

House File 519 - Introduced

HOUSE FILE 519

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 112)

A BILL FOR

1 An Act relating to the assessment of an agricultural theft
2 surcharge on criminal offenses involving the theft of crops
3 or livestock, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, subsection 135A, Code 2015, is
2 amended to read as follows:

3 135A. Assess the surcharges provided by sections 911.1,
4 911.2, 911.2A, 911.3, ~~and 911.4~~, and 911.5.

5 Sec. 2. Section 602.8108, subsection 2, Code 2015, is
6 amended to read as follows:

7 2. Except as otherwise provided, the clerk of the district
8 court shall report and submit to the state court administrator,
9 not later than the fifteenth day of each month, the fines and
10 fees received during the preceding calendar month. Except as
11 provided in subsections 3, 4, 5, 5A, 6, 8, 9, 10, and 11, the
12 state court administrator shall deposit the amounts received
13 with the treasurer of state for deposit in the general fund of
14 the state. The state court administrator shall report to the
15 legislative services agency within thirty days of the beginning
16 of each fiscal quarter the amount received during the previous
17 quarter in the account established under this section.

18 Sec. 3. Section 602.8108, Code 2015, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5A. The clerk of the district court
21 shall remit all moneys collected from the agricultural theft
22 surcharge as provided in section 911.5 to the department of
23 agriculture and land stewardship. The moneys are appropriated
24 to the department for purposes of supporting the department's
25 administrative, regulatory, and programmatic activities.

26 Sec. 4. Section 902.9, subsection 2, Code 2015, is amended
27 to read as follows:

28 2. The surcharges required by sections 911.1, 911.2,
29 911.2A, ~~and 911.3~~, and 911.5 shall be added to a fine imposed
30 on a class "C" or class "D" felon, as provided by those
31 sections, and are not a part of or subject to the maximums set
32 in this section.

33 Sec. 5. NEW SECTION. 911.5 **Agricultural theft surcharge.**

34 1. In addition to any other surcharge, the court or clerk of
35 the district court shall assess an agricultural theft surcharge

1 of two thousand five hundred dollars if an adjudication of
2 guilt or a deferred judgment has been entered for a criminal
3 violation under section 714.2, subsection 1 or 2, for theft of
4 any of the following:

5 a. A crop as defined in section 717A.1.

6 b. Livestock as defined in section 717.1.

7 2. The surcharge shall be remitted by the clerk of court as
8 provided in section 602.8108, subsection 5A.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 GENERAL. This bill requires that a person convicted of a
13 class "C" or class "D" felony for theft of livestock or a crop
14 be assessed an agricultural theft surcharge of \$2,500 which is
15 remitted to the department of agriculture and land stewardship.
16 The moneys are appropriated to the department for purposes of
17 supporting its administrative, regulatory, and programmatic
18 activities.

19 CROP OR LIVESTOCK. A crop is any plant maintained for its
20 parts or products having commercial value, including a plant
21 produced from an agricultural seed (Code section 199.1), or a
22 plant which is a tree, shrub, vine, berry plant, greenhouse
23 plant, or flower. Livestock is an animal belonging to the
24 bovine, caprine, equine, ovine, or porcine species, or an
25 ostrich, rhea, emus, farm deer, or poultry.

26 DEGREES OF THEFT. Generally, the theft of property
27 exceeding \$10,000 in value is a class "C" felony (Code section
28 714.2(1)) and punishable by confinement for no more than 10
29 years and a fine of at least \$1,000 but not more than \$10,000
30 and the theft of property exceeding \$1,000 but not exceeding
31 \$10,000 in value is a class "D" felony and punishable by
32 confinement for no more than five years and a fine of at least
33 \$750 but not more than \$7,500 (Code section 902.9(9)(1)).