

FEB 3 2005
NATURAL RESOURCES

HOUSE FILE 199
BY FALLON

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

A BILL FOR

1 An Act relating to the penalty for unlawfully buying or selling a
2 wild animal or part of a wild animal.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 199

1 Section 1. Section 481A.136, Code 2005, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3. Notwithstanding subsection 2, if a
4 person buys or sells a wild animal or part of a wild animal
5 without knowledge that the wild animal or part of the wild
6 animal is taken, transported, or possessed in violation of the
7 laws of this state, or a rule adopted by the department, and
8 the person has not previously violated subsection 1 as
9 determined by the department, the department shall notify the
10 person that a violation of subsection 1 has occurred and may
11 require that person to reimburse the state for the value of
12 the animal involved pursuant to section 481A.130 in lieu of
13 charging that person with a criminal offense. If the person
14 commits a further violation of subsection 1 within one year
15 after receiving such notification, the person shall also be
16 charged with a crime pursuant to subsection 2 for the initial
17 violation as well as any subsequent violations. Multiple
18 violations of subsection 1 that occur contemporaneously shall
19 be treated as one violation for the purposes of this
20 subsection.

21 EXPLANATION

22 This bill provides that if a person buys or sells a wild
23 animal or part of a wild animal without knowledge that the
24 wild animal is taken, transported, or possessed in violation
25 of law, and the department determines that the person has not
26 previously violated this provision, the department shall
27 notify that person that a violation has occurred and may
28 require the person to reimburse the state for the value of the
29 animal involved pursuant to Code section 481A.130 in lieu of
30 charging the person with a serious misdemeanor. If the person
31 commits a further such violation within one year after
32 receiving such notification, the person shall also be charged
33 with a crime for the initial violation as well as any
34 subsequent violations. Multiple violations that occur
35 contemporaneously are treated as one violation for the

1 purposes of this subsection.

2 A serious misdemeanor is punishable by confinement for no
3 more than one year and a fine of at least \$250 but not more
4 than \$1,500.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35