

Senate File 2101 - Reprinted

SENATE FILE 2101
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2002)

(As Amended and Passed by the Senate March 7, 2018)

A BILL FOR

1 An Act relating to purple marks or caps on top of trees or
2 posts to indicate that unlawful entry constitutes criminal
3 trespass and making penalties applicable.

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

1 Section 1. Section 716.7, subsection 2, paragraph a,
2 subparagraph (2), Code 2018, is amended by adding the following
3 new subparagraph division:

4 NEW SUBPARAGRAPH DIVISION. (c) (i) Identifying purple
5 marks or caps have been placed on trees or posts around the
6 area where entry is forbidden. Each purple mark must be either
7 of the following:

8 (A) A vertical line on a tree of at least eight inches in
9 length and the bottom of the mark must be no less than three
10 feet and no more than five feet above the ground. Such marks
11 must be placed no more than one hundred feet apart and must be
12 readily visible to any person approaching the property.

13 (B) A fence post capped or otherwise marked on at least
14 the post's top two inches. Posts so capped or marked must
15 be placed no more than one hundred feet apart and must be
16 readily visible to any person approaching the property. Prior
17 to applying a cap or mark which is visible from and could
18 reasonably be construed to apply to property on both sides of a
19 fence shared by different property owners, lessees, or others
20 in lawful possession, an owner, lessee, or other person in
21 lawful possession shall concur in the decision to apply a cap
22 or mark to the fence.

23 (ii) (A) This subparagraph division (c) shall not be
24 construed to authorize an owner, lessee, or other person in
25 lawful possession of any property to place any purple marks or
26 caps on any tree or post or to install any post or fence if
27 doing so would violate any applicable law.

28 (B) This subparagraph division (c) does not apply to real
29 property located in a city.

30 (C) This subparagraph division (c) does not apply to the
31 persons described in section 716.7, subsection 3, paragraphs
32 "a" through "e".

33 (D) Prior to July 1, 2019, notice provided by the method
34 described in this subparagraph division (c) is not valid or
35 enforceable. This subparagraph part is repealed July 1, 2023.

1 Sec. 2. DISSEMINATION OF INFORMATION REGARDING MARKING
2 PROCEDURES. The departments of agriculture and land
3 stewardship and natural resources shall conduct an information
4 campaign for the public concerning the implementation and
5 interpretation of section 716.7, subsection 2, paragraph
6 "a", subparagraph (2), subparagraph division (c). The
7 information provided shall inform the public about the
8 marking requirements, including information regarding the
9 size requirements of the markings as well as the manner
10 in which the markings must be placed. The departments of
11 agriculture and land stewardship and natural resources shall
12 also include information in the campaign that, prior to
13 July 1, 2019, any owner, lessee, or other person in lawful
14 possession who chooses to place purple markings or caps on
15 such person's property, must comply with one of the other
16 notice requirements listed in section 716.7, subsection 2,
17 paragraph "a", subparagraph (2), to meet the definition of
18 trespass. The departments of agriculture and land stewardship
19 and natural resources may prepare a brochure, disseminate the
20 information through agency internet sites, or collaborate with
21 nongovernmental organizations to assist in the dissemination
22 of the information.