

SENATE FILE 2083  
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FILED JAN 16 1990

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to sexual abuse law, including sexual  
2 exploitation by a counselor or therapist, and providing  
3 penalties.

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

5

S.F.

SENATE FILE 2083

S-5009

1 Amend Senate File 2083 as follows:  
2 1. Page 2, by inserting after line 8, the fol-  
3 lowing:  
4 "e. "Emotionally dependent" means an impairment of  
5 the former patient or former client in being able to  
6 withhold consent to a sexual act by the counselor or  
7 therapist, based upon the nature of the former  
8 patient's or former client's emotional condition and  
9 the nature of the assessment or treatment provided by  
10 the counselor or therapist, which impairment is known  
11 or should be known to the counselor or therapist."

By ELAINE SZYMONIAK

S-5009 FILED JANUARY 22, 1990

1 Section 1. Section 702.11, Code Supplement 1989, is  
2 amended to read as follows:

3 702.11 FORCIBLE FELONY.

4 A "forcible felony" is any felonious child endangerment,  
5 assault, murder, sexual abuse other than sexual abuse in the  
6 third degree committed between spouses or in violation of  
7 section 709.4, subsection 2, paragraph "c", subparagraph (4),  
8 sexual exploitation by a counselor or therapist in violation  
9 of section 709.15, kidnapping, robbery, arson in the first  
10 degree, or burglary in the first degree.

11 Sec. 2. NEW SECTION. 709.15 SEXUAL EXPLOITATION BY A  
12 COUNSELOR OR THERAPIST.

13 1. As used in this section:

14 a. "Counselor or therapist" means a physician,  
15 psychotherapist, psychologist, nurse, social worker, chemical  
16 dependency counselor, member of the clergy, or other person  
17 whether or not licensed by the state, who renders or purports  
18 to render psychotherapy, counseling, or other assessment or  
19 treatment involving any mental illness, symptom, or condition  
20 or emotional illness, symptom, or condition.

21 b. "Former patient or former client" means a person who  
22 received psychotherapy, counseling, or other assessment or  
23 treatment involving any mental illness, symptom, or condition  
24 or emotional illness, symptom, or condition from a counselor  
25 or therapist within two years of the violation or who after  
26 two years from the termination of treatment remains  
27 emotionally dependent on the counselor or therapist.

28 c. "Patient or client" means any person who receives  
29 psychotherapy, counseling, or other assessment or treatment  
30 concerning any mental illness, symptom, or condition or  
31 emotional illness, symptom, or condition from a counselor or  
32 therapist.

33 d. "Sexual exploitation" means any sexual contact by a  
34 counselor or therapist with a patient or client or former  
35 patient or former client for the purpose of arousing or

1 satisfying the sexual desires of a counselor or therapist or  
2 the patient, client, former patient, or former client, which  
3 shall include but is not limited to kissing; touching of the  
4 inner thigh, breast, groin, buttock, anus, pubes, or genitals  
5 or the touching of the clothing covering the inner thigh,  
6 breast, groin, buttock, anus, pubes, or genitals, a sex act as  
7 defined in section 702.17; or verbal suggestions of sexual  
8 involvement.

5007

9 2. It is unlawful for a counselor or therapist to engage  
10 in conduct which constitutes sexual exploitation as defined in  
11 subsection 1, with or without the consent of the patient or  
12 client or former patient or former client.

13 3. A person who violates this section commits a class "D"  
14 felony, except that any person who violates this section by  
15 conduct defined as a sex act under section 702.17 commits a  
16 class "C" felony.

17

EXPLANATION

18 This bill makes it unlawful and a forcible felony for  
19 certain persons who render or purport to render psychotherapy,  
20 counseling, or other assessment or treatment involving a  
21 mental or emotional illness, symptom, or condition to sexually  
22 exploit patients or clients or former patients or clients.

23 The bill also provides definitions for certain terms.

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