

2. A person commits a class "D" felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of sixteen, the person entices away a minor under the age of sixteen, or entices away or attempts to entice a person reasonably believed to be under the age of sixteen.

~~3. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice away a minor under the age of sixteen, or attempts to entice away a person reasonably believed to be under the age of sixteen.~~

~~4. A person's intent to commit a violation of this section may be inferred when the person is not known to the person being enticed away and the person does not have the permission of the parent, guardian, or custodian to contact the person being enticed away.~~

3. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices a person reasonably believed to be under the age of sixteen.

4. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice a person reasonably believed to be under the age of sixteen. A person convicted under this subsection shall not be subject to the registration requirements under chapter 692A unless the finder of fact determines that the illegal act was sexually motivated.

5. A person shall not be convicted of a violation of this section unless the person commits an overt act evidencing a purpose to entice.

5. 6. For purposes of determining jurisdiction under section 803.1, an offense is considered committed in this state if the communication to entice away a minor or attempt to entice a person believed to be a minor who is present in this state originates from another state, or the communication to entice away a minor or attempt to entice a person believed to be a minor is sent from this state.

Approved April 12, 2010

CHAPTER 1130

CRIMINAL MISCHIEF AND APPEARANCE BONDS IN CRIMINAL PROCEEDINGS

H.F. 2473

AN ACT relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 716.6, subsection 1, Code Supplement 2009, is amended to read as follows:

1. a. Criminal mischief is criminal mischief in the fourth degree if ~~the~~ any of the following apply:

(1) The cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars.

(2) The person intentionally injures, destroys, disturbs, or removes any monument, as defined in section 355.1, placed on any tract of land, street, or highway, designating any point, course, or line on the boundary of the tract of land, street, or highway, if the monument was placed at such location by a land surveyor licensed under chapter 542B, or by any person directed by a licensed land surveyor. A governmental entity and employees of such an entity are exempt from prosecution under this subparagraph for projects performed pursuant to section 314.8. A licensed land surveyor and persons under the direction of a licensed land surveyor are also exempt from prosecution under this subparagraph for

removing an existing monument in order to place an upgraded or more suitable monument in the same location.

(3) The person intentionally injures, destroys, disturbs, or removes any monument that has been established by the national geodetic survey, Iowa geodetic survey, or any county geographic information system for use in the determination of spatial location relative to the specified Iowa state plane coordinate system or precise elevation datum. A governmental entity and employees of such an entity are exempt from prosecution under this subparagraph for projects performed pursuant to section 314.8.

b. Criminal mischief in the fourth degree is a serious misdemeanor.

Sec. 2. Section 811.9, Code Supplement 2009, is amended to read as follows:

811.9 Forfeiture of appearance bond.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside unless a conviction for a scheduled violation under chapter 321 was set aside under the procedures established in section 321.200A, or upon a showing of good cause after the filing of a motion within ninety days of entry of the judgment, for mistake, inadvertence, surprise, excusable neglect, or unavoidable casualty.

Approved April 12, 2010

CHAPTER 1131

MEDICAL OR OSTEOPATHIC PHYSICIAN AND PHYSICIAN ASSISTANT LIMITED LIABILITY COMPANIES OR CORPORATIONS

S.F. 153

AN ACT to allow medical or osteopathic physicians, and physician assistants to form limited liability companies or professional corporations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 490A.1501, subsection 4, Code 2009, is amended to read as follows:

4. “*Profession*” means the profession of certified public accountancy, architecture, chiropractic, dentistry, physical therapy, practice as a physician assistant, psychology, professional engineering, land surveying, landscape architecture, law, medicine and surgery, optometry, osteopathic medicine and surgery, accounting practitioner, podiatry, real estate brokerage, speech pathology, audiology, veterinary medicine, pharmacy, nursing, and marriage and family therapy, provided that the marriage and family therapist is licensed under chapters 147 and 154D.

Sec. 2. Section 490A.1502, Code 2009, is amended to read as follows:

490A.1502 Purposes and powers.

1. A professional limited liability company shall be organized only for the purpose of engaging in the practice of one specific profession, or two or more specific professions which could lawfully be practiced in combination by a licensed individual or a partnership of licensed individuals, and for the additional purpose of doing all lawful things which may be incidental to or necessary or convenient in connection with the practice of the profession or professions. The articles of organization of a professional limited liability company shall state in substance that the purposes for which the professional limited liability company is