HOUSE FILE 2487 BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 687)

## A BILL FOR

An Act relating to the assessment of an agricultural property
 offense surcharge on criminal offenses involving crops,
 livestock, or honey bees, and making an appropriation.
 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 <u>NEW SUBSECTION</u>. 5A. The clerk of the district court shall 8 remit all moneys collected from the agricultural property 9 offense surcharge as provided in section 911.5 to the state 10 court administrator. The moneys are appropriated to the 11 judicial branch for purposes of supporting judicial branch 12 operations.

13 Sec. 3. Section 902.9, subsection 2, Code 2018, is amended 14 to read as follows:

15 2. The surcharges required by sections 911.1, 911.2, 16 911.2A, and 911.3, and 911.5 shall be added to a fine imposed 17 on a class "C" or class "D" felon, as provided by those 18 sections, and are not a part of or subject to the maximums set 19 in this section.

20 Sec. 4. Section 903.1, subsection 4, Code 2018, is amended 21 to read as follows:

4. The surcharges required by sections 911.1, 911.2,
911.2A, 911.3, and 911.4, and 911.5 shall be added to a fine
imposed on a misdemeanant as provided in those sections,
and are not a part of or subject to the maximums set in this
section.

27 Sec. 5. <u>NEW SECTION</u>. 911.5 Agricultural property offense 28 surcharge.

I. In addition to any other surcharge, the court or clerk of the district court shall assess an agricultural property offense surcharge equal to thirty-five percent of the fine or forfeiture imposed, if an adjudication of guilt or a deferred judgment has been entered for a criminal offense for committing any of the following:

35 *a.* Theft of agricultural property under section 714.2,

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1 subsection 1, 2, or 3.

*b.* Criminal mischief under section 716.3, 716.4, or 716.5,
3 by damaging, defacing, altering, or destroying agricultural
4 property.

5 2. As used in this section, agricultural property means any 6 of the following:

7 *a.* A crop as defined in section 717A.1.

8 b. Livestock as defined in section 717.1.

9 c. (1) A colony or package as defined in section 160.1A, 10 or a hive where bees are kept as described in section 160.5, 11 if the department of agriculture and land stewardship is 12 authorized by that chapter to inspect the colony, package, or 13 hive or to regulate the movement of the colony, package, or 14 hive.

15 (2) A queen bee that is part of a colony or is being moved
16 to be part of a colony as described in subparagraph (1).
17 3. The surcharge shall be remitted by the clerk of the
18 district court as provided in section 602.8108, subsection 5A.
19 EXPLANATION

20The inclusion of this explanation does not constitute agreement with21the explanation's substance by the members of the general assembly.

GENERAL. This bill requires that a person convicted of a crime relating to agricultural property (agricultural property offense) is subject to surcharge (agricultural property offense surcharge) equal to 35 percent of the fine or forfeiture imposed by the court. The moneys are required to be remitted by the clerk of court to the state court administrator and are appropriated to the judicial branch for purposes of supporting judicial branch operations.

AGRICULTURAL PROPERTY OFFENSE. The agricultural property 31 offense must involve either: (1) the theft of agricultural 32 property or (2) criminal mischief for damaging, defacing, 33 altering, or destroying agricultural property. In addition, 34 it must be classified as a first degree offense (class "C" 35 felony), second degree offense (class "D" felony), or third

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1 degree offense (aggravated misdemeanor).

2 PROPERTY SUBJECT TO THEFT OR CRIMINAL MISCHIEF. The 3 agricultural property is limited to: (1) a crop, (2) 4 livestock, or (3) honey bees or associated items. A crop 5 is any plant maintained for its parts or products having 6 commercial value, including a plant produced from an 7 agricultural seed, or a plant which is a tree, shrub, vine, 8 berry plant, greenhouse plant, or flower. Livestock is an 9 animal belonging to the bovine, caprine, equine, ovine, or 10 porcine species, or an ostrich, rhea, emus, farm deer, or 11 poultry. Honey bees are kept as a colony and enclosed in a 12 container (or hive with moveable frames) with combs where 13 worker bees and a queen bee reside. A honey bee may also be 14 kept in a package during shipment.

DEGREES OF THEFT OR CRIMINAL MISCHIEF. The degree of the 15 16 offense for theft or criminal mischief, and its punishment, 17 corresponds to the dollar amount of the value of the property 18 subject to the offense. If the value exceeds \$10,000, the 19 offense is theft or criminal mischief in the first degree and 20 punishable as a class "C" felony with confinement for no more 21 than 10 years and a fine of at least \$1,000 but not more than 22 \$10,000 (for theft, see Code section 714.2(1) and for criminal 23 mischief, see Code section 716.3). If the value exceeds \$1,000 24 but does not exceed \$10,000, the offense is classified as theft 25 or criminal mischief in the second degree and punishable as a 26 class "D" felony with confinement for no more than five years 27 and a fine of at least \$750 but not more than \$7,500 (for theft, 28 see Code section 714.2(2) and for criminal mischief, see Code 29 section 716.4). If the value exceeds \$500 but does not exceed 30 \$1,000, the offense is classified as theft or criminal mischief 31 in the third degree and punishable as an aggravated misdemeanor 32 with confinement for no more than two years and a fine of 33 at least \$625 but not more than \$6,250 (for theft, see Code 34 section 714.2(3) and for criminal mischief, see Code section 35 716.5).

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