

House Study Bill 82 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

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 judicial
11 branch for purposes of supporting judicial branch operations.

12 Sec. 3. Section 902.9, subsection 2, Code 2019, is amended
13 to read as follows:

14 2. The surcharges required by sections 911.1, 911.2,
15 911.2A, and 911.3, and 911.5 shall be added to a fine imposed
16 on a class "C" or class "D" felon, as provided by those
17 sections, and are not a part of or subject to the maximums set
18 in this section.

19 Sec. 4. NEW SECTION. **911.5 Agricultural theft surcharge.**

20 1. In addition to any other surcharge, the court or clerk of
21 the district court shall assess an agricultural theft surcharge
22 equal to thirty-five percent of the fine or forfeiture
23 imposed, if an adjudication of guilt or a deferred judgment
24 has been entered for a criminal violation under section 714.2,
25 subsection 1 or 2, for theft of any of the following:

26 a. A crop as defined in section 717A.1.

27 b. Livestock as defined in section 717.1.

28 c. (1) A colony or package as defined in section 160.1A,
29 or a hive where bees are kept as described in section 160.5,
30 if the department of agriculture and land stewardship is
31 authorized by that chapter to inspect the colony, package, or
32 hive or to regulate the movement of the colony, package, or
33 hive.

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

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

3 EXPLANATION

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

6 GENERAL. This bill requires that a person convicted of a
7 class "C" or class "D" felony for theft of a crop, livestock,
8 or honeybees be assessed an agricultural theft surcharge equal
9 to 35 percent of the fine or forfeiture imposed. The moneys
10 are remitted to the state court administrator and appropriated
11 to the judicial branch for purposes of supporting judicial
12 branch operations.

13 BACKGROUND — PROPERTY SUBJECT TO THEFT. A crop is any plant
14 maintained for its parts or products having commercial value,
15 including a plant produced from an agricultural seed (Code
16 section 199.1), or a plant which is a tree, shrub, vine, berry
17 plant, greenhouse plant, or flower. Livestock is an animal
18 belonging to the bovine, caprine, equine, ovine, or porcine
19 species, or an ostrich, rhea, emus, farm deer, or poultry.
20 Honeybees are kept as a colony and enclosed in a container (or
21 hive with moveable frames) with combs where worker bees and a
22 queen bee reside. A honeybee may also be kept in a package
23 during shipment.

24 DEGREES OF THEFT. Generally, the theft of property
25 exceeding \$10,000 in value is a class "C" felony (Code section
26 714.2(1)) and punishable by confinement for no more than 10
27 years and a fine of at least \$1,000 but not more than \$10,000
28 and the theft of property exceeding \$1,000 but not exceeding
29 \$10,000 in value is a class "D" felony and punishable by
30 confinement for no more than five years and a fine of at least
31 \$750 but not more than \$7,500 (Code section 714.2(2)).