

Sec. 205. NEW SECTION. 10B.5 USE OF REPORTS.

1. The secretary of state shall notify the attorney general when the secretary of state has reason to believe a violation of this chapter has occurred.

2. Information provided in reports required in this chapter shall be made available to members of the general assembly and appropriate committees of the general assembly in order to determine the extent that agricultural land is held in this state by corporations and other business and foreign entities and the effect of such land ownership upon the economy of this state. The secretary of state shall assist any committee of the general assembly studying these issues.

Sec. 206. NEW SECTION. 10B.6 PENALTIES.

1. The failure to timely file a report or the filing of false information in a report as provided in section 10B.4 is punishable by a civil penalty not to exceed one thousand dollars.

2. The secretary of state shall notify a reporting entity which the secretary of state has reason to believe is required to file a report and who has not filed a timely report, that the person may be in violation of section 10B.4. The secretary of state shall include in the notice a statement of the penalty which may be assessed if the required report is not filed within thirty days. The secretary of state shall refer to the attorney general any reporting entity which the secretary of state has reason to believe is required to report if, after thirty days from receipt of the notice, the reporting entity has not filed the required report. The attorney general may, upon referral from the secretary of state, file an action in district court to seek the assessment of a civil penalty of one hundred dollars for each day the report is not filed.

Sec. 207. SUSPENSION OF REPORTING REQUIREMENTS.

1. A person required to file a report with the secretary of state pursuant to this chapter is not required to file a report with the secretary of state pursuant to section 9H.5A or 501.103, subsection 3, or section 567.8.

2. This section is repealed on July 1, 2000.

DIVISION III
EFFECTIVE DATE

Sec. 301. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 16, 1998

CHAPTER 1111
FORCIBLE FELON LIABILITY
H.F. 2336

AN ACT relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 670A.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Act" means an act as defined under section 702.2.

2. "Convicted" means a finding of guilt, irrespective of imposition or execution of any

sentence; a final and valid admission of guilt or a guilty plea; an entry of judgment of conviction; an adjudication of delinquency; a plea of guilty to a delinquency petition; the entry into an informal adjustment agreement or an agreement to the entry of a consent decree regarding a delinquent act.

3. "Course of criminal conduct" means an act which when committed constitutes a crime and includes any acts of a victim in defending or attempting to defend against the crime.

4. "Crime" means a forcible felony as defined under section 702.11.

5. "Perpetrator" means a person who has committed the acts constituting a crime and includes a person who has been convicted of a crime and any person who jointly participates or aids and abets in the commission of a crime.

6. "Victim" means a person who is the object of a course of criminal conduct and also includes persons who provide reasonable assistance to or who defend another person who is exposed to or has suffered serious injury at the time of or immediately after the commission of a crime.

Sec. 2. NEW SECTION. 670A.2 PERPETRATOR LIABILITY.

1. A perpetrator assumes the risk of and is liable for any loss, injury, or death which results from or arises out of the perpetrator's course of criminal conduct. A crime victim is not liable for any damages caused by any acts of the victim in defending or attempting to defend against the crime if the victim used reasonable force when committing the acts. A perpetrator's assumption of risk and liability does not eliminate a victim's duty to protect against any conditions which the victim knows or has reason to know may create an unreasonable risk of harm. This section shall not apply to perpetrators who, because of mental illness or defect, are incapable of knowing the nature and quality of their acts or are incapable of distinguishing between right and wrong in relation to those acts.

2. For purposes of this section, a certified copy of a guilty plea, an order entering a judgment of guilt, a court record of conviction or adjudication, an order adjudicating a child delinquent, or a record of an informal adjustment agreement shall be conclusive proof of a perpetrator's assumption of risk of and liability for any damage or harm caused to a victim.

3. In addition to any claim for damages, the court shall award a victim reasonable expenses, including attorney's fees and disbursements, which are incurred in the prosecution of the damages claim.

4. Except as necessary to preserve evidence, the court shall stay any action for damages under this section during the pendency of any criminal action which pertains to the course of criminal conduct which forms the basis for a claim for relief under this section.

Approved April 16, 1998