

### 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 or a law enforcement officer or agent posing as 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 “B” 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 “C” 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. a. 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.

b. 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.

c. A person who commits a violation of [this subsection](#) commits a class “D” felony for a first offense and a class “C” felony for a second or subsequent offense.

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

e. Nothing in [this subsection](#) shall be construed to require proof of the actual identity of the identifiable minor.

f. For purposes of [this subsection](#), “visual depiction of a minor” includes any visual depiction that has been created, adapted, or modified to give the appearance that an identifiable minor is engaged in a prohibited sexual act or the simulation of a prohibited sexual act. An “identifiable minor” is a person who was a minor at the time the visual depiction was created, adapted, or modified, or whose image as a minor was used in creating, adapting, or modifying the visual depiction and is recognizable as an actual person by the person’s face, likeness, or other distinguishing features.

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; 2023 Acts, ch 74, §2; 2024 Acts, ch 1015, §1

Referred to in §229A.2, 232.68, 236A.2, 236A.18, 692A.102, 802.2B, 901A.1, 902.12, 903B.1, 903B.2, 903B.10, 907.3, 915.36, 915.37, 915.100

Subsection 3 amended