

House File 2259 - Introduced

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A BILL FOR

1 An Act establishing the criminal offense of looting, and
2 providing penalties.

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

1 Section 1. NEW SECTION. 714.2B Looting.

2 1. For purposes of this section, "looting" means the
3 intentional entry without authorization of any dwelling, place
4 of business, vehicle, watercraft, building, plant, or other
5 structure, moveable or immovable, by a person, acting in joint
6 criminal conduct, as defined in section 703.2, with another
7 person or any group of persons and the person obtains, exerts
8 control over, damages, or removes the property of another
9 without authorization.

10 2. The looting of property exceeding ten thousand dollars in
11 value, by any one person or all persons engaged in the looting
12 of the property, or the looting of any property not exceeding
13 ten thousand dollars in value by one person who has once before
14 been convicted of looting in the first or second degree, or
15 any looting that involves a dangerous weapon, is looting in
16 the first degree. Looting in the first degree is a class "C"
17 felony punishable by all of the following:

18 a. Commitment to the custody of the director of the
19 department of corrections for an indeterminate term not to
20 exceed ten years, with a mandatory minimum term of five years.

21 b. Assessment of a minimum fine of one thousand dollars and
22 a maximum fine of ten thousand dollars.

23 3. The looting of property exceeding one thousand dollars
24 in value but not exceeding ten thousand dollars in value, by
25 any one person or all persons engaged in the looting of the
26 property, or the looting of any property not exceeding one
27 thousand dollars in value by one person who has once before
28 been convicted of looting in the third degree, is looting in
29 the second degree. Looting in the second degree is a class "D"
30 felony punishable by all of the following:

31 a. Commitment to the custody of the director of the
32 department of corrections for an indeterminate term not to
33 exceed five years, with a mandatory minimum term of one and
34 one-half years.

35 b. Assessment of a minimum fine of six hundred fifty dollars

1 and a maximum fine of seven thousand five hundred dollars.

2 4. The looting of property not exceeding one thousand
3 dollars in value, by any one person or all persons engaged in
4 the looting of the property, is looting in the third degree.
5 Looting in the third degree is an aggravated misdemeanor
6 punishable by all of the following:

7 a. Commitment to the custody of the director of the
8 department of corrections for an indeterminate term not to
9 exceed two years, with a mandatory minimum term of six months.

10 b. Assessment of a minimum fine of five hundred seventy
11 dollars and a maximum fine of six thousand two hundred fifty
12 dollars.

13 5. A person whose business or property is directly or
14 indirectly injured by conduct constituting a violation of this
15 section may bring a civil action against any person involved
16 in the violation, and may recover up to threefold the actual
17 damages sustained and costs and expenses including reasonable
18 attorney fees. Each person exerting control over, damaging, or
19 removing the property of another shall be jointly and severally
20 liable for any such injury.

21

EXPLANATION

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

24 This bill establishes the criminal offense of looting.

25 The bill defines "looting" as the intentional entry without
26 authorization of any dwelling, place of business, vehicle,
27 watercraft, building, plant, or other structure, moveable or
28 immovable, by a person, acting in joint criminal conduct,
29 as defined in Code section 703.2, with another person or
30 any group of persons and the person obtains, exerts control
31 over, damages, or removes the property of another without
32 authorization. Joint criminal conduct occurs when two or more
33 persons act in concert and knowingly participate in a public
34 offense, and for which each is responsible for the acts of the
35 other done in furtherance of the commission of the offense or

1 escape therefrom, and each person's guilt will be the same as
2 that of the person so acting.

3 The bill provides that the looting of property exceeding
4 \$10,000 in value, by any one person or all persons engaged in
5 the looting of the property, or the looting of any property not
6 exceeding \$10,000 in value by one person who has once before
7 been convicted of looting in the first or second degree, or
8 any looting that involves a dangerous weapon, is looting in
9 the first degree. Looting in the first degree is a class "C"
10 felony punishable by an indeterminate term of confinement not
11 to exceed 10 years, with a mandatory minimum term of five
12 years, and the assessment of a minimum fine of \$1,000 and a
13 maximum fine of \$10,000.

14 The bill provides that the looting of property exceeding
15 \$1,000 in value but not exceeding \$10,000 in value, by any one
16 person or all persons engaged in the looting of the property,
17 or the looting of any property not exceeding \$1,000 in value
18 by one person who has once before been convicted of looting in
19 the third degree, is looting in the second degree. Looting
20 in the second degree is a class "D" felony punishable by an
21 indeterminate term of confinement not to exceed five years,
22 with a mandatory minimum term of one and one-half years, and
23 the assessment of a minimum fine of \$650 and a maximum fine of
24 \$7,500.

25 The bill provides that the looting of property not exceeding
26 \$1,000 in value, by any one person or all persons engaged in
27 the looting of the property, is looting in the third degree.
28 Looting in the third degree is an aggravated misdemeanor
29 punishable by an indeterminate term of confinement not to
30 exceed two years, with a mandatory minimum term of six months,
31 and the assessment of a minimum fine of \$570 and a maximum fine
32 of \$6,250.

33 The bill provides that a person whose business or property
34 is directly or indirectly injured by looting may bring a civil
35 action against any person involved in the violation, and may

1 recover up to threefold the actual damages sustained and costs
2 and expenses including reasonable attorney fees. Each person
3 exerting control over, damaging, or removing the property of
4 another shall be jointly and severally liable for any such
5 injury.