

902.14 Enhanced penalty — sexual abuse or lascivious acts with a child.

1. A person commits a class “A” felony if the person commits a second or subsequent offense involving any combination of the following offenses:

- a. Sexual abuse in the second degree in violation of section 709.3.
- b. Sexual abuse in the third degree in violation of section 709.4.
- c. Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph “a” or “b”.

2. In determining if a violation charged is a second or subsequent offense for purposes of criminal sentencing in this section, each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense, regardless of whether the previous offense occurred before, on, or after July 1, 2005. Convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to the offenses listed in subsection 1 shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses listed in subsection 1 and can therefore be considered corresponding statutes.

2005 Acts, ch 158, §38; 2013 Acts, ch 30, §260

[T] Subsection 1, paragraph c amended