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JUDICIARY

HOUSE FILE

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

**A BILL FOR**

1 An Act establishing the crime of consumer fraud against an older  
2 person and providing penalties.

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

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HF 18

1 Section 1. NEW SECTION. 714.16B CONSUMER FRAUD AGAINST  
2 AN OLDER PERSON.

3 1. If a person violates section 714.16, subsection 2,  
4 paragraph "a", the person knew or should have known that the  
5 person was committing the violation against an older person as  
6 defined in section 714.16A, and the violation results in  
7 damage to the older person, the person commits the offense of  
8 consumer fraud against an older person.

9 2. A person who commits consumer fraud against an older  
10 person commits:

11 a. A class "C" felony if the violation is one in which the  
12 amount of money or value of property or services involved  
13 exceeds ten thousand dollars and shall serve a minimum term of  
14 confinement of three years.

15 b. A class "D" felony if the violation is one in which the  
16 amount of money or value of property or services involved  
17 exceeds one thousand dollars but does not exceed ten thousand  
18 dollars and shall serve a minimum term of confinement of one  
19 year in the county jail.

20 c. An aggravated misdemeanor if the violation is one in  
21 which the amount of money or value of property or services  
22 involved exceeds five hundred dollars but does not exceed one  
23 thousand dollars and shall serve a minimum term of confinement  
24 of thirty days in the county jail.

25 d. A serious misdemeanor if the violation is one in which  
26 the amount of money or value of property or services involved  
27 exceeds one hundred dollars but does not exceed five hundred  
28 dollars and shall serve a minimum term of confinement of seven  
29 days in the county jail.

30 e. A simple misdemeanor if the violation is one in which  
31 the amount of money or value of property or services involved  
32 does not exceed one hundred dollars and shall serve a minimum  
33 term of confinement of forty-eight hours in the county jail.

34 3. The value of property or services shall be determined  
35 in the same manner as that used for a fraudulent practice

1 pursuant to section 714.14.

2 4. A person convicted of a violation under this section  
3 shall serve the minimum term specified in subsection 2, and  
4 shall not be eligible for suspension of the minimum term. The  
5 court shall not impose a fine in lieu of the minimum term,  
6 although a fine may be imposed in addition to the minimum  
7 term. This subsection does not prohibit the court from  
8 sentencing the defendant to the maximum term of confinement or  
9 to pay the maximum fine permitted.

10 EXPLANATION

11 This bill establishes the crime of consumer fraud against  
12 an older person. An older person is defined as a person who  
13 is 65 years of age or older. "Consumer fraud" means those  
14 activities and practices designated in Code section 714.16,  
15 subsection 2, paragraph "a", as fraudulent or unfair, and  
16 which result in damage to an older person.

17 The bill establishes graduated penalties for consumer fraud  
18 against an older person based upon the amount of money or  
19 value of property or services involved. The penalties reflect  
20 those established for a fraudulent practice. The bill  
21 requires that a person who is convicted of consumer fraud  
22 against an older person serve a minimum term of confinement.  
23 However, the bill does not preclude the court from imposing a  
24 fine in addition to the term of confinement or from requiring  
25 confinement for a longer period of time.

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