

**House Study Bill 71 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

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

26 EXPLANATION

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

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

32 Under current law, a person who knowingly trespasses  
33 upon the property of another commits a simple misdemeanor,  
34 punishable as a scheduled fine ranging from \$200 to \$1,000  
35 dependent on whether the violation is a first, second, or

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

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