

2/14/01 Do Pass
2/14/01 Referred to Ways & Means

JAN 24 2001

NATURAL RESOURCES

HOUSE FILE 95

BY DOTZLER, WEIDMAN and
HUSEMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the time of possession of deer venison,
2 increasing the minimum fine for unlawful taking, possessing,
3 injuring, or transporting protected species and game, and
4 subjecting violators to a penalty.

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

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HF 95

1 Section 1. Section 481A.32, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 Whoever shall take, catch, kill, injure, destroy, have in
4 possession, buy, sell, ship, or transport any frogs, fish,
5 mussels, birds, their nests, eggs, or plumage, fowls, game, or
6 animals or their fur or raw pelt in violation of the
7 provisions of this chapter or of administrative rules of the
8 commission or whoever shall use any device, equipment, seine,
9 trap, net, tackle, firearm, drug, poison, explosive, or other
10 substance or means, the use of which is prohibited by this
11 chapter, or use the same at a time, place, or in a manner or
12 for a purpose prohibited, or do any other act in violation of
13 the provisions of this chapter or of administrative rules of
14 the commission for which no other punishment is provided, is
15 guilty of a simple misdemeanor and shall be assessed a minimum
16 fine of ten fifty dollars for each offense.

17 Sec. 2. Section 481A.57, Code 2001, is amended to read as
18 follows:

19 481A.57 POSSESSION AND STORAGE.

20 A person having lawful possession of game or fur-bearing
21 animals or their pelts, except deer venison, may hold them for
22 not to exceed thirty days after the close of the open season
23 for such game or furbearers. A person having lawful
24 possession of deer venison which is taken with a valid deer
25 hunting license, may hold the deer venison from the date of
26 taking until the following September 1. From September 1
27 until the first day of the next deer open season for which the
28 person holds a valid deer hunting license, the person shall
29 not possess more than twenty-five pounds of deer venison. Any
30 person may possess up to twenty-five pounds of deer venison if
31 the deer was obtained from a lawful source. A permit to hold
32 for a longer period may be granted by the department.

33 Sec. 3. Section 805.8, subsection 5, paragraph e, Code
34 2001, is amended to read as follows:

35 e. For violations of sections 481A.57, 481A.85, 481A.93,

1 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and
2 483A.42, the scheduled fine is one hundred dollars.

3 EXPLANATION

4 This bill extends the 30-day limit during which a person
5 having lawful possession of deer venison may hold the deer
6 venison without a special permit. This bill authorizes the
7 person having lawful possession of deer venison to hold the
8 deer venison from the date of taking until the following
9 September 1. From September 1 until the first day of the next
10 deer open season for which the person holds a valid deer
11 hunting license, the person shall not possess more than 25
12 pounds of deer venison.

13 The bill also provides that any person may possess up to 25
14 pounds of deer venison if the deer was obtained from a lawful
15 source.

16 A person having unlawful possession of deer venison is
17 guilty of a simple misdemeanor which is punishable by a
18 scheduled fine of \$100.

19 The bill also raises the minimum fine for illegally taking,
20 destroying, injuring, possessing, or transporting game or
21 taking game or fish by illegal devices or equipment in
22 violation of Code chapter 481A or rules adopted under Code
23 chapter 481A from \$10 to \$50.

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**HOUSE FILE 95
FISCAL NOTE**

The estimate for **House File 95** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 95 extends the time for lawful possession of deer venison. The Bill specifies a person possessing unlawful deer venison is guilty of a simple misdemeanor. The Bill raises the fine for the illegal taking of fish and game from \$10 to \$50.

ASSUMPTIONS

1. There were six convictions for illegal taking of fish and game during FY 2000.
2. There were three convictions for illegal possession of deer venison during FY 2000.
3. The median cost for attorney time and paralegal time per case is \$200 for a simple misdemeanor. Court costs for a simple misdemeanor range from \$50 to \$500. A simple misdemeanant may serve up to 30 days in a residential Community-Based Correctional program, however, it is unlikely.

CORRECTIONAL IMPACT

House File 95 is expected to have a minimal correctional impact.

FISCAL IMPACT

House File 95 is expected to have a minimal impact on revenues to the General Fund.

SOURCES

Department of Natural Resources
Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1776hh, DFK)

FILED MARCH 26, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR