

FEB 1 2006  
SUDICARY

HOUSE FILE 2228  
BY MCCARTHY, BAUDLER,  
and J.R. VAN FOSSEN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the criminal offense of criminal trespass, and  
2 providing a penalty.

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

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HF 2228

1 Section 1. Section 716.8, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. Any person upon a third or subsequent  
4 conviction of subsection 1 commits a serious misdemeanor.  
5 Convictions or the equivalent of deferred judgments for  
6 violations in any other states under statutes substantially  
7 corresponding to this section shall be counted as previous  
8 convictions. The courts shall judicially notice the statutes  
9 of other states which define offenses substantially equivalent  
10 to the offense defined in section 716.7 and subsection 1 and  
11 can therefore be considered corresponding statutes. Each  
12 previous violation on which conviction or deferral of judgment  
13 was entered prior to the date of the violation charged shall  
14 be considered and counted as a separate previous conviction.

15 EXPLANATION

16 This bill relates to the criminal offense of criminal  
17 trespass.

18 The bill makes a third or subsequent conviction for  
19 knowingly trespassing on the property of another a serious  
20 misdemeanor. Current law provides that knowingly trespassing  
21 on the property of another is a simple misdemeanor.

22 "Trespass" is defined in Code section 716.7.

23 A simple misdemeanor is punishable by confinement for no  
24 more than 30 days or a fine of at least \$50 but not more than  
25 \$500 or by both. A serious misdemeanor is punishable by  
26 confinement for no more than one year and a fine of at least  
27 \$250 but not more than \$1,500.

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