

House File 649 - Introduced

HOUSE FILE 649

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 236)

A BILL FOR

1 An Act relating to an offense involving trespass to
2 agricultural production facilities, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 717A.3B Agricultural production
2 facility trespass.

3 1. A person commits agricultural production facility
4 trespass if the person does any of the following:

5 a. Uses deception as described in section 702.9, subsection
6 1 or 2, on a matter that would reasonably result in a denial of
7 access to an agricultural production facility that is not open
8 to the public, and, through such deception, gains access to
9 the agricultural production facility, with the intent to cause
10 physical or economic harm or other injury to the agricultural
11 production facility's operations, agricultural animals, crop,
12 owner, personnel, equipment, building, premises, business
13 interest, or customer.

14 b. Uses deception as described in section 702.9, subsection
15 1 or 2, on a matter that would reasonably result in a denial
16 of an opportunity to be employed at an agricultural production
17 facility that is not open to the public, and, through such
18 deception, is so employed, with the intent to cause physical or
19 economic harm or other injury to the agricultural production
20 facility's operations, agricultural animals, crop, owner,
21 personnel, equipment, building, premises, business interest,
22 or customer.

23 2. A person who commits agricultural production facility
24 trespass is guilty of a serious misdemeanor for a first offense
25 and an aggravated misdemeanor for a second or subsequent
26 offense.

27 3. A person who conspires with another, as described in
28 section 706.1, to commit agricultural production facility
29 trespass is guilty of a serious misdemeanor for a first offense
30 and an aggravated misdemeanor for a second or subsequent
31 offense. For purposes of this subsection, a person commits
32 conspiracy to commit agricultural production facility trespass,
33 without regard to the limitation of criminal liability for
34 conspiracy otherwise applicable under section 706.1, subsection
35 1.

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EXPLANATION

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

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4 This bill amends Code chapter 717A, which provides that a
5 person who disrupts agricultural production at an agricultural
6 production facility (facility) is subject to criminal
7 prosecution. A facility is a location where agricultural
8 animals or crops are maintained, and includes related real
9 or personal property. The bill creates the criminal offense
10 of agricultural production facility trespass which involves
11 the use of deception to obtain access to a facility, which is
12 not open to the public, with the intent to cause physical or
13 economic harm or other injury to the facility's operations,
14 property, or persons. The offense also involves obtaining
15 employment with the agricultural production facility by
16 deception with the intent to cause physical or economic harm
17 or other injury to the facility's operations, property, or
18 persons.

19 A person who commits agricultural production facility
20 trespass is guilty of a serious misdemeanor for a first offense
21 and an aggravated misdemeanor for a second or subsequent
22 offense. The bill also expressly provides for the application
23 of the conspiracy statute. A person convicted of conspiracy
24 under the bill's provisions is guilty of a misdemeanor of the
25 same class as the underlying offense.

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