

Substitute for HF 2163
3-14-00 (P. 710)

3.14-00
3.14-00 Motion to R/C File

FILED FEB 23 2000

SENATE FILE 2300
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2094)

Passed Senate, Date ^(P.528) 3-6-00 Passed House, Date ^(P.711) 3-14-00
Vote: Ayes 32 Nays 17 Vote: Ayes 91 Nays 4

Approved 4-12-00
^(P.885) Re-Passed 3-28-00 ^{P.124} Passed 3-14-00
Revote 45-5 Revote 96-0

A BILL FOR

1 An Act relating to interference with lawful hunting, fishing, or
2 fur harvesting and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2300

H-8258

1 Amend Senate File 2300, as passed by the Senate, as
2 follows:
3 1. Page 1, line 21, by inserting after the word
4 "fish" the following: "except when it is necessary to
5 provide for the immediate safety of a person".

By KREIMAN of Davis

H-8258 FILED MARCH 8, 2000

W/D 3/14/00
(P.711)

SF 2300

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

1 Section 1. Section 481A.125, Code 1999, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 481A.125 INTENTIONAL INTERFERENCE WITH LAWFUL HUNTING,
5 FISHING, OR FUR-HARVESTING ACTIVITIES -- PENALTIES.

6 1. As used in this section, "interfere with hunting,
7 fishing, or fur-harvesting activities" means one or more of
8 the following:

9 a. To intentionally place oneself in a location where a
10 human presence may affect the behavior of a game animal, bird,
11 or fish or the feasibility of killing or taking a game animal,
12 bird, or fish with intent of obstructing or harassing another
13 person who is lawfully hunting, fishing, or fur harvesting.

14 b. To intentionally create a visual, aural, olfactory, or
15 physical stimulus for the purpose of affecting the behavior of
16 a game animal, bird, or fish with the intent of obstructing or
17 harassing another person who is lawfully hunting, fishing, or
18 fur harvesting.

19 c. To intentionally affect the condition or alter the
20 placement of personal property used for the purpose of killing
21 or taking a game animal, bird, or fish.

22 2. A person shall not interfere with the lawful hunting,
23 fishing, or fur-harvesting activities of another person in an
24 area where hunting, fishing, or fur harvesting is authorized
25 by a custodian of public property or an owner or lessee of
26 private property.

27 3. A person who commits:

28 a. A first offense of interfering with hunting, fishing,
29 or fur-harvesting activities is guilty of a simple
30 misdemeanor.

31 b. A second or subsequent offense is punishable as a
32 serious misdemeanor.

33 4. If a person who commits interfering with hunting,
34 fishing, or fur-harvesting activities possesses a license,
35 certificate, or permit issued by the department, the license,

1 certificate, or permit is subject to suspension or revocation
2 pursuant to section 481A.134.

3 5. This subsection shall not prohibit a landowner, tenant,
4 or an employee of a landowner or tenant from performing normal
5 agricultural operations or a law enforcement officer from
6 performing official duties.

7 EXPLANATION

8 This bill prohibits a person from interfering with the
9 lawful hunting, fishing, or fur-harvesting activities of
10 another person. Interference includes intentionally placing
11 oneself in a location where a human presence may affect the
12 behavior of a game animal, bird, or fish or the feasibility of
13 killing or taking a game animal, bird, or fish with the intent
14 of obstructing or harassing another person who is lawfully
15 hunting, fishing, or fur harvesting; intentionally creating a
16 visual, aural, olfactory, or physical stimulus for the purpose
17 of affecting the behavior of a game animal, bird, or fish with
18 intent of obstructing or harassing another person who is
19 acting lawfully; and intentionally affecting the condition or
20 altering the placement of personal property used for the
21 purpose of taking a game animal, bird, or fish.

22 The bill also specifies that a first offense of interfering
23 with lawful hunting, fishing, or fur harvesting is punishable
24 as a simple misdemeanor and a second or subsequent offense is
25 punishable as a serious misdemeanor. A simple misdemeanor is
26 punishable by a fine of at least \$50 but not more than \$500,
27 imprisonment for not more than 30 days, or both. A serious
28 misdemeanor is punishable by a fine of at least \$250 but not
29 more than \$1,500, imprisonment for not more than one year, or
30 both.

31 The bill does not apply to the normal agricultural
32 operations or activities of landowners, tenants, or employees
33 of landowners or tenants or to the activities of law
34 enforcement officers.

35

HOUSE AMENDMENT TO
SENATE FILE 2300

S-5143

1 Amend Senate File 2300, as passed by the Senate, as
2 follows:

3 1. Page 1, line 10, by inserting before the word
4 "game" the following: "fur-bearing".

5 2. Page 1, line 11, by inserting before the word
6 "game" the following: "fur-bearing".

7 3. Page 1, line 16, by inserting before the word
8 "game" the following: "fur-bearing".

9 4. Page 1, line 21, by inserting before the word
10 "game" the following: "fur-bearing".

11 5. Page 1, line 21, by inserting after the word
12 "fish" the following: "with the intent of obstructing
13 or harassing another person who is lawfully hunting,
14 fishing, or fur harvesting".

15 6. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5143 FILED MARCH 14, 2000

SENATE FILE 2300

H-8335

1 Amend Senate File 2300, as passed by the Senate, as
2 follows:
3 1. Page 1, line 10, by inserting before the word
4 "game" the following: "fur-bearing".
5 2. Page 1, line 11, by inserting before the word
6 "game" the following: "fur-bearing".
7 3. Page 1, line 16, by inserting before the word
8 "game" the following: "fur-bearing".
9 4. Page 1, line 21, by inserting before the word
10 "game" the following: "fur-bearing".

By SUNDERBRUCH of Scott

H-8335 FILED MARCH 14, 2000

Adopted
3-14-00

SENATE FILE 2300

H-8339

1 Amend Senate File 2300, as passed by the Senate, as
2 follows:
3 1. Page 1, line 21, by inserting after the word
4 "fish" the following: "with the intent of obstructing
5 or harassing another person who is lawfully hunting,
6 fishing, or fur harvesting".

By KREIMAN of Davis

H-8339 FILED MARCH 14, 2000

Adopted
3-14-00
(p. 724)

SENATE FILE 2300

AN ACT

RELATING TO INTERFERENCE WITH LAWFUL HUNTING, FISHING, OR
FUR HARVESTING AND PROVIDING A PENALTY.

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

Section 1. Section 481A.125, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

481A.125 INTENTIONAL INTERFERENCE WITH LAWFUL HUNTING, FISHING, OR FUR-HARVESTING ACTIVITIES -- PENALTIES.

1. As used in this section, "interfere with hunting, fishing, or fur-harvesting activities" means one or more of the following:

a. To intentionally place oneself in a location where a human presence may affect the behavior of a fur-bearing game animal, bird, or fish or the feasibility of killing or taking a fur-bearing game animal, bird, or fish with intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

b. To intentionally create a visual, aural, olfactory, or physical stimulus for the purpose of affecting the behavior of a fur-bearing game animal, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

c. To intentionally affect the condition or alter the placement of personal property used for the purpose of killing or taking a fur-bearing game animal, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

2. A person shall not interfere with the lawful hunting, fishing, or fur-harvesting activities of another person in an area where hunting, fishing, or fur harvesting is authorized by a custodian of public property or an owner or lessee of private property.

3. A person who commits:

a. A first offense of interfering with hunting, fishing, or fur-harvesting activities is guilty of a simple misdemeanor.

b. A second or subsequent offense is punishable as a serious misdemeanor.

4. If a person who commits interfering with hunting, fishing, or fur-harvesting activities possesses a license, certificate, or permit issued by the department, the license, certificate, or permit is subject to suspension or revocation pursuant to section 481A.134.

SF 2300

Senate File 2300, p. 3

5. This subsection shall not prohibit a landowner, tenant, or an employee of a landowner or tenant from performing normal agricultural operations or a law enforcement officer from performing official duties.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2300, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/12, 2000

THOMAS J. VILSACK
Governor