

Senate File 519 - Introduced

SENATE FILE 519
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1227)

A BILL FOR

- 1 An Act relating to an offense involving trespass to
- 2 agricultural production facilities, providing penalties, and
- 3 including effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 717A.3B Agricultural production
2 facility trespass.

3 1. A person commits agricultural production facility
4 trespass if the person does any of the following:

5 a. Uses deception as described in section 702.9, subsection
6 1 or 2, on a matter that would reasonably result in a denial of
7 access to an agricultural production facility that is not open
8 to the public, and, through such deception, gains access to
9 the agricultural production facility, with the intent to cause
10 physical or economic harm or other injury to the agricultural
11 production facility's operations, agricultural animals, crop,
12 owner, personnel, equipment, building, premises, business
13 interest, or customer.

14 b. Uses deception as described in section 702.9, subsection
15 1 or 2, on a matter that would reasonably result in a denial
16 of an opportunity to be employed at an agricultural production
17 facility that is not open to the public, and, through such
18 deception, is so employed, with the intent to cause physical or
19 economic harm or other injury to the agricultural production
20 facility's operations, agricultural animals, crop, owner,
21 personnel, equipment, building, premises, business interest,
22 or customer.

23 2. A person who commits agricultural production facility
24 trespass is guilty of a serious misdemeanor for a first offense
25 and an aggravated misdemeanor for a second or subsequent
26 offense.

27 3. A person who conspires with another, as described in
28 section 706.1, to commit agricultural production facility
29 trespass is guilty of a serious misdemeanor for a first offense
30 and an aggravated misdemeanor for a second or subsequent
31 offense. For purposes of this subsection, a person commits
32 conspiracy to commit agricultural production facility trespass,
33 without regard to the limitation of criminal liability for
34 conspiracy otherwise applicable under section 706.1, subsection
35 1.

1 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
2 importance, takes effect upon enactment.

EXPLANATION

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

6 This bill amends Code chapter 717A, which provides that a
7 person who disrupts agricultural production at an agricultural
8 production facility (facility) is subject to criminal
9 prosecution. A facility is a location where agricultural
10 animals or crops are maintained, and includes related real
11 or personal property. The bill creates the criminal offense
12 of agricultural production facility trespass which involves
13 the use of deception to obtain access to a facility, which is
14 not open to the public, with the intent to cause physical or
15 economic harm or other injury to the facility's operations,
16 property, or persons. The offense also involves obtaining
17 employment with the agricultural production facility by
18 deception with the intent to cause physical or economic harm
19 or other injury to the facility's operations, property, or
20 persons.

21 A person who commits agricultural production facility
22 trespass is guilty of a serious misdemeanor for a first offense
23 and an aggravated misdemeanor for a second or subsequent
24 offense. The bill also expressly provides for the application
25 of the conspiracy statute. A person convicted of conspiracy
26 under the bill's provisions is guilty of a misdemeanor of the
27 same class as the underlying offense.

28 A serious misdemeanor is punishable by confinement for no
29 more than one year and a fine of at least \$315 but not more than
30 \$1,875. An aggravated misdemeanor is punishable by confinement
31 for no more than two years and a fine of at least \$625 but not
32 more than \$6,250.

33 The bill takes effect upon enactment.