

Lubliner

JUDICIARY: Mann, Chair; Taylor and Small

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SENATE FILE 2140
BY TAYLOR and TIEDEN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to obscene material, and providing penalties.

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

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S.F. 2140

1 Section 1. LEGISLATIVE INTENT. It is the policy of the
2 legislature in enacting this Act to protect minors from the
3 psychological and physical damage caused by their viewing or
4 being used in obscene photographic representations. It is
5 therefore the intent of the legislature to penalize dissemina-
6 tion of obscene material to minors, and to penalize dissemina-
7 tion of obscene materials which are photographic
8 representations of minors, in order to protect the identity of
9 minors who are victimized by appearing in obscene photographic
10 representations and to protect minors from future involvement
11 in obscene photographic representations.

12 Sec. 2. Section 728.1, Code 1985, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 10. "Photographic representation" means
15 an original or reproduction of a film, videotape, photograph,
16 negative, or slide.

17 Sec. 3. Section 728.2, Code 1985, is amended to read as
18 follows:

19 728.2 DISSEMINATION AND EXHIBITION OF OBSCENE MATERIAL TO
20 MINORS.

21 Any A person, other than the parent or guardian of the
22 minor, who knowingly disseminates or exhibits obscene material
23 to a minor, including the exhibition of obscene material so
24 that it can be observed by a minor on or off the premises
25 where it is displayed, ~~is-guilty-of-a-public-offense-and-shall~~
26 ~~upon-conviction-be-guilty-of-a-serious-misdemeanor~~ commits a
27 class "D" felony.

28 Sec. 4. Section 728.3, Code 1985, is amended to read as
29 follows:

30 728.3 ADMITTING MINORS TO PREMISES WHERE OBSCENE MATERIAL
31 IS EXHIBITED.

32 1. A person who knowingly sells, gives, delivers, or
33 provides a minor who is not a child with a pass or admits the
34 minor to premises where obscene material is exhibited ~~is~~
35 ~~guilty-of-a-public-offense-and-upon-conviction-is-guilty-of-a~~

1 ~~serious-misdemeanor~~ commits an aggravated misdemeanor.

2 2. A person who knowingly sells, gives, delivers, or
3 provides a child with a pass or admits a child to a-premise
4 premises where obscene material is exhibited ~~is-guilty-of-a~~
5 ~~public-offense-and-upon-conviction-is-guilty-of-an-aggravated~~
6 misdemeanor commits a class "D" felony.

7 Sec. 5. Section 728.12, subsection 2, Code 1985 is amended
8 to read as follows:

9 2. A person commits a class ~~"B"~~ "C" felony when the person
10 knowingly promotes or possesses any material visually
11 depicting a live performance of a child engaging in a
12 prohibited sexual act or in the simulation of a prohibited
13 sexual act.

14 Sec. 6. NEW SECTION. 728.13 DISSEMINATION OF
15 PHOTOGRAPHIC REPRESENTATIONS OF MINORS.

16 1. A person who disseminates obscene material which is a
17 photographic representation of a minor, knowing or with reason
18 to know its content and character and that an actual minor is
19 an actor or photographic subject in it, commits a class "D"
20 felony.

21 2. This section does not apply to law enforcement
22 officers, court personnel, licensed physicians, licensed
23 psychologists, or attorneys in the performance of their
24 official duties.

25 EXPLANATION

26 This bill increases the penalties for dissemination of
27 obscene materials to minors and for admitting minors or
28 children to premises where obscene material is exhibited.

29 This bill also provides a definition for "photographic
30 representation" and creates the crime of dissemination of
31 photographic representations of minors (class "D" felony).

32 The bill also increases the penalty for the promotion of
33 material depicting a child engaging in a prohibited sexual
34 act, and includes possession of such material under the
35 application of the penalty.