

CHAPTER 102

CRIMINAL OFFENSES AGAINST MINORS — SEXUAL ABUSE OR EXPLOITATION BY ADULTS PROVIDING TRAINING OR INSTRUCTION — STATUTES OF LIMITATIONS

S.F. 562

AN ACT relating to sexual exploitation by an adult providing training or instruction and statute of limitations time periods for certain criminal offenses committed on or with minors, and providing penalties and including effective date provisions.

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

DIVISION I

SEXUAL EXPLOITATION BY AN ADULT PROVIDING TRAINING OR INSTRUCTION

Section 1. [Section 614.1, subsection 12](#), Code 2021, is amended to read as follows:

12. Sexual abuse or sexual exploitation by a counselor, therapist, ~~or school employee~~, or adult providing training or instruction. An action for damages for injury suffered as a result of sexual abuse, as defined in [section 709.1](#), by a counselor, therapist, ~~or school employee~~, or adult providing training or instruction, as defined in [section 709.15](#), or as a result of sexual exploitation by a counselor, therapist, ~~or school employee~~, or adult providing training or instruction shall be brought within five years of the date the victim was last treated by the counselor or therapist, or within five years of the date the victim was last enrolled in or attended the school.

Sec. 2. [Section 692A.102, subsection 1](#), paragraph b, subparagraph (11), Code 2021, is amended to read as follows:

(11) Sexual exploitation by a counselor, therapist, ~~or school employee~~, or adult providing training or instruction in violation of [section 709.15](#), if the victim is thirteen years of age or older.

Sec. 3. [Section 692A.102, subsection 1](#), paragraph c, subparagraph (28), Code 2021, is amended to read as follows:

(28) Sexual exploitation by a counselor, therapist, ~~or school employee~~, or adult providing training or instruction in violation of [section 709.15](#), if the child is under thirteen years of age.

Sec. 4. [Section 702.11, subsection 2](#), paragraph d, Code 2021, is amended to read as follows:

d. Sexual exploitation by a counselor, therapist, ~~or school employee~~, or adult providing training or instruction in violation of [section 709.15](#).

Sec. 5. [Section 709.15, subsection 1](#), Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. “Adult providing training or instruction” means an adult who is not a school employee who provides paid training or instruction to a minor outside of a school setting. For purposes of this paragraph, “adult” is a person age eighteen years or older who is four or more years older than the minor receiving training or instruction.

Sec. 6. [Section 709.15](#), Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Sexual exploitation by an adult providing training or instruction occurs when any of the following are found:

(1) A pattern or practice or scheme of conduct to engage in any of the conduct described in subparagraph (2).

(2) Any sexual conduct with a minor for the purpose of arousing or satisfying the sexual desires of the adult providing training or instruction or of the minor. Sexual conduct includes but is not limited to the following:

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals.

(c) A sex act as defined in [section 702.17](#).

b. Sexual exploitation by an adult providing training or instruction does not include touching that is necessary in the performance of the adult's duties while providing training or instruction.

c. [This subsection](#) only applies to an offense under subparagraph (1) ¹ which occurs within the period of time the adult providing training or instruction is receiving payment for the training or instruction and to an offense under subparagraph (2) ² which occurs within the period of time the adult providing training or instruction is receiving payment for the training or instruction or within thirty days after any such period of training or instruction.

Sec. 7. [Section 709.15](#), Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. a. An adult providing training or instruction who commits sexual exploitation in violation of [subsection 3A](#), paragraph "a", subparagraph (1), commits a class "D" felony.

b. An adult providing training or instruction who commits sexual exploitation in violation of [subsection 3A](#), paragraph "a", subparagraph (2), commits an aggravated misdemeanor.

DIVISION II STATUTE OF LIMITATIONS — CRIMINAL OFFENSES — MINORS

Sec. 8. [Section 802.2, subsections 1 and 2](#), Code 2021, are amended to read as follows:

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years ~~shall may be found within fifteen years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ commenced at any time after the commission of the offense.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found commenced within ten years after its commission, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found commenced within three years from the date the person is identified by the person's DNA profile, whichever is later.

Sec. 9. [Section 802.2A](#), Code 2021, is amended to read as follows:

802.2A Incest — sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction.

1. An information or indictment for incest under [section 726.2](#) committed on or with a person who is under the age of eighteen shall may be found ~~within fifteen years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other incest shall be found within ten years after its~~ commenced at any time after the commission of the offense.

2. An indictment or information for sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction, under [section 709.15](#) committed on or with a person who is under the age of eighteen shall may be found ~~within fifteen years after the person upon whom the offense is committed attains eighteen years of age~~ commenced at any time after the commission of the offense. ~~An information or indictment for any other sexual exploitation shall be found within ten years of the date the victim was last treated by the counselor or therapist, or within ten years of the date the victim was enrolled in or attended the school.~~

Sec. 10. [Section 802.2B](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

An information or indictment for the following offenses committed on or with a person who is under the age of eighteen years shall may be found ~~within ten years after the person~~

¹ According to Act, the phrase 'paragraph "a", subparagraph (1)' probably intended

² According to Act, the phrase 'paragraph "a", subparagraph (2)' probably intended

~~upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ commenced at any time after the commission of the offense:

Sec. 11. [Section 802.2D](#), Code 2021, is amended to read as follows:

802.2D Human trafficking.

An information or indictment for human trafficking in violation of [section 710A.2](#), committed on or with a person who is under the age of eighteen years ~~shall~~ may be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, ~~an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ commenced at any time after the commission of the offense.

Sec. 12. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 12, 2021