

### 716.8 Penalties.

1. Any person who knowingly trespasses upon the property of another commits a simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 12](#). A peace officer shall consider arresting and may arrest the person under [section 805.9, subsection 3](#), paragraph “c”, if the person refuses to leave the property after receiving a citation or immediately returns to the property after receiving a citation, or may arrest the person as otherwise provided under law.

2. Any person committing a trespass as defined in [section 716.7](#), other than a trespass as defined in [section 716.7, subsection 2](#), paragraph “a”, subparagraph (6), which results in injury to any person or damage in an amount more than three hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

3. A person who knowingly trespasses on the property of another with the intent to commit a hate crime, as defined in [section 729A.2](#), commits a serious misdemeanor.

4. A person committing a trespass as defined in [section 716.7](#) with the intent to commit a hate crime which results in injury to any person or damage in an amount more than three hundred dollars to anything, animate or inanimate, located thereon or therein commits an aggravated misdemeanor.

5. A person who commits a trespass while hunting deer, other than a farm deer as defined in [section 170.1](#) or preserve whitetail as defined in [section 484C.1](#), commits a simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 12](#). A peace officer shall consider arresting and may arrest the person under [section 805.9, subsection 3](#), paragraph “c”, if the person refuses to leave the property after receiving a citation or immediately returns to the property after receiving a citation, or may arrest the person as otherwise provided under law. The person shall also be subject to civil penalties as provided in [sections 481A.130 and 481A.131](#). A deer taken by a person while committing such a trespass shall be subject to seizure as provided in [section 481A.12](#).

6. Any person who commits a trespass as defined in [section 716.7, subsection 2](#), paragraph “a”, subparagraph (6), commits a class “D” felony.

7. Any person who commits a trespass as defined in [section 716.7, subsection 2](#), paragraph “a”, subparagraph (7), commits a serious misdemeanor.

8. *a.* For a first offense, a person who commits food operation trespass as provided in [section 716.7A](#) is guilty of an aggravated misdemeanor.

*b.* For a second or subsequent offense, a person who commits food operation trespass as provided in [section 716.7A](#) is guilty of a class “D” felony.

[C73, 75, 77, §729.2, 729.3; C79, 81, §716.8]

92 Acts, ch 1157, §6; 99 Acts, ch 153, §15, 16; 2007 Acts, ch 28, §21; 2008 Acts, ch 1161, §21; 2011 Acts, ch 51, §6, 7; 2013 Acts, ch 90, §253; 2016 Acts, ch 1082, §5; 2017 Acts, ch 140, §2, 3; 2018 Acts, ch 1026, §175; 2019 Acts, ch 140, §22; 2020 Acts, ch 1036, §18, 19

Referred to in §29A.42, 232.2, 648.1A, 729A.2, 805.8C(12), 901C.3

Section not amended; internal reference changes applied