

Senate File 84

H-1170

1 Amend Senate File 84, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I  
4 SEXUAL EXPLOITATION OF A MINOR>

5 2. Page 4, after line 24 by inserting:

6 <DIVISION \_\_\_\_  
7 STALKING UTILIZING A TECHNOLOGICAL DEVICE

8 Sec. \_\_\_\_\_. Section 692A.102, subsection 1, paragraph a,  
9 subparagraph (6), subparagraph division (b), Code 2023, is  
10 amended to read as follows:

11 (b) Stalking in violation of [section 708.11](#), if a  
12 determination is made that the offense was sexually motivated  
13 pursuant to [section 692A.126](#), except a violation of section  
14 708.11, subsection 3, paragraph ~~"b"~~ "a", subparagraph (3), shall  
15 be classified a tier II offense as provided in paragraph ~~"b"~~.

16 Sec. \_\_\_\_\_. Section 692A.102, subsection 1, paragraph b,  
17 subparagraph (8), Code 2023, is amended to read as follows:

18 (8) Stalking in violation of [section 708.11, subsection 3](#),  
19 paragraph ~~"b"~~ "a", subparagraph (3), if a determination is made  
20 that the offense was sexually motivated pursuant to section  
21 692A.126.

22 Sec. \_\_\_\_\_. Section 708.11, subsection 1, paragraph b, Code  
23 2023, is amended to read as follows:

24 *b. "Course of conduct"* means repeatedly maintaining a visual  
25 or physical proximity to a person without legitimate purpose,  
26 repeatedly utilizing a technological device to locate, listen  
27 to, or watch a person without authorization or legitimate  
28 purpose, or repeatedly conveying oral or written threats,  
29 threats implied by conduct, or a combination thereof, directed  
30 at or toward a person.

31 Sec. \_\_\_\_\_. Section 708.11, subsection 1, Code 2023, is  
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. *e. "Technological device"* means any  
34 computer, cellular phone, smartphone, digital camera, video  
35 camera, audio recording device, global positioning device, or

1 other electronic device that can be used for creating, storing,  
2 or transmitting information in the form of electronic data.

3 Sec. \_\_\_\_\_. Section 708.11, subsection 3, Code 2023, is  
4 amended to read as follows:

5 3. *a.* A person who commits stalking in violation of this  
6 section commits a class "C" felony ~~for a third or subsequent~~  
7 ~~offense.~~ if any of the following apply:

8 (1) The person commits stalking while subject to  
9 restrictions contained in a criminal or civil protective  
10 order or injunction, or any other court order which prohibits  
11 contact between the person and the victim, or while subject to  
12 restrictions contained in a criminal or civil protective order  
13 or injunction, or any other court order which prohibits contact  
14 between the person and another person against whom the person  
15 has committed a public offense.

16 (2) The person commits stalking while in possession of a  
17 dangerous weapon, as defined in section 702.7.

18 (3) The person commits stalking by directing a course of  
19 conduct at a specific person who is under eighteen years of  
20 age.

21 (4) The person utilizes a technological device while  
22 committing stalking.

23 (5) For a third or subsequent offense.

24 ~~*b.* A person who commits stalking in violation of this~~  
25 ~~section commits a class "D" felony if any of the following~~  
26 ~~apply:~~

27 ~~(1) The person commits stalking while subject to~~  
28 ~~restrictions contained in a criminal or civil protective~~  
29 ~~order or injunction, or any other court order which prohibits~~  
30 ~~contact between the person and the victim, or while subject to~~  
31 ~~restrictions contained in a criminal or civil protective order~~  
32 ~~or injunction or other court order which prohibits contact~~  
33 ~~between the person and another person against whom the person~~  
34 ~~has committed a public offense.~~

35 ~~(2) The person commits stalking while in possession of a~~

1 ~~dangerous weapon, as defined in [section 702.7](#).~~

2 ~~(3) The person commits stalking by directing a course of~~  
3 ~~conduct at a specific person who is under eighteen years of~~  
4 ~~age.~~

5 ~~(4) The offense is a second offense.~~

6 b. A person who commits stalking in violation of this  
7 section commits a class "D" felony if the offense is a second  
8 offense which is not included in paragraph "a".

9 c. A person who commits stalking in violation of this  
10 section commits an aggravated misdemeanor if the offense is a  
11 first offense which is not included in paragraph ~~"b"~~ "a".>

12 3. Title page, by striking lines 1 and 2 and inserting <An  
13 Act relating to the criminal offenses of sexual exploitation of  
14 a minor and stalking committed while utilizing a technological  
15 device, and providing penalties.>

16 4. By renumbering, redesignating, and correcting internal  
17 references as necessary.

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P. THOMPSON of Boone