

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
CORRECTIONS BILL)

**A BILL FOR**

1 An Act raising the criminal penalties for the commission of  
2 sexual misconduct with offenders and juveniles.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.16, Code 2015, is amended to read as  
2 follows:

3 **709.16 Sexual misconduct with offenders and juveniles.**

4 1. a. An officer, employee, contractor, vendor, volunteer,  
5 or agent of the department of corrections, ~~or an officer,~~  
6 ~~employee, or agent of a judicial district department of~~  
7 ~~correctional services,~~ who engages in a sex act with an  
8 individual committed to the custody of the department of  
9 corrections ~~or a judicial district department of correctional~~  
10 ~~services~~ commits ~~an aggravated misdemeanor~~ a class "D" felony.

11 b. An officer, employee, or agent of a judicial district  
12 department of correctional services who engages in a sex act  
13 with an individual under supervision of a judicial district  
14 department of correctional services, with the knowledge the  
15 person is under supervision, commits a class "D" felony.

16 2. a. An officer, employee, contractor, vendor, volunteer,  
17 or agent of a juvenile placement facility who engages in a  
18 sex act with a juvenile placed at such facility commits ~~an~~  
19 ~~aggravated misdemeanor~~ a class "D" felony.

20 b. For purposes of this subsection, a "*juvenile placement*  
21 *facility*" means any of the following:

22 (1) A child foster care facility licensed under section  
23 237.4.

24 (2) Institutions controlled by the department of human  
25 services listed in section 218.1.

26 (3) Juvenile detention and juvenile shelter care homes  
27 approved under section 232.142.

28 (4) Psychiatric medical institutions for children licensed  
29 under chapter 135H.

30 (5) Facilities for the treatment of persons with  
31 substance-related disorders as defined in section 125.2.

32 3. An officer, employee, contractor, vendor, volunteer,  
33 or agent of a county who engages in a sex act with a prisoner  
34 incarcerated in a county jail commits ~~an aggravated misdemeanor~~  
35 a class "D" felony.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

3

4 This bill raises the criminal penalties for the commission  
5 of sexual misconduct with offenders and juveniles.

6 The bill raises the criminal penalty from an aggravated  
7 misdemeanor to a class "D" felony for an officer, employee,  
8 contractor, vendor, volunteer, or agent of the department of  
9 corrections who engages in a sex act with an inmate committed  
10 to the custody of the department of corrections.

11 The bill raises the criminal penalty from an aggravated  
12 misdemeanor to a class "D" felony for an officer, employee,  
13 or agent of a judicial district department of correctional  
14 services who engages in a sex act with an individual under  
15 supervision of a judicial district department, with the  
16 knowledge the person is under supervision.

17 The bill raises the criminal penalty from an aggravated  
18 misdemeanor to a class "D" felony for an officer, employee,  
19 contractor, vendor, volunteer, or agent of a juvenile placement  
20 facility who engages in a sex act with a juvenile placed at  
21 such a facility.

22 The bill also raises the criminal penalty from an aggravated  
23 misdemeanor to a class "D" felony for an officer, employee,  
24 contractor, vendor, volunteer, or agent of a county who engages  
25 in a sex act with a prisoner incarcerated in a county jail.

26 An aggravated misdemeanor is punishable by confinement for  
27 no more than two years and a fine of at least \$625 but not more  
28 than \$6,250. A class "D" felony is punishable by confinement  
29 for no more than five years and a fine of at least \$750 but not  
30 more than \$7,500.