

FEB 24 2006
Place On Calendar

HOUSE FILE 2545
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 453)

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

A BILL FOR

1 An Act relating to trespassing, including the authority of the
2 department of natural resources to suspend or revoke hunting,
3 fishing, or trapping licenses for trespass violations while
4 deer hunting, and providing penalties.

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

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HF 2545

1 Section 1. Section 481A.130, subsection 1, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 In addition to the penalties for violations of this chapter
4 and chapters 350, 461A, 481B, and 482, or for committing
5 trespass as defined in section 716.7 while hunting deer, other
6 than farm deer as defined in section 170.1, a person convicted
7 of unlawfully selling, taking, catching, killing, injuring,
8 destroying, or having in possession any animal, shall
9 reimburse the state for the value of such as follows:

10 Sec. 2. Section 481A.134, Code 2005, is amended to read as
11 follows:

12 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE LICENSE
13 -- POINT SYSTEM.

14 The department shall establish rules pursuant to chapter
15 17A providing for the suspension or revocation of licenses
16 issued by the department. The rules may include procedures
17 for summary cancellation of a license based on documentation
18 that the licensee failed to pay the applicable fee for the
19 license. For purposes of determining when to suspend or
20 revoke a license issued by the department under this section,
21 the department shall adopt a point system pursuant to chapter
22 17A for the purpose of weighing the seriousness of violations
23 of the provisions of this chapter or chapter 481B, 482, 483A,
24 484A, or 484B, or of committing trespass as defined in section
25 716.7 while hunting deer, other than farm deer as defined in
26 section 170.1. The weighted scale may be amended from time to
27 time as experience dictates.

28 Sec. 3. Section 481A.135, subsections 2, 3, and 4, Code
29 2005, are amended to read as follows:

30 2. A person who pleads guilty or is convicted of a
31 violation of any provision of this chapter or chapter 481B,
32 482, 483A, 484A, or 484B, or trespass as defined in section
33 716.7 while hunting deer, other than farm deer as defined in
34 section 170.1, while the person's license or licenses are
35 suspended or revoked is guilty of a simple misdemeanor if the

1 person has no other violations within the previous three years
2 which occurred while the person's license or licenses have
3 been suspended or revoked.

4 3. A person who pleads guilty or is convicted of a
5 violation of any provision of this chapter or chapter 481B,
6 482, 483A, 484A, or 484B, or trespass as defined in section
7 716.7 while hunting deer, other than farm deer as defined in
8 section 170.1, while the person's license or licenses are
9 suspended or revoked is guilty of a serious misdemeanor if the
10 person has one other violation within the previous three years
11 which occurred while the person's license or licenses have
12 been suspended or revoked.

13 4. A person who pleads guilty or is convicted of a
14 violation of any provision of this chapter or chapter 481B,
15 482, 483A, 484A, or 484B, or trespass as defined in section
16 716.7 while hunting deer, other than farm deer as defined in
17 section 170.1, while the person's license or licenses are
18 suspended or revoked is guilty of an aggravated misdemeanor
19 when the person has had two or more convictions within the
20 previous three years which occurred while the person's license
21 or licenses have been suspended or revoked.

22 Sec. 4. Section 716.7, subsection 2, paragraph a, Code
23 2005, is amended to read as follows:

24 a. Entering upon or in property without the express
25 permission of the owner, lessee, or person in lawful
26 possession with the intent to commit a public offense, to use,
27 remove therefrom, alter, damage, harass, or place thereon or
28 therein anything animate or inanimate, or to hunt, fish or
29 trap on or in the property, including the act of taking or
30 attempting to take a deer, other than a farm deer as defined
31 in section 170.1, which is on or in the property by a person
32 who is outside the property. This paragraph does not prohibit
33 the unarmed pursuit of game or ~~furbearing~~ fur-bearing animals
34 by a person who lawfully injured or killed the game or fur-
35 bearing animal which ~~come~~ comes to rest on or ~~escape~~ escapes

1 to the property of another.

2 Sec. 5. Section 716.8, Code 2005, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 5. A person who commits a trespass as
5 defined in section 716.7, subsection 2, paragraph "a", and
6 takes a deer, other than a farm deer as defined in section
7 170.1, shall also be subject to civil penalties as provided in
8 sections 481A.130 and 481A.131. A deer taken by a person
9 while committing such a trespass shall be subject to seizure
10 as provided in section 481A.12.

11 EXPLANATION

12 This bill authorizes the department of natural resources to
13 consider trespass violations committed while a person is
14 hunting deer, other than a farm deer as defined in Code
15 section 170.1, when determining civil penalties pursuant to
16 Code section 481A.130. The bill also allows the department to
17 include trespass violations in the point system used pursuant
18 to Code section 481A.134 to determine when licenses for such
19 activities should be suspended or revoked and in determining
20 penalties pursuant to Code section 481A.135 for repeat
21 offenders of hunting, fishing, and trapping laws who commit
22 additional violations while the person's license or licenses
23 are suspended or revoked. A person who is convicted of a
24 repeat offense while the person's license is suspended or
25 revoked is guilty of one of the following misdemeanors:

26 1. A simple misdemeanor if the person has no other
27 violations within the previous three years which occurred
28 while the person's license or licenses were suspended or
29 revoked. A simple misdemeanor is punishable by confinement
30 for no more than 30 days or a fine of at least \$50 but not
31 more than \$500 or by both.

32 2. A serious misdemeanor if the person has one other
33 violation within the previous three years which occurred while
34 the person's license or licenses were suspended or revoked. A
35 serious misdemeanor is punishable by confinement for no more

1 than one year and a fine of at least \$250 but not more than
2 \$1,500.

3 3. An aggravated misdemeanor when the person has had two
4 or more convictions within the previous three years which
5 occurred while the person's license or licenses were suspended
6 or revoked. An aggravated misdemeanor is punishable by
7 confinement for no more than two years and a fine of at least
8 \$500 but not more than \$5,000.

9 The bill amends Code section 716.7 defining "trespass" to
10 provide that trespass includes the act of taking or attempting
11 to take a deer, other than a farm deer as defined in Code
12 section 170.1, which is on or in the property of another by a
13 person who is outside the property. The bill also provides
14 that the unarmed pursuit of game or furbearing animals which
15 come to rest on or escape to the property of another by a
16 person who lawfully injured or killed the animal does not
17 constitute trespass.

18 The bill also provides that a person who commits trespass
19 as provided in the bill and takes a deer shall be subject to
20 civil penalties under Code sections 481A.130 and 481A.131 and
21 the deer taken shall be subject to seizure as provided in Code
22 section 481A.12.

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HOUSE FILE 2545

H-8161

1 Amend House File 2545 as follows:

2 1. Page 3, line 4, by striking the word "commits"
3 and inserting the following: "is convicted of".

By TJEPKES of Webster

J. R. VAN FOSSEN of Scott

R. OLSON of Polk

H-8161 FILED MARCH 9, 2006