

House Study Bill 631

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

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

A BILL FOR

1 An Act relating to animal agriculture by providing for offenses
2 involving animal facilities and crop operation property and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6394HC 80
6 da/pj/5

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1 1 Section 1. Section 717A.2, subsection 1, Code Supplement
1 2 2003, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. Enter onto or into an animal facility
1 4 which maintains agricultural animals, if the animal facility
1 5 is enclosed by a fence, a structure, or a vehicle.
1 6 Sec. 2. Section 717A.2, subsection 3, Code Supplement
1 7 2003, is amended by adding the following new paragraph:
1 8 NEW PARAGRAPH. d. A person who violates subsection 1,
1 9 paragraph "d", is guilty of an aggravated misdemeanor.
1 10 Sec. 3. Section 717A.3, subsection 1, Code 2003, is
1 11 amended by adding the following new paragraph:
1 12 NEW PARAGRAPH. d. Enter onto or into crop operation
1 13 property where a crop is maintained, if the crop operation
1 14 property is enclosed by a fence, a structure, or a vehicle.
1 15 Sec. 4. Section 717A.3, subsection 3, Code 2003, is
1 16 amended by adding the following new paragraph:
1 17 NEW PARAGRAPH. d. For a violation of subsection 1,
1 18 paragraph "d", the person is guilty of an aggravated
1 19 misdemeanor.
1 20 Sec. 5. Section 717A.3, subsection 4, Code 2003, is
1 21 amended by adding the following new paragraph:
1 22 NEW PARAGRAPH. d. For a violation of subsection 1,
1 23 paragraph "d", the person is guilty of a serious misdemeanor.
1 24 EXPLANATION
1 25 This bill amends Code section 717A.2, which prohibits a
1 26 person from injuring animals or interfering with animal
1 27 facilities related to agricultural production, educational or
1 28 scientific purposes, or veterinary care. The bill also amends
1 29 Code section 717A.3, which prohibits a person from destroying
1 30 or damaging crops or crop operation property, and makes
1 31 special provisions for crops and crop operation property
1 32 reserved for research. In both instances, an animal facility
1 33 or crop operation property may be real estate or a structure
1 34 such as a barn or a vehicle. The two Code sections in part
1 35 prohibit a person, without the consent of the owner, from
2 1 entering onto or into such property if the person has notice
2 2 that the facility is not open to the public and the person has
2 3 an intent to disrupt its operations.
2 4 The bill adds a related offense to the Code sections, by
2 5 prohibiting a person from entering onto or into an animal
2 6 facility or crop operation property, if it is partitioned by a
2 7 fence, a structure, or a vehicle.
2 8 Under Code section 716.8, the ordinary penalty for trespass
2 9 which does not result in an injury or property damage is a
2 10 simple misdemeanor punishable by confinement for no more than
2 11 30 days or a fine of at least \$50 but not more than \$500 or by
2 12 both. A person who enters onto or into an animal facility in
2 13 violation of the bill's provisions is guilty of an aggravated
2 14 misdemeanor. A person who enters onto or into crop operation
2 15 property used to produce or handle a research crop is guilty
2 16 of the same offense. A person who enters onto or into other
2 17 crop operation property is guilty of a serious misdemeanor.
2 18 An aggravated misdemeanor is punishable by confinement for no
2 19 more than two years and a fine of at least \$500 but not more
2 20 than \$5,000. A serious misdemeanor is punishable by
2 21 confinement for no more than one year and a fine of at least

2 22 \$250 but not more than \$1,500.
2 23 LSB 6394HC 80
2 24 da/pj/5