

House File 526

H-1237

1 Amend House File 526 as follows:

2 1. Page 1, lines 5 and 6, by striking <invasion of privacy>
3 and inserting <harassment>

4 2. Page 1, line 6, by striking <709.21, subsection 2 or 3>
5 and inserting <708.7, subsection 1, paragraph "a", subparagraph
6 (5)>

7 3. By striking page 1, line 7, through page 3, line 15, and
8 inserting:

9 <Sec. _____. Section 708.7, Code 2017, is amended to read as
10 follows:

11 **708.7 Harassment.**

12 1. *a.* A person commits harassment when, with intent to
13 intimidate, annoy, or alarm another person, the person does any
14 of the following:

15 (1) Communicates with another by telephone, telegraph,
16 writing, or via electronic communication without legitimate
17 purpose and in a manner likely to cause the other person
18 annoyance or harm.

19 (2) Places a simulated explosive or simulated incendiary
20 device in or near a building, vehicle, airplane, railroad
21 engine or railroad car, or boat occupied by another person.

22 (3) Orders merchandise or services in the name of another,
23 or to be delivered to another, without the other person's
24 knowledge or consent.

25 (4) Reports or causes to be reported false information to a
26 law enforcement authority implicating another in some criminal
27 activity, knowing that the information is false, or reports the
28 alleged occurrence of a criminal act, knowing the act did not
29 occur.

30 (5) Disseminates, publishes, distributes, posts, or
31 causes to be disseminated, published, distributed, or posted a
32 photograph or film showing another person in a state of full or
33 partial nudity or engaged in a sex act, knowing that the other
34 person has not consented to the dissemination, publication,
35 distribution, or posting.

1 *b.* A person commits harassment when the person, purposefully
2 and without legitimate purpose, has personal contact with
3 another person, with the intent to threaten, intimidate, or
4 alarm that other person. ~~As used in this section, unless~~
5 ~~the context otherwise requires, "personal contact" means an~~
6 ~~encounter in which two or more people are in visual or physical~~
7 ~~proximity to each other. "Personal contact" does not require~~
8 ~~a physical touching or oral communication, although it may~~
9 ~~include these types of contacts.~~

10 2. *a.* A person commits harassment in the first degree when
11 the person commits harassment involving a any of the following:

12 (1) A threat to commit a forcible felony, or commits.

13 (2) A violation of subsection 1, paragraph "a", subparagraph
14 (5).

15 (3) Commits harassment and has previously been convicted
16 of harassment three or more times under [this section](#) or any
17 similar statute during the preceding ten years.

18 *b.* Harassment in the first degree is an aggravated
19 misdemeanor.

20 3. *a.* A person commits harassment in the second degree
21 when the person commits harassment involving a threat to commit
22 bodily injury, or commits harassment and has previously been
23 convicted of harassment two times under [this section](#) or any
24 similar statute during the preceding ten years.

25 *b.* Harassment in the second degree is a serious misdemeanor.

26 4. *a.* Any other act of harassment is harassment in the
27 third degree.

28 *b.* Harassment in the third degree is a simple misdemeanor.

29 5. For purposes of determining whether or not the person
30 should register as a sex offender pursuant to the provisions
31 of [chapter 692A](#), the fact finder shall make a determination as
32 provided in [section 692A.126](#).

33 6. The following do not constitute harassment under
34 subsection 1, paragraph "a", subparagraph (5):

35 *a.* A photograph or film involving voluntary exposure by a

1 person in public or commercial settings.

2 b. Disclosures made in the public interest, including but
3 not limited to the reporting of unlawful conduct, disclosures
4 by law enforcement, news reporting, legal proceeding
5 disclosures, or medical treatment disclosures.

6 c. Disclosures by an interactive computer service of
7 information provided by another information content provider.

8 7. As used in this section, unless the context otherwise
9 requires:

10 a. "Full or partial nudity" means the showing of any part
11 of the human genitals or pubic area or buttocks, or any part
12 of the nipple of the breast of a female, with less than fully
13 opaque covering.

14 b. "Interactive computer service" means any information
15 service, system, or access software provider that provides or
16 enables computer access by multiple users to a computer server,
17 including specifically a service or system that provides access
18 to the internet and such a service or system operated or
19 offered by a library or educational institution.

20 c. "Information content provider" means any person or entity
21 that is responsible, in whole or in part, for the creation or
22 development of information provided through the internet or any
23 other interactive computer service.

24 d. "Personal contact" means an encounter in which two or
25 more people are in visual or physical proximity to each other.
26 "Personal contact" does not require a physical touching or oral
27 communication, although it may include these types of contacts.

28 e. "Photographs or films" means the making of any
29 photograph, motion picture film, videotape, or any other
30 recording or transmission of the image of a person.

31 f. "Sex act" means the same as defined in section 702.17.

32 Sec. ____. Section 709.21, subsection 1, paragraph a, Code
33 2017, is amended to read as follows:

34 a. The other person does not have knowledge about and
35 does not consent or is unable to consent to being viewed,

1 photographed, or filmed.>

2 4. Title page, line 1, after <offense of> by inserting

3 <harassment or>

4 5. By renumbering as necessary.

HEARTSILL of Marion