

House File 553 - Introduced

HOUSE FILE 553

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 82)

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 honeybees, 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 2019, 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 2019, 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 court
11 technology and modernization fund established in subsection 9,
12 to be used for the purposes described in that subsection.

13 Sec. 3. Section 902.9, subsection 2, Code 2019, 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. NEW SECTION. **911.5 Agricultural theft surcharge.**

21 1. In addition to any other surcharge, the court or clerk of
22 the district court shall assess an agricultural theft surcharge
23 equal to five hundred dollars, if an adjudication of guilt or
24 a deferred judgment has been entered for a criminal violation
25 involving any of the following:

26 *a.* Theft of agricultural property under section 714.2,
27 subsection 1, 2, or 3.

28 *b.* Criminal mischief under section 716.3, 716.4, or 716.5,
29 by damaging, defacing, altering, or destroying agricultural
30 property.

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

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

34 *b.* Livestock as defined in section 717.1.

35 *c.* (1) A colony or package as defined in section 160.1A,

1 or a hive where bees are kept as described in section 160.5,
2 if the department of agriculture and land stewardship is
3 authorized by that chapter to inspect the colony, package, or
4 hive or to regulate the movement of the colony, package, or
5 hive.

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

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

10

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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GENERAL. This bill requires that a person convicted of a
14 class "C" felony, class "D" felony, or aggravated misdemeanor,
15 for an offense classified as theft or criminal mischief shall
16 be assessed an agricultural theft surcharge equal to \$500.
17 The moneys are remitted to the state court administrator and
18 appropriated to the court technology and modernization fund
19 for use by the judicial branch to enhance the ability of the
20 judicial branch to process cases more quickly and efficiently,
21 to electronically transmit information to state government,
22 local governments, law enforcement agencies, and the public,
23 and to improve public access to the court system (Code section
24 602.8108(9)).

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AGRICULTURAL PROPERTY SUBJECT TO THE SURCHARGE. The
26 surcharge is assessed again a crop which is any plant
27 maintained for its parts or products having commercial value,
28 including a plant produced from an agricultural seed (Code
29 section 199.1), or a plant which is a tree, shrub, vine, berry
30 plant, greenhouse plant, or flower. It is also assessed
31 against livestock which includes an animal belonging to the
32 bovine, caprine, equine, ovine, or porcine species, or an
33 ostrich, rhea, emus, farm deer, or poultry (Code section
34 717.1). Honeybees are kept as a colony and enclosed in a
35 container (or hive with movable frames) with combs where worker

1 bees and a queen bee reside (Code chapter 160).

2 DEGREES OF OFFENSE BASED ON VALUE OF THE PROPERTY.

3 Generally, the theft of or damage to property exceeding \$10,000
4 is a class "C" felony (for theft, Code section 714.2(1) and
5 for criminal mischief, Code section 716.3) and is punishable
6 by confinement for no more than 10 years and a fine of at
7 least \$1,000 but no more than \$10,000. The theft of property
8 exceeding \$1,000 but not exceeding \$10,000 is a class "D"
9 felony (for theft, Code section 714.2(2) and for criminal
10 mischief, Code section 716.4) and is punishable by confinement
11 for no more than five years and a fine of at least \$750 but no
12 more than \$7,500. The theft of or damage to property exceeding
13 \$500 but not exceeding \$1,000 is an aggravated misdemeanor (for
14 theft, Code section 714.2(3) and for criminal mischief, Code
15 section 714.2(3)) and is punishable by confinement for no more
16 than two years and a fine of at least \$625 but not more than
17 \$6,250.