

**House File 2431 - Introduced**

HOUSE FILE 2431

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 655)

**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 livestock, or honey bees, 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 2018, is  
2 amended to read as follows:

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

5 Sec. 2. Section 602.8108, Code 2018, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 5A. The clerk of the district court  
8 shall remit all moneys collected from the agricultural theft  
9 surcharge as provided in section 911.5 to the state court  
10 administrator. The moneys are appropriated to the judicial  
11 branch for purposes of supporting judicial branch operations.

12 Sec. 3. Section 902.9, subsection 2, Code 2018, is amended  
13 to read as follows:

14 2. The surcharges required by sections 911.1, 911.2,  
15 911.2A, and 911.3, and 911.5 shall be added to a fine imposed  
16 on a class "C" or class "D" felon, as provided by those  
17 sections, and are not a part of or subject to the maximums set  
18 in this section.

19 Sec. 4. NEW SECTION. **911.5 Agricultural theft surcharge.**

20 1. In addition to any other surcharge, the court or clerk of  
21 the district court shall assess an agricultural theft surcharge  
22 equal to thirty-five percent of the fine or forfeiture  
23 imposed, if an adjudication of guilt or a deferred judgment  
24 has been entered for a criminal violation under section 714.2,  
25 subsection 1 or 2, for theft of any of the following:

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

27 b. Livestock as defined in section 717.1.

28 c. (1) A colony or package as defined in section 160.1A,  
29 or a hive where bees are kept as described in section 160.5,  
30 if the department of agriculture and land stewardship is  
31 authorized by that chapter to inspect the colony, package, or  
32 hive or to regulate the movement of the colony, package, or  
33 hive.

34 (2) A queen bee that is part of a colony or is being moved  
35 to be part of a colony as described in subparagraph (1).

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

3 EXPLANATION

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

6 GENERAL. This bill requires that a person convicted of a  
7 class "C" or class "D" felony for theft of a crop, livestock,  
8 or honey bees be assessed an agricultural theft surcharge equal  
9 to 35 percent of the fine or forfeiture imposed. The moneys  
10 are remitted to the state court administrator and appropriated  
11 to the judicial branch for purposes of supporting judicial  
12 branch operations.

13 BACKGROUND — PROPERTY SUBJECT TO THEFT. A crop is any plant  
14 maintained for its parts or products having commercial value,  
15 including a plant produced from an agricultural seed (Code  
16 section 199.1), or a plant which is a tree, shrub, vine, berry  
17 plant, greenhouse plant, or flower. Livestock is an animal  
18 belonging to the bovine, caprine, equine, ovine, or porcine  
19 species, or an ostrich, rhea, emus, farm deer, or poultry.  
20 Honey bees are kept as a colony and enclosed in a container (or  
21 hive with moveable frames) with combs where worker bees and a  
22 queen bee reside. A honey bee may also be kept in a package  
23 during shipment.

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