



IOWA HOUSE DEMOCRATS

BILL SUMMARY

Agricultural Facility Trespass HF 649

Status of Bill: House Calendar
Committee: Agriculture (21-2)
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Lead Democrat: Rep. Bearinger
Floor Manager: Rep. Klein

Background

In 2012 legislation was passed targeting fraudulent access to agricultural production facilities. The legislation, often called “Ag-gag”, stated that individuals who lie to gain access or employment at a farm operation, with an intent to take action not authorized by the owner, could be charged with a serious misdemeanor, potentially carrying a year of jail time.

The ACLU challenged the law, which was found to be unconstitutional as it violated free-speech protections. The state argued the restrictions on speech put in place by the law are permissible because they protected biosecurity and private property rights. Judge James Gritzner ruled those concerns weren't enough to outweigh First Amendment protections. He wrote that Iowa already has laws that protect private property and address biosecurity concerns, making the ag-gag state's law unnecessary. The state is appealing the decision.

Similar laws have been struck down in Idaho, Utah and Wyoming

Summary

HF 649 creates a new criminal offense of agricultural production facility trespass. Under the legislation, a person commits agricultural production facility trespass if they use deception in a manner that would reasonably result in the denial of access to a facility not open to the public, and with that deception, gains access or employment with the intent to cause physical or economic harm or other injury to the operations, animals, crop, owner, personnel, equipment, building, premises, business interest, or customer.

Individuals who commit agricultural production facility trespass are guilty of a serious misdemeanor for the first offense and an aggravated misdemeanor for the a second or subsequent offense. A serious misdemeanor is punishable by no more than one year in jail and a fine of at \$315 but not more that \$1,875. An aggravated misdemeanor is punishable by no more than two years in jail and a fine of at least \$625 but not more than \$6,250.