

**House File 315 - Introduced**

HOUSE FILE 315

BY SALMON, BAXTER, WHEELER,  
OSMUNDSON, and FISHER

**A BILL FOR**

1 An Act relating to the proper parties in an action, and  
2 providing penalties.

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

1 Section 1. NEW SECTION. 613.3 Actions — proper parties.

2 1. All parties to an action must be one of the following:

3 a. Human persons.

4 b. Entities legally recognized as persons under section 4.1,  
5 subsection 20.

6 2. A non-human person except for legal entities recognized  
7 as persons under section 4.1, subsection 20, shall not be a  
8 party or nominal party to an action, including but not limited  
9 to any of the following:

10 a. Animal.

11 b. Vegetable.

12 c. Mineral.

13 d. Topographic feature.

14 3. A person shall not claim to act as a representative for  
15 a party or class of parties not specifically authorized under  
16 subsection 1.

17 4. A court shall not have jurisdiction to adjudicate  
18 alleged rights of a party or class of parties not specifically  
19 authorized under subsection 1.

20 5. a. A person taking action in a court who purports  
21 to represent or act on behalf of any party who is barred by  
22 subsection 2 commits both a public offense and a contempt of  
23 court.

24 b. A person who violates paragraph "a" shall be punished in  
25 one of the following ways:

26 (1) By being held in contempt of court under section 665.4.

27 (2) Upon conviction, as a public offense. For the first  
28 offense, the person commits a serious misdemeanor. For the  
29 second offense, the person commits an aggravated misdemeanor.  
30 For the third or subsequent offense, the person commits a class  
31 "D" felony.

32 EXPLANATION

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

35 This bill relates to the proper parties in actions, by

1 providing that only persons may sue or be sued. The bill  
2 provides that all parties to an action must be either human  
3 persons or entities legally recognized as persons under Code  
4 section 4.1(20). The bill provides that a party to an action  
5 may not be a non-human, except for legal entities recognized  
6 as persons under Code section 4.1, subsection 20, including  
7 but not limited to an animal, a vegetable, a mineral, or a  
8 topographic feature. The bill provides that a person shall not  
9 claim to act as a party representative for a party or class of  
10 parties that are neither human persons nor entities legally  
11 recognized as persons under Code section 4.1(20). The bill  
12 provides that a court shall not have jurisdiction to adjudicate  
13 alleged rights of a party or class of parties that are neither  
14 human persons nor entities legally recognized as persons under  
15 Code section 4.1(20). The bill provides that a person taking  
16 action in a court who purports to represent or act on behalf  
17 of any party who is barred by the bill commits both a public  
18 offense and a contempt of court and shall be punished either  
19 by being held in contempt or, upon conviction, as a public  
20 offense. If it is the person's first offense, a violation is a  
21 serious misdemeanor; if it is the person's second offense, a  
22 violation is an aggravated misdemeanor; if it is the person's  
23 third or subsequent offense, a violation is a class "D" felony.

24 A serious misdemeanor is punishable by confinement for no  
25 more than one year and a fine of at least \$315 but not more than  
26 \$1,875. An aggravated misdemeanor is punishable by confinement  
27 for no more than two years and a fine of at least \$625 but  
28 not more than \$6,250. A class "D" felony is punishable by  
29 confinement for no more than five years and a fine of at least  
30 \$750 but not more than \$7,500.