

House File 2275 - Introduced

HOUSE FILE 2275
BY PALMER

A BILL FOR

1 An Act expanding the definition of criminal mischief in the
2 third degree, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.5, subsection 1, Code Supplement
2 2009, is amended by adding the following new paragraphs:

3 NEW PARAGRAPH. *f.* The person intentionally injures,
4 destroys, disturbs, or removes any marker placed on any tract
5 of land, street, or highway, designating any point, course, or
6 line on the boundary of the tract of land, street, or highway,
7 if the marker was placed at such location by a land surveyor
8 licensed under chapter 542B, or by any person directed by a
9 licensed land surveyor. A governmental entity and employees of
10 such an entity are exempt from prosecution under this paragraph
11 for projects performed pursuant to section 314.8. A licensed
12 land surveyor and persons under the direction of a licensed
13 land surveyor are also exempt from prosecution under this
14 paragraph for removing an existing marker in order to place an
15 upgraded or more suitable marker in the same location.

16 NEW PARAGRAPH. *g.* The person intentionally injures,
17 destroys, disturbs, or removes any monument that has been
18 established by the national geodetic survey, Iowa geodetic
19 survey, or any county geographic information system for use in
20 the determination of spatial location relative to the specified
21 Iowa state plane coordinate system or precise elevation datum.
22 A governmental entity and employees of such an entity are
23 exempt from prosecution under this paragraph for projects
24 performed pursuant to section 314.8.

25 EXPLANATION

26 This bill expands the definition of criminal mischief in the
27 third degree.

28 A person commits criminal mischief in the third degree
29 under the bill if the person intentionally injures, destroys,
30 disturbs, or removes any marker placed on any tract of land,
31 street, or highway, designating any point, course, or line on
32 the boundary of the tract of land, street, or highway, and the
33 marker was placed at such location by a licensed land surveyor,
34 or by any person directed by a licensed land surveyor. A
35 governmental entity and employees of such an entity are exempt

1 from prosecution under the bill for projects performed pursuant
2 to Code section 314.8, relating to preservation of government
3 markers in the course of highway construction. A licensed land
4 surveyor and persons under the direction of the surveyor are
5 also exempt from prosecution under the bill for removing an
6 existing marker in order to place an upgraded or more suitable
7 marker in the same location.

8 A person also commits criminal mischief in the third degree
9 under the bill if the person intentionally injures, destroys,
10 disturbs, or removes any monument that has been established
11 by the national geodetic survey, Iowa geodetic survey, or
12 any county geographic information system for use in the
13 determination of spatial location relative to the specified
14 Iowa state plane coordinate system or precise elevation datum.
15 A governmental entity and employees of such an entity are
16 exempt from prosecution under the bill for projects performed
17 pursuant to Code section 314.8.

18 A person who violates the bill commits an aggravated
19 misdemeanor. An aggravated misdemeanor is punishable by
20 confinement for no more than two years and a fine of at least
21 \$625 but not more than \$6,250.