

House File 526 - Enrolled

House File 526

AN ACT

RELATING TO THE CRIMINAL OFFENSE OF HARASSMENT OR INVASION  
OF PRIVACY, PROVIDING PENALTIES, AND MAKING PENALTIES  
APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 232.8, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The juvenile court shall have exclusive jurisdiction in a proceeding concerning a child under the age of eighteen alleged to have committed the offense of harassment in violation of section 708.7, subsection 1, paragraph "a", subparagraph (5).

Sec. 2. Section 708.7, Code 2017, is amended to read as follows:

**708.7 Harassment.**

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

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

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

(3) Orders merchandise or services in the name of another,

or to be delivered to another, without the other person's knowledge or consent.

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

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

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

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

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

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

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

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

3. *a.* A person commits harassment in the second degree when the person commits harassment involving a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times under this section or any similar statute during the preceding ten years.

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

4. *a.* Any other act of harassment is harassment in the

third degree.

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

5. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of [chapter 692A](#), the fact finder shall make a determination as provided in [section 692A.126](#). However, the fact finder shall not make a determination as provided in section 692A.126 regarding a juvenile convicted of a violation of subsection 1, paragraph "a", subparagraph (5), and the juvenile shall not be required to register as a sex offender with regard to the violation.

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

*a.* A photograph or film involving voluntary exposure by a person in public or commercial settings.

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

*c.* Disclosures by an interactive computer service of information provided by another information content provider, as those terms are defined in 47 U.S.C. §230.

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

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

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

*c.* "Photographs or films" means the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person.

*d.* "Sex act" means the same as defined in section 702.17.

Sec. 3. Section 709.21, subsection 1, paragraph a, Code 2017, is amended to read as follows:

*a.* ~~The other person does not have knowledge about and~~

does not consent or is unable to consent to being viewed,  
photographed, or filmed.

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LINDA UPMEYER  
Speaker of the House

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JACK WHITVER  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 526, Eighty-seventh General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2017

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TERRY E. BRANSTAD  
Governor