

5-3/10/98 *judiciary*

FEB 24 1998
Place On Calendar

HOUSE FILE 2410
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 630)

Passed House, ^(P.576) Date 3/10/98 Passed Senate, Date _____
Vote: Ayes 90 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the removing, sale, or purchase of war relics
2 from a cemetery and providing penalties.

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

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HF 2410

1 Section 1. Section 714.7A, Code 1997, is amended to read
2 as follows:

3 714.7A VETERANS' GRAVE MARKERS -- WAR RELICS.

4 1. A person commits a simple misdemeanor when the person
5 takes does any of the following:

6 a. Takes possession or control of a veteran's grave marker
7 which was provided pursuant to section 35B.16, with the
8 intention to deprive the owner of the marker, regardless of
9 the value of the marker. The person shall also be liable for
10 reimbursement in an amount equal to three times the cost of
11 the marker to be paid to the county commission of veteran
12 affairs or other person who furnished the marker.

13 b. Takes possession or control of a war relic, including
14 but not limited to a flag holder or other design or a memorial
15 flag, with the intention of depriving the owner of the war
16 relic, and without the authority of the owner of the cemetery
17 or the person causing the war relic to be placed.

18 2. A person commits a serious misdemeanor when the person
19 sells, attempts to sell, or purchases a war relic, including
20 but not limited to a flag holder or other design or a memorial
21 flag, with the intention of depriving the owner of the war
22 relic, and without the authority of the owner of the cemetery
23 or the person causing the war relic to be placed.

24 3. A person who commits a simple misdemeanor under this
25 section is subject to a fine of at least fifty dollars. A
26 person who commits a serious misdemeanor under this section is
27 subject to a fine of at least two hundred fifty dollars.

28 EXPLANATION

29 This bill prohibits a person from taking possession or
30 control of a war relic from a cemetery with the intention of
31 depriving the owner of the war relic without the authority of
32 the owner of the cemetery or the person who caused the war
33 relic to be placed. Violation of this prohibition is a simple
34 misdemeanor which is punishable by a fine of at least \$50.
35 The bill also prohibits a person from selling, attempting to

1 sell, or purchasing a war relic with the intention of
2 depriving the owner of the war relic without the authority of
3 the owner of the cemetery or the person who caused the war
4 relic to be placed. Violation of this prohibition is a
5 serious misdemeanor punishable by a fine of at least \$250.

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**HOUSE FILE 2410
FISCAL NOTE**

A fiscal note for House File 2410 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.

House File 2410 prohibits the taking or selling of war relics taken from a cemetery without lawful authority. Unlawfully taking the war relic is a simple misdemeanor. Selling of the stolen war relic is a serious misdemeanor.

ASSUMPTION

These acts are covered under theft and stolen property laws.

CORRECTIONAL AND FISCAL IMPACT

House File 2410 will have no correctional or fiscal impact.

SOURCE

Criminal and Juvenile Justice Planning Division
Department of Human Rights

(LSB 4217hv, MDF)

FILED MARCH 3, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

HSB 630

HUMAN RESOURCES

*Can Maanen, Chr.
Martin
Thomas*

HOUSE FILE SU S (H) 4
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON BODDICKER)

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

A BILL FOR

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1 Section 1. NEW SECTION. 714.7B WAR RELICS.

2 1. A person commits a simple misdemeanor when the person
3 takes possession or control of a war relic from a cemetery
4 without lawful authority.

5 2. A person commits a serious misdemeanor when the person
6 sells or attempts to sell a war relic which has been removed
7 from a cemetery without lawful authority.

8 EXPLANATION

9 This bill prohibits a person from taking possession or
10 control of a war relic from a cemetery without lawful
11 authority. Violation of this prohibition is a simple
12 misdemeanor which is punishable by imprisonment not to exceed
13 30 days or a fine of at least \$50 but not to exceed \$100. The
14 bill also prohibits a person from selling or attempting to
15 sell a war relic which has been removed from a cemetery
16 without lawful authority. Violation of this prohibition is a
17 serious misdemeanor punishable by a fine of at least \$250 but
18 not to exceed \$1,500 and may additionally include imprisonment
19 not to exceed one year.

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