

Senate Amendment 5004

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1 1 Amend House File 589, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 717A.1, Code 2011, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 2A. "Agricultural production
1 8 facility" means an animal facility as defined in
1 9 subsection 4, paragraph "a", or a crop operation
1 10 property.
1 11 Sec. 2. NEW SECTION. 717A.3A Agricultural
1 12 production facility fraud.
1 13 1. A person is guilty of agricultural production
1 14 facility fraud if the person willfully does any of the
1 15 following:
1 16 a. Obtains access to an agricultural production
1 17 facility by false pretenses.
1 18 b. Makes a false statement or representation as
1 19 part of an application or agreement to be employed
1 20 at an agricultural production facility, if the
1 21 person knows the statement to be false, and makes
1 22 the statement with an intent to commit an act not
1 23 authorized by the owner of the agricultural production
1 24 facility, knowing that the act is not authorized.
1 25 2. A person who commits agricultural production
1 26 facility fraud under subsection 1 is guilty of the
1 27 following:
1 28 a. For the first conviction, a serious misdemeanor.
1 29 b. For a second or subsequent conviction, an
1 30 aggravated misdemeanor.
1 31 3. a. A person who conspires to commit
1 32 agricultural production facility fraud under subsection
1 33 1 is subject to the provisions of chapter 706. A
1 34 person who aids and abets in the commission of
1 35 agricultural production facility fraud under subsection
1 36 1 is subject to the provisions of chapter 703. When
1 37 two or more persons, acting in concert, knowingly
1 38 participate in committing agricultural production
1 39 facility fraud under subsection 1, each person is
1 40 responsible for the acts of the other person as
1 41 provided in section 703.2. A person who has knowledge
1 42 that agricultural production facility fraud under
1 43 subsection 1 has been committed and that a certain
1 44 person committed it, and who does not stand in the
1 45 relation of husband or wife to the person committing
1 46 the agricultural production facility fraud under
1 47 subsection 1, and who harbors, aids, or conceals
1 48 the person committing the agricultural production
1 49 facility fraud under subsection 1, with the intent to
1 50 prevent the apprehension of the person committing the
2 1 agricultural production facility fraud under subsection
2 2 1, is subject to section 703.3.
2 3 b. A trial information or an indictment relating to
2 4 agricultural production facility fraud under subsection

2 5 1 need not contain allegations of vicarious liability
2 6 as provided in chapter 703.
2 7 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
2 8 deemed of immediate importance, takes effect upon
2 9 enactment.>
2 10 #2. Title page, line 1, by striking <offenses> and
2 11 inserting <an offense>
2 12 #3. Title page, line 2, by striking <penalties and
2 13 remedies> and inserting <penalties, and including
2 14 effective date provisions>

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