

728.12 Sexual exploitation of a minor.

1. It shall be unlawful to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a minor to engage in a prohibited sexual act or in the simulation of a prohibited sexual act. A person must know, or have reason to know, or intend that the act or simulated act may be photographed, filmed, or otherwise preserved in a visual depiction. A person who commits a violation of [this subsection](#) commits a class “C” felony. Notwithstanding [section 902.9](#), the court may assess a fine of not more than fifty thousand dollars for each offense under [this subsection](#) in addition to imposing any other authorized sentence.

2. It shall be unlawful to knowingly promote any material visually depicting a live performance of a minor engaging in a prohibited sexual act or in the simulation of a prohibited sexual act. A person who commits a violation of [this subsection](#) commits a class “D” felony. Notwithstanding [section 902.9](#), the court may assess a fine of not more than twenty-five thousand dollars for each offense under [this subsection](#) in addition to imposing any other authorized sentence.

3. It shall be unlawful to knowingly purchase or possess a visual depiction of a minor engaging in a prohibited sexual act or the simulation of a prohibited sexual act. A visual depiction containing pictorial representations of different minors shall be prosecuted and punished as separate offenses for each pictorial representation of a different minor in the visual depiction. However, violations of [this subsection](#) involving multiple visual depictions of the same minor shall be prosecuted and punished as one offense. A person who commits a violation of [this subsection](#) commits an aggravated misdemeanor for a first offense and a class “D” felony for a second or subsequent offense. For purposes of [this subsection](#), an offense is considered a second or subsequent offense if, prior to the person’s having been convicted under [this subsection](#), any of the following apply:

a. The person has a prior conviction or deferred judgment under [this subsection](#).

b. The person has a prior conviction, deferred judgment, or the equivalent of a deferred judgment in another jurisdiction for an offense substantially similar to the offense defined in [this subsection](#). The court shall judicially notice the statutes of other states that define offenses substantially similar to the offense defined in [this subsection](#) and that therefore can be considered corresponding statutes.

4. [This section](#) does not apply to law enforcement officers, court personnel, licensed physicians, licensed psychologists, or attorneys in the performance of their official duties.

[C79, 81, §728.12]

[83 Acts, ch 167, §4; 86 Acts, ch 1176, §1 – 3; 89 Acts, ch 263, §3; 2001 Acts, ch 17, §4; 2003 Acts, ch 65, §1, 2; 2012 Acts, ch 1057, §7, 8](#)

Referred to in [§229A.2, §232.68, §692A.102, §802.2B, §901A.1, §903B.1, §903B.2, §903B.10, §915.36, §915.37](#)