

Senate Study Bill 1108

Bill Text

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1 1 Section 1. Section [123.47](#), subsection 3, Code 1999, is
1 2 amended to read as follows:
1 3 3. A person who is under legal age, other than a licensee
1 4 or permittee, who violates this section regarding the purchase
1 5 of or attempt to purchase alcoholic liquor, wine, or beer, or
1 6 possessing or having control of alcoholic liquor, wine, or
1 7 beer, commits a simple misdemeanor punishable by a fine of one
1 8 hundred dollars for the first offense. A second or subsequent
1 9 offense shall be a

~~serious~~

- ~~simple~~ misdemeanor punishable by a
1 10 fine of two hundred dollars and the suspension of the person's
1 11 motor vehicle operating privileges for a period not to exceed
1 12 one year. The court may, in its discretion, order the person
1 13 who is under legal age to perform community service work under
1 14 section 909.3A, of an equivalent value to the fine imposed
1 15 under this section. However, if the person who commits the
1 16 violation of this section is under the age of eighteen, the
1 17 matter shall be disposed of in the manner provided in chapter
1 18 232.

1 19 Sec. 2. Section [321.218](#), subsection 1, Code 1999, is
1 20 amended to read as follows:

1 21 1. A person whose driver's license or operating privilege
1 22 has been denied, canceled, suspended, or revoked as provided
1 23 in this chapter or as provided in section 252J.8 or section
1 24 901.5, subsection 10, and who operates a motor vehicle upon
1 25 the highways of this state while the license or privilege is
1 26 denied, canceled, suspended, or revoked, commits a

~~serious~~

- ~~simple~~ misdemeanor. In addition to any other penalties, a
1 28 person sentenced under this subsection shall be assessed a
1 29 fine of not less than two hundred fifty dollars nor more than
1 30 one thousand five hundred dollars.

1 31 Sec. 3. Section [321.260](#), subsection 1, paragraph a, Code
1 32 1999, is amended to read as follows:

1 33 a. A person who willfully and intentionally, without
1 34 lawful authority, attempts to or in fact alters, defaces,
1 35 injures, knocks down, or removes an official traffic-control
2 1 device, an authorized warning sign or signal or barricade,
2 2 whether temporary or permanent, a railroad sign or signal, an
2 3 inscription, shield or insignia on any of such devices, signs,
2 4 signals, or barricades, or any other part thereof, shall, upon
2 5 conviction, be guilty of a

~~serious~~

- ~~simple~~ misdemeanor and
2 6 shall be required to make restitution to the affected
2 7 jurisdiction.

2 8 Sec. 4. Section [321.260](#), subsection 2, Code 1999, is
2 9 amended to read as follows:

2 10 2. It shall be unlawful for any person to have in the
2 11 person's possession any official traffic-control device except
2 12 by legal right or authority. Any person convicted of

2 13 unauthorized possession of any official traffic-control device
2 14 shall upon conviction be guilty of a

~~serious~~

- simple

2 15 misdemeanor.

2 16 Sec. 5. Section 321A.32, subsection 1, Code 1999, is
2 17 amended to read as follows:

2 18 1. Any person whose license or registration or
2 19 nonresident's operating privilege has been suspended, denied
2 20 or revoked under this chapter or continues to remain suspended
2 21 or revoked under this chapter, and who, during such
2 22 suspension, denial or revocation, or during such continuing
2 23 suspension or continuing revocation, drives any motor vehicle
2 24 upon any highway or knowingly permits any motor vehicle owned
2 25 by such person to be operated by another upon any highway,
2 26 except as permitted under this chapter, shall be guilty of a
2 27

~~serious~~

- simple misdemeanor. In addition to any other

2 28 penalties, a person sentenced under this subsection shall be
2 29 assessed a fine of not less than two hundred fifty dollars nor
2 30 more than one thousand five hundred dollars.

2 31 Sec. 6. Section 321J.21, subsection 1, Code 1999, is
2 32 amended to read as follows:

2 33 1. A person whose driver's license or nonresident
2 34 operating privilege has been suspended, denied, revoked, or
2 35 barred due to a violation of this chapter and who drives a
3 1 motor vehicle while the license or privilege is suspended,
3 2 denied, revoked, or barred commits a serious misdemeanor

~~serious~~

-

3 3

~~punishable with a mandatory fine of one thousand dollars~~

- In

3 4 addition to any other penalties, a person sentenced under this
3 5 section shall be assessed a fine of one thousand dollars.

3 6 Sec. 7. Section 461A.42, subsection 2, is amended to read
3 7 as follows:

3 8 2. The use of fireworks, as defined in section 727.2, in
3 9 state parks and preserves is prohibited except as authorized
3 10 by a permit issued by the department. The commission shall
3 11 establish, by rule adopted pursuant to chapter 17A, a
3 12 fireworks permit system which authorizes the issuance of a
3 13 limited number of permits to qualified persons to use or
3 14 display fireworks in selected state parks and preserves. A
3 15 person violating this subsection is guilty of a

~~serious~~

- simple

3 16 misdemeanor. The court

~~may~~

- shall order restitution

~~for~~

- if any

3 17 damages were caused by the violation which may include, but is
3 18 not limited to, community service.

~~The court may also require~~

-

3 19

~~that the violator provide proof of restitution.~~

3 20 Sec. 8. Section [714.2](#), subsections 4 and 5, Code 1999, are
3 21 amended to read as follows:
3 22 4. The theft of property exceeding

~~one~~

- two hundred dollars

3 23 in value but not exceeding five hundred dollars in value is
3 24 theft in the fourth degree. Theft in the fourth degree is a
3 25 serious misdemeanor.

3 26 5. The theft of property not exceeding

~~one~~

- two hundred

3 27 dollars in value is theft in the fifth degree. Theft in the
3 28 fifth degree is a simple misdemeanor.

3 29 Sec. 9. Section [714.12](#), unnumbered paragraph 1, Code 1999,
3 30 is amended to read as follows:

3 31 Fraudulent practice in the fourth degree is a fraudulent
3 32 practice where the amount of money or value of property or
3 33 services involved exceeds

~~one~~

- two hundred dollars but does not

3 34 exceed five hundred dollars.

3 35 Sec. 10. Section [714.13](#), unnumbered paragraph 1, Code
4 1 1999, is amended to read as follows:

4 2 Fraudulent practice in the fifth degree is a fraudulent
4 3 practice where the amount of money or value of property or
4 4 services involved does not exceed

~~one~~

- two hundred dollars.

4 5 Sec. 11. Section [716.6](#), Code 1999, is amended to read as
4 6 follows:

4 7 716.6 CRIMINAL MISCHIEF IN THE FOURTH AND FIFTH DEGREES.

4 8 Criminal mischief is criminal mischief in the fourth degree
4 9 if the cost of replacing, repairing, or restoring the property
4 10 so damaged, defaced, altered, or destroyed exceeds

~~one~~

- two

4 11 hundred dollars, but does not exceed five hundred dollars.

4 12 Criminal mischief in the fourth degree is a serious
4 13 misdemeanor. All criminal mischief which is not criminal
4 14 mischief in the first degree, second degree, third degree, or
4 15 fourth degree is criminal mischief in the fifth degree.
4 16 Criminal mischief in the fifth degree is a simple misdemeanor.

4 17 Sec. 12. Section [716.8](#), subsection 2, Code 1999, is
4 18 amended to read as follows:

4 19 2. Any person committing a trespass as defined in section
4 20 716.7 which results in injury to any person or damage in an
4 21 amount more than

~~one~~

- two hundred dollars to anything, animate

4 22 or inanimate, located thereon or therein commits a serious
4 23 misdemeanor.

4 24 Sec. 13. Section [716.8](#), subsection 4, Code 1999, is
4 25 amended to read as follows:

4 26 4. A person committing a trespass as defined in section
4 27 716.7 with the intent to commit a hate crime which results in
4 28 injury to any person or damage in an amount more than

~~one~~

- two

4 29 hundred dollars to anything, animate or inanimate, located
4 30 thereon or therein commits an aggravated misdemeanor.
4 31 Sec. 14. Section [716A.7](#), Code 1999, is amended to read as
4 32 follows:
4 33 716A.7 COMPUTER DAMAGE IN THE FOURTH DEGREE.
4 34 Computer damage is computer damage in the fourth degree
4 35 when the damage results in a loss of property or services of
5 1 more than

~~one~~

- two hundred dollars but not more than five
5 2 hundred dollars. Computer damage in the fourth degree is a
5 3 serious misdemeanor.
5 4 Sec. 15. Section [716A.8](#), Code 1999, is amended to read as
5 5 follows:
5 6 716A.8 COMPUTER DAMAGE IN THE FIFTH DEGREE.
5 7 Computer damage is computer damage in the fifth degree when
5 8 the damage results in a loss of property or services of not
5 9 more than

~~one~~

- two hundred dollars. Computer damage in the
5 10 fifth degree is a simple misdemeanor.
5 11 Sec. 16. Section [716A.13](#), Code 1999, is amended to read as
5 12 follows:
5 13 716A.13 COMPUTER THEFT IN THE FOURTH DEGREE.
5 14 Computer theft is computer theft in the fourth degree when
5 15 the theft involves or results in a loss of services or
5 16 property of more than

~~one~~

- two hundred dollars but not more
5 17 than five hundred dollars. Computer theft in the fourth
5 18 degree is a serious misdemeanor.
5 19 Sec. 17. Section [716A.14](#), Code 1999, is amended to read as
5 20 follows:
5 21 716A.14 COMPUTER THEFT IN THE FIFTH DEGREE.
5 22 Computer theft is computer theft in the fifth degree when
5 23 the theft involves or results in a loss of services or
5 24 property of not more than

~~one~~

- two hundred dollars. Computer
5 25 theft in the fifth degree is a simple misdemeanor.
5 26 Sec. 18. Section [719.1](#), subsection 1, Code 1999, is
5 27 amended to read as follows:
5 28 1. A person who knowingly resists or obstructs anyone
5 29 known by the person to be a peace officer, emergency medical
5 30 care provider under chapter 147A, or fire fighter, whether
5 31 paid or volunteer, in the performance of any act which is
5 32 within the scope of the lawful duty or authority of that
5 33 officer, emergency medical care provider under chapter 147A,
5 34 or fire fighter, whether paid or volunteer, or who knowingly
5 35 resists or obstructs the service or execution by any
6 1 authorized person of any civil or criminal process or order of
6 2 any court, commits a

~~serious~~

- simple misdemeanor. However, if
6 3 a person commits an interference with official acts, as
6 4 defined in this subsection, and in so doing inflicts bodily
6 5 injury other than serious injury, that person commits an
6 6 aggravated misdemeanor. If a person commits an interference
6 7 with official acts, as defined in this subsection, and in so
6 8 doing inflicts or attempts to inflict serious injury, or
6 9 displays a dangerous weapon, as defined in section 702.7, or
6 10 is armed with a firearm, that person commits a class "D"

6 11 felony.

6 12 Sec. 19. Section [727.2](#), unnumbered paragraph 2, Code 1999,
6 13 is amended to read as follows:

6 14 A person, firm, copartnership, or corporation who offers
6 15 for sale, exposes for sale, sells at retail, or uses or
6 16 explodes any fireworks, commits a

~~serious~~

- simple misdemeanor.

6 17 However, the council of a city or a county board of
6 18 supervisors may, upon application in writing, grant a permit
6 19 for the display of fireworks by municipalities, fair
6 20 associations, amusement parks, and other organizations or
6 21 groups of individuals approved by the city or the county board
6 22 of supervisors when the fireworks display will be handled by a
6 23 competent operator, but no such permit shall be required for
6 24 the display of fireworks at the Iowa state fairgrounds by the
6 25 Iowa state fair board, at incorporated county fairs, or at
6 26 district fairs receiving state aid. Sales of fireworks for
6 27 such display may be made for that purpose only.

6 28 Sec. 20. Section [730.4](#), subsection 6, Code 1999, is
6 29 amended to read as follows:

6 30 6. A person who violates this section commits a

~~serious~~

- simple misdemeanor.

6 31 Sec. 21. Section [903.1](#), subsection 1, paragraph a, Code
6 32 1999, is amended to read as follows:

6 33 a. For a simple misdemeanor,

~~either imprisonment not to~~

-

~~exceed thirty days, or~~

- ~~there shall be~~ a fine of at least fifty

7 1 dollars but not to exceed

~~one~~

- five hundred dollars. The court

7 2 may order imprisonment not to exceed thirty days in lieu of a
7 3 fine or in addition to a fine.

7 4 EXPLANATION

7 5 This bill makes changes in the penalties for simple
7 6 misdemeanors. The bill permits the court upon conviction of a
7 7 simple misdemeanor to order a fine of at least \$50 but not
7 8 more than \$500 and provides discretion to the court to
7 9 sentence a person to jail for up to 30 days in addition to a
7 10 fine or to jail for up to 30 days in lieu of imposing a fine.
7 11 Currently, a simple misdemeanor is punishable by a fine of at
7 12 least \$50 but not more than \$100 or by a sentence not to
7 13 exceed 30 days in jail.

7 14 The bill reclassifies certain driving under suspension
7 15 offenses from serious to simple misdemeanors and reclassifies
7 16 from serious to simple misdemeanors the following offenses:
7 17 use of fireworks, persons under legal age purchasing or in
7 18 possession of alcohol (second or subsequent offense),
7 19 polygraph examinations by employers, certain interference with
7 20 official acts offenses, and interference with signs or
7 21 signals.

7 22 The bill provides discretion to the court to impose a jail
7 23 sentence in addition to ordering a mandatory fine, for persons
7 24 who commit the offense of driving under suspension or
7 25 revocation or driving while barred under Code section 321J.21.
7 26 Under current law, persons who violate Code section 321J.21
7 27 may only be assessed a mandatory \$1,000 fine. A person whose

7 28 driver's license has been suspended, revoked, or barred and is
7 29 subsequently convicted under Code section 321J.21, generally
7 30 has been suspended, revoked, or barred due to a previous
7 31 operating while intoxicated conviction.
7 32 The bill also changes the threshold dollar limit for
7 33 persons to qualify for serious and simple misdemeanor
7 34 penalties with respect to acts which constitute theft,
7 35 fraudulent practice, computer damage, computer theft, criminal
8 1 trespass, and criminal mischief. If a person commits theft,
8 2 fraudulent practice, computer damage, computer theft, or
8 3 criminal mischief and the value of the property is no more
8 4 than \$200, the person commits a simple misdemeanor under the
8 5 bill. Under current law, if the value of the property is no
8 6 more than \$100, the person commits a simple misdemeanor. The
8 7 bill further provides similar changes to the threshold dollar
8 8 limit for serious misdemeanor violations involving theft,
8 9 fraudulent practice, computer damage, computer theft, criminal
8 10 trespass, and criminal mischief. If the value of the property
8 11 exceeds \$200, under the bill, the person commits a serious
8 12 misdemeanor. Under current laws, if the value of the property
8 13 exceeds \$100, the person commits a serious misdemeanor.
8 14 LSB 1658SC 78
8 15 jm/gg/8