

SENATE FILE **2373**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO LSB 4400SC)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to trespassing by hunters, and providing
2 penalties.

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

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S.F. 2373

1 Section 1. NEW SECTION. 481A.133A HUNTER'S TRESPASS --
2 CIVIL PENALTY.

3 1. As used in this section:

4 a. "Hunter's trespass" means a person engaged in hunting a
5 wild animal who does either of the following:

6 (1) Enters upon a landowner's land without the express
7 consent of the landowner.

8 (2) Remains on a landowner's land after being notified to
9 vacate the land by the landowner.

10 b. "Landowner" means a person holding an interest in land
11 sufficient to authorize consent to a person to hunt on that
12 land.

13 2. This section does not apply to either of the following:

14 a. The pursuit of a wild animal legally injured or killed
15 on land other than the landowner's land, which comes to rest
16 on or escapes to the land.

17 b. The terms of a contract executed between a hunter and a
18 landowner.

19 3. A person committing hunter's trespass shall pay a civil
20 penalty according to the schedule provided in section
21 481A.130. The amount of the civil penalty shall be awarded to
22 the landowner whose land was subject to the hunter's trespass.
23 The attorney general or a county attorney in the county where
24 the violation occurs may bring an action to enforce this
25 section in the county's district court.

26 4. In an action for hunter's trespass in which there is an
27 issue of the landowner's consent to enter onto the landowner's
28 land, the defendant must show by a preponderance of the
29 evidence that the landowner gave consent to entry. Written
30 evidence that confirms the landowner's consent to entry shall
31 be conclusive for this purpose.

32 5. The department shall prescribe and publish consent
33 forms necessary to carry out this section. The forms shall be
34 made available to the public, including persons obtaining
35 hunting licenses from the department pursuant to chapter 483A.

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EXPLANATION

This bill creates a civil offense referred to as hunter's trespass, which occurs when a person enters upon land without the express permission of the landowner in order to hunt a wild animal, or remains upon the land after being notified to vacate the land by the landowner. The offense does not include the pursuit of a wild animal legally injured or killed, or the terms of a contract executed between the parties. The attorney general or a county attorney in the county where the violation occurs may bring an action to enforce the bill's provisions. A person committing hunter's trespass must pay a civil penalty according to the schedule provided in section 481A.130. The amount must be awarded to the landowner. The bill provides that in an action for hunter's trespass in which there is an issue of consent by the landowner, the defendant must show by a preponderance of the evidence that consent for entry was given by the landowner. Written evidence that confirms the landowner's consent is conclusive evidence. The bill requires the department of natural resources to prescribe and publish consent forms necessary to carry out the bill's provisions.