HOUSE FILE 775
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 78)

(As Amended and Passed by the House March 23, 2021)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act concerning unauthorized entry or access, including [placement or use of a camera or electronic surveillance device while trespassing,] unauthorized gathering of samples of certain materials relating to animals and animal feeding operations, and providing penalties.

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

Section 1. NEW SECTION. **716.14 Unauthorized sampling.**

1. As used in this section, unless the context otherwise requires:

a. "Agricultural animal" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer as defined in section 170.1; ostriches, rheas, and emus; turkeys, chickens, domestic geese or ducks, or other domestic fowl; fish or other aquatic organisms confined in private waters for human consumption; or honey bees.

b. "Agricultural crop" means a plant produced for food, animal feed, fiber, oil, or fuel if the plant is classified as a forage or cereal plant, including but not limited to alfalfa, barley, buckwheat, corn, flax, forage, hemp as defined in section 204.2, millet, oats, popcorn, rye, sorghum, soybeans, sunflowers, wheat, and grasses used for forage or silage. A plant which is a noxious weed pursuant to section 317.1A shall not be considered not an agricultural crop unless the plant is produced as a research crop.

c. (1) *"Convicted"* means the entry of a judgment of conviction under chapter 901 or adjudicated delinquent for an act which is an indictable offense in this state or in another state under chapter 232.

(2) *"Convicted"* does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

2. A person commits unauthorized sampling, if the person knowingly enters private property, without consent of the owner or any other person having real or apparent authority to grant consent, and obtains samples of any of the following:

a. Bodily fluids or substances from an agricultural animal.

b. Any product from an agricultural animal.

c. Soil, air, surface water, or ground water from land or structures used for the production of an agricultural animal or the production of an agricultural crop.

3. A person who commits unauthorized sampling as provided in

subsection 2 is guilty of an aggravated misdemeanor.

4. Notwithstanding subsection 3, a person who commits unauthorized sampling as provided in subsection 2 is guilty of a class "D" felony if the person has previously been convicted of committing unauthorized sampling under subsection 2.

* [Sec. 2. NEW SECTION. **727.8A Cameras or electronic surveillance devices — trespass.**

A person committing a trespass as defined in section 716.7 who knowingly places or uses a camera or electronic surveillance device that transmits or records images or data while the device is on the trespassed property commits an aggravated misdemeanor for a first offense and a class D felony for a second or subsequent offense.]