION

24 The bill specifically provides that fish within a private  
25 fish hatchery are private property, and that the theft of such  
26 fish is punishable under the theft statute, Iowa Code section  
27 714.2.

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SENATE FILE 2290  
FISCAL NOTE

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A fiscal note for Senate File 2290 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2290 provides that fish within a private fish hatchery are private property, and that the theft of such fish is punishable under the theft statute.

The fiscal impact of Senate File 2290 cannot be estimated because the penalty is for a new crime. Therefore, it is not known how many offenders would be sentenced under this legislation. There are no historical data with which to estimate a fiscal impact. However, the theft statute provides for various penalties for theft. These penalties range from a simple misdemeanor to a Class C felony, depending upon the value of the asset which was stolen. Simple misdemeanor offenders are eligible to receive a fine and 30 days in jail, whereas Class C felony offenders may be sent to prison for up to ten years.

Sources: Department of Corrections  
Judicial Department

(LSB 7341sv, BAL)

ED FEBRUARY 20, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

VARN, CH.  
HORN  
DRAKE

SSB 2056  
JUDICIARY

SENATE FILE 2290  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY VARN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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24 The bill specifically provides that fish within a private  
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NEW UNNUMBERED PARAGRAPH. All fish in a private fish hatchery are private property and are not the property of the state, and the theft of fish from a private fish hatchery is punishable as provided in section 714.2.

SENATE FILE 2290

AN ACT  
RELATING TO THE THEFT OF FISH FROM PRIVATE FISH HATCHERIES.

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

Section 1. Section 109.2, Code 1989, is amended to read as follows:

109.2 STATE OWNERSHIP AND TITLE -- EXCEPTIONS.

The title and ownership of all fish, mussels, clams, and frogs in any of the public waters of the state, and in all ponds, sloughs, bayous, or other land and waters adjacent to any public waters stocked with fish by overflow of public waters, and of all wild game, animals, and birds, including their nests and eggs, and all other wildlife, found in the state, whether game or nongame, native or migratory, except deer in parks and in public and private preserves, the ownership of which was acquired prior to April 19, 1911, are hereby declared to be in the state, except as otherwise in this chapter provided. The title and ownership of all fish in private fish hatcheries, as defined in section 109.64, shall be in private persons.

Sec. 2. Section 109.64, Code 1989, is amended by adding the following new unnumbered paragraph:

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2290, Seventy-third General Assembly.

Approved March 26, 1990

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JOHN F. DWYER  
Secretary of the Senate

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TERRY E. BRANSTAD  
Governor

SF 2290