

House File 566 - Introduced

HOUSE FILE 566

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 71)

A BILL FOR

1 An Act relating to criminal trespass while hunting, fishing, or
2 trapping, and providing penalties.

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

1 Section 1. Section 716.8, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. a. Any person who knowingly trespasses upon the
4 property of another commits a simple misdemeanor punishable
5 ~~as a scheduled violation under section 805.8C, subsection 11.~~
6 ~~A peace officer shall consider arresting and may arrest the~~
7 ~~person under section 805.9, subsection 3, paragraph "c", if~~
8 ~~the person refuses to leave the property after receiving a~~
9 ~~citation or immediately returns to the property after receiving~~
10 ~~a citation, or may arrest the person as otherwise provided~~
11 ~~under law.~~

12 b. Any person who knowingly trespasses upon the property of
13 another while hunting, fishing, or trapping commits a simple
14 misdemeanor punishable as a scheduled violation under section
15 805.8C, subsection 11. A person who commits a trespass while
16 hunting in the manner specified in subsection 5 may also be
17 subject to arrest and civil penalties as provided in subsection
18 5.

19 Sec. 2. Section 805.8C, subsection 11, Code 2019, is amended
20 to read as follows:

21 11. *Trespassing violations.* For trespasses punishable
22 under section 716.8, subsection 1, paragraph "b", or subsection
23 716.8, subsection 5, the scheduled fine is two hundred dollars
24 for a first violation, five hundred dollars for a second
25 violation, and one thousand dollars for a third or subsequent
26 violation.

27 EXPLANATION

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

30 This bill relates to criminal trespass while hunting,
31 fishing, or trapping and provides penalties and modifying
32 penalties.

33 Under current law, a person who knowingly trespasses
34 upon the property of another commits a simple misdemeanor,
35 punishable as a scheduled fine ranging from \$200 to \$1,000

1 dependent on whether the violation is a first, second, or
2 third violation. The bill strikes this penalty and provides
3 that a person who knowingly trespasses upon the property of
4 another commits a simple misdemeanor. A simple misdemeanor is
5 punishable by confinement for no more than 30 days or a fine of
6 at least \$65 but not more than \$625 or both. The bill strikes
7 language allowing a peace officer to arrest the person if the
8 person refuses to leave the property after receiving a citation
9 or if the person immediately returns to the property after
10 receiving a citation.

11 The bill provides that any person who knowingly trespasses
12 upon the property of another while hunting, fishing, or
13 trapping commits a simple misdemeanor punishable as a
14 scheduled fine of \$200 for a first violation, \$500 for a second
15 violation, and \$1,000 for a third or subsequent violation,
16 and also specifies that a person who commits a trespass while
17 hunting deer, other than farm deer or preserve whitetail, may
18 also be subject to arrest and civil penalties under current
19 law.