

Senate File 286 - Introduced

SENATE FILE 286
BY CHAPMAN and BEHN

A BILL FOR

1 An Act prohibiting persons from intentionally blocking the
2 movement of traffic on certain highways, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 318.6A Intentional blocking
2 of traffic on certain highways prohibited — penalties —
3 exceptions.

4 1. A person shall not loiter, or place or cause to be placed
5 any obstruction as discussed in section 318.3, on the traveled
6 portion of the right-of-way of a highway with a speed limit
7 of fifty-five miles per hour or more with the intention of
8 blocking the normal and reasonable movement of motor vehicle
9 traffic.

10 2. a. A person who commits a first violation of subsection
11 1 is guilty of a serious misdemeanor. A person who commits a
12 second or subsequent violation of subsection 1 is guilty of a
13 class "D" felony. A punishment imposed under this paragraph
14 shall be in lieu of any punishment imposed under section 318.6,
15 subsection 1. However, section 318.6, subsection 2, to the
16 extent practicable, shall apply to a punishment imposed under
17 this section.

18 b. A person charged with a violation of subsection 1
19 is subject to prosecution by the county attorney in the
20 county where the highway is located. However, if the county
21 attorney fails to initiate prosecution within thirty days, the
22 attorney general may initiate and carry out the prosecution in
23 cooperation, if possible, with the county attorney.

24 3. This section does not apply to a person who blocks
25 the movement of traffic for the purpose of obtaining law
26 enforcement, medical, or mechanical assistance. This section
27 also does not apply to a person who is a peace officer or
28 emergency responder, who is engaged in highway construction
29 or maintenance, or who is an employee of a federal, state, or
30 local government, if the person is acting within the scope of
31 the person's duties.

32

EXPLANATION

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

35 Under current law, a person is prohibited from placing

1 an obstruction in the highway right-of-way, including the
2 traveled portion of the roadway. A person who violates this
3 provision is subject to an injunction and guilty of creating a
4 public nuisance, an aggravated misdemeanor. Any obstruction
5 is subject to removal.

6 This bill prohibits a person from loitering, or placing or
7 causing to be placed any obstruction, on the traveled portion
8 of the right-of-way of a highway with a speed limit of 55 miles
9 per hour or more with the intention of blocking the normal and
10 reasonable movement of motor vehicle traffic.

11 A person who commits a first violation of the provisions
12 of the bill is guilty of a serious misdemeanor. A serious
13 misdemeanor is punishable by confinement for no more than one
14 year and a fine of at least \$315 but not more than \$1,875. A
15 person who commits a second or subsequent violation of the
16 provisions of the bill is guilty of a class "D" felony. A class
17 "D" felony is punishable by confinement for no more than five
18 years and a fine of at least \$750 but not more than \$7,500. A
19 punishment imposed under the bill is in lieu of any punishment
20 imposed for creating a public nuisance under current law. To
21 the extent practicable, a court may order that the obstruction
22 be abated or removed at the expense of the person. The costs
23 for abatement or removal of the obstruction may be entered as a
24 personal judgment against the person or assessed against the
25 property where the obstruction occurred, or both.

26 A person charged with a violation of the provisions of the
27 bill is subject to prosecution by the county attorney in the
28 county where the highway is located. However, if the county
29 attorney fails to initiate prosecution within 30 days, the
30 attorney general may initiate and carry out the prosecution in
31 cooperation, if possible, with the county attorney.

32 The bill does not apply to a person who blocks the movement
33 of traffic for the purpose of obtaining law enforcement,
34 medical, or mechanical assistance. In addition, the
35 bill does not apply to a person who is a peace officer or

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1 emergency responder, who is engaged in highway construction
2 or maintenance, or who is an employee of a federal, state, or
3 local government, if the person is acting within the scope of
4 the person's duties.