

JAN 31 1974

*Reprinted 2/29*

HOUSE FILE 1102

Judiciary & Law Enforcement  
 House File 1102  
 Knoke, Chairman  
 Hennessey  
 Rapp  
 Strothman  
 Crawford

*Pass  
 per 2205 2/14  
 Sen. Judd - Pass per  
 2793 4/17*

By KREAMER, COCHRAN, WYCKOFF, HUSAK,  
 MONROE, LIPPOLD, PELLETT, HOLDEN,  
 DUNTON, MILLER of Calhoun, MENDENHALL,  
 ROORDA, STROMER, WELLS, STROTHMAN,  
 BRANSTAD, TOFTE, FREEMAN, LOGUE,  
 PETERSON, JUNKER, READINGER, NORPEL,  
 FISHER of Greene, HARVEY, KISER,  
 DANKER, FISCHER of Grundy, CLARK of  
 Dubuque, HUTCHINS, WULFF, HENNESSEY,  
 STEPHENS, JORDAN, DUNLAP, BRINCK,  
 HARPER, STANLEY, McELROY, SCHROEDER,  
 BROCKETT, WELDEN, FULLERTON, DRAKE,  
 GRASSLEY, CRABB, WEST, BENNETT,  
 De JONG, BORTELL, DEN HERDER,  
 MENKE and ANDERSON

Passed House, Date 3-26-74 (1256) Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes 93 Nays 4 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the dissemination and exhibition of  
 2 obscene material to minors and providing a penalty.  
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:

3 1. "Obscene material" is any material which, taken as  
4 a whole, is patently offensive to the average citizen applying  
5 contemporary community standards, does not contain serious  
6 literary, scientific, political, or artistic value and appeals  
7 to prurient interest in:

8 a. Patently offensive representations or descriptions  
9 of ultimate sex acts, normal or perverted, actual or simulated.

10 b. Patently offensive representations or descriptions  
11 of masturbation, excretory functions, or lewd exhibitions  
12 of the genitals.

13 c. Sado-masochistic abuse.

14 2. "Material" means any book, magazine, newspaper or other  
15 printed or written material or any picture, drawing, photo-  
16 graph, motion picture, or other pictorial representation or  
17 any statue or other figure, or any recording, transcription  
18 or mechanical, chemical or electrical reproduction or any  
19 other articles, equipment, machines or materials.

20 3. "Disseminate" means to transfer possession, with or  
21 without consideration.

22 4. "Knowingly" means being aware of the character of the  
23 matter.

24 5. "Exhibit" means to show.

25 6. "Minor" means any person under the age of eighteen.

26 Sec. 2. NEW SECTION. DISSEMINATION AND EXHIBITION OF  
27 OBSCENITY TO MINORS. Any person who knowingly disseminates  
28 or exhibits obscenity to a minor is guilty of a public offense  
29 and shall upon conviction be imprisoned in the state peniten-  
30 tiary for not to exceed one year or be fined one thousand  
31 dollars or be subject to both such fine and imprisonment.

32 Sec. 3. NEW SECTION. ADMITTING MINORS TO PREMISES WHERE  
33 OBSCENITY IS EXHIBITED. Any person who knowingly sells,  
34 gives, delivers, or provides a minor with a pass or admits  
35 a minor to premises where obscenity is exhibited is guilty

1 of a public offense and shall upon conviction be imprisoned  
2 in the state penitentiary for not to exceed one year or be  
3 fined not to exceed one thousand dollars or be subject to  
4 both such fine and imprisonment.

5 Sec. 4. NEW SECTION. SUSPENSION OF LICENSES OR PERMITS.  
6 Any person convicted of a violation of section two (2) or  
7 three (3) of this Act shall have any permit or license which  
8 is required by state or local law as a prerequisite for doing  
9 business suspended for a period of six months. The county  
10 attorney shall notify all agencies responsible for issuing  
11 licenses and permits of any conviction under section two (2)  
12 or three (3) of this Act.

13 Sec. 5. NEW SECTION. EVIDENCE CONSIDERED. At a trial  
14 for violation of sections two (2) and three (3) of this Act  
15 the court may consider the material, and receive into evidence  
16 in addition to other competent evidence, the offered testimony  
17 of experts pertaining to:

18 1. The artistic, literary, political, or scientific value,  
19 if any, of the challenged material.

20 2. The degree of public acceptance within the community  
21 of the material or material of similar character.

22 3. The intent of the author, artist, producer, publisher,  
23 or manufacturer in creating the material.

24 4. The reputation of the artist, producer, publisher,  
25 author, or manufacturer.

26 5. The advertising promotion and other circumstances  
27 relating to the sale of the material.

28 Sec. 6. NEW SECTION. AFFIRMATIVE DEFENSE. In any  
29 prosecution for disseminating or exhibiting obscene material  
30 to minors, it is an affirmative defense that the defendant  
31 had reasonable cause to believe that the minor involved was  
32 eighteen years old or more and the minor exhibited to the  
33 defendant a draft card, driver's license, birth certificate  
34 or other official or apparently official document purporting  
35 to establish that such minor was eighteen years old or more.

1 Sec. 7. Sections seven hundred twenty-five point three  
2 (725.3), seven hundred twenty-five point four (725.4), seven  
3 hundred twenty-five point five (725.5), seven hundred twenty-  
4 five point six (725.6), seven hundred twenty-five point seven  
5 (725.7), seven hundred twenty-five point eight (725.8), and  
6 seven hundred twenty-five point eleven (725.11), Code 1973,  
7 are repealed.

8 EXPLANATION

9 This bill makes it unlawful for any person to disseminate  
10 or exhibit obscenity to a minor or admit a minor to premises  
11 where obscenity is exhibited. Aside from other penalties  
12 provided, any person convicted under this Act shall also have  
13 all permits and licenses to do business suspended for six  
14 months.

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LSB 3756  
re/cw/1

March 29, 1974

HOUSE FILE 1102

By KREAMER, WYCKOFF, HUSAK,  
MONROE, LIPPOLD, PELLETT, HOLDEN,  
DUNTON, MILLER of Calhoun, MENDENHALL,  
ROORDA, STROMER, WELLS, STROTHMAN,  
BRANSTAD, TOFTE, FREEMAN, LOGUE,  
PETERSON, JUNKER, READINGER, NORPEL,  
FISHER of Greene, HARVEY, KISER,  
DANKER, FISCHER of Grundy, CLARK of  
Dubuque, HUTCHINS, WULFF, HENNESSEY,  
STEPHENS, JORDAN, DUNLAP, BRINCK,  
HARPER, STANLEY, McELROY, SCHROEDER,  
BROCKETT, WELDEN, FULLERTON, DRAKE,  
GRASSLEY, CRABB, WEST, BENNETT,  
DeJONG, BORTELL, DEN HERDER,  
MENKE and ANDERSON

(AS AMENDED AND PASSED BY THE HOUSE)

*per House amendment*  
Passed House Date 5-1-74 (2291) Passed Senate, Date 4-26-74 (1639)

Vote: Ayes 27 Nays 1 Vote: Ayes 42 Nays 0

Approved 5-27-74

## A BILL FOR

- 1 An Act relating to the dissemination and exhibition of
- 2 obscene material to minors and providing a penalty.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION.* DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:

3 1. "Obscene material" is any material depicting or  
4 describing the genitals, sex acts, masturbation, excretory  
5 functions or sado-masochistic abuse which the average  
6 person, taking the material as a whole and applying con-  
7 temporary community standards with respect to what is  
8 suitable material for minors, would find appeals to the  
9 prurient interest and is patently offensive; and the  
10 material, taken as a whole, lack serious literary,  
11 scientific, political or artistic value.

12 2. "Material" means any book, magazine, newspaper or other  
13 printed or written material or any picture, drawing, photo-  
14 graph, motion picture, or other pictorial representation or  
15 any statue or other figure, or any recording, transcription  
16 or mechanical, chemical or electrical reproduction or any  
17 other articles, equipment, machines or materials.

18 3. "Disseminate" means to transfer possession, with or  
19 without consideration.

20 4. "Knowingly" means being aware of the character of the  
21 matter.

22 5. "Sado-masochistic abuse" means the infliction of  
23 physical or mental pain upon a person or the condition  
24 of a person being fettered, bound or otherwise physically  
25 restrained.

26 6. "Minor" means any unmarried  
27 person under the age of eighteen.

28 7. "Sex act" means any sexual contact, actual or  
29 simulated, between two or more persons, either natural  
30 or deviate, or between a person and an animal, by  
31 penetration of the penis into the vagina or anus, or by  
32 contact between the mouth and genitalia or anus, or by  
33 use of artificial sexual organs or substitutes therefor  
34 in contact with the genitalia or anus.

35 Sec. 2. *NEW SECTION.* CIVIL SUIT TO DETERMINE OB-  
SCENITY.

36 Whenever the county attorney of any county has reasonable  
37 cause to believe that any person is engaged or plans to  
38 engage in the dissemination or exhibition of obscene  
39 material within his county to minors he may institute a  
40 civil proceeding in the district court of the county for  
41 an adjudication regarding the obscene nature of the  
42 material. The procedure provided in this section and the  
43 following eleven sections is optional and not mandatory  
44 and shall not be construed as a prerequisite to criminal  
45 prosecution for a violation of this Act.

46 **Sec. 3. NEW SECTION. FILING OF PETITION—CONTENTS.**

47 The proceeding shall be instituted by filing with the  
48 court a petition directed against the material by name  
49 or description and shall allege the obscene nature of the  
50 challenged material, and list the names and addresses,  
51 if known, of the artist, author, producer, publisher,  
52 manufacturer, distributor and, so far as they be known,  
53 all other persons interested in its dissemination or  
54 exhibition, any or all of whom are for purposes of this  
55 Act designated "parties in interest".

56 **Sec. 4. NEW SECTION. EXAMINATION OF CHALLENGED**

57 **MATERIAL—SUBPOENA TO OBTAIN.** Upon the filing of a  
58 petition pursuant to this Act the court shall immediately  
59 examine the challenged material. If the material cannot  
60 be made available by the petitioner, the court shall issue  
61 a subpoena duces tecum to obtain the material for  
62 examination and any person served with such a subpoena  
63 within this state who has the challenged material in his  
64 possession or control shall produce it immediately or as  
65 soon as practicable. The subpoena shall require the  
66 production of such challenged material as may come within  
67 the possession or control of the person within sixty days  
68 after the subpoena is served upon him unless the court has  
69 in the interim examined the challenged material.

70 In determining whether the challenged material can be

71 made available by the petitioner, the petitioner's  
72 responsibility to produce the challenged material is re-  
73 lieved if its cost would exceed fifteen dollars and the  
74 petition so states.

75 Sec. 5. *NEW SECTION. ADVERSARY HEARING.* **If the  
court,**

76 upon examination, finds no probable cause to believe the  
77 challenged material obscene as to minors it shall dismiss  
78 the petition; but if the court finds such probable cause  
79 it shall set a time and place of hearing for an adversary  
80 determination of the obscenity of the challenged material.  
81 The court shall, within forty-eight hours after the  
82 challenged material is examined, issue a notice of such  
83 hearing, which notice shall:

84 1. Be addressed to all parties in interest to the  
85 proceedings.

86 2. Describe the challenged material with reasonable  
87 certainty.

88 3. Summon the parties in interest and all others  
89 whom it may concern to appear before the court at a place  
90 and time named in the notice, which time shall not be less  
91 than five nor more than fifteen days after examination of  
92 the challenged material by the court.

93 4. Be signed by the presiding judge.

94 Sec. 6. *NEW SECTION. RESTRAINING ORDER—HOW SET  
ASIDE.*

95 When hearing is set pursuant to this Act, the court may  
96 issue a temporary restraining order against the dissemination  
97 or exhibition of the material. The order shall continue in  
98 effect until a determination of the obscenity of the  
99 material is made by the court unless previously set aside  
100 pursuant to this section. The court shall cause a copy of  
101 the temporary restraining order to be served immediately  
102 upon the parties in interest by personal service or by  
103 mailing a copy of the order to the last known residence of  
104 such parties. Any person aggrieved by issuance of the order  
105 may contest it by filing with the court an application to

106 set aside the order and by causing a copy of the application  
107 to be served upon the county attorney.

108 **Sec. 7. NEW SECTION. ANSWERS FILED.** On or before the  
109 date of hearing, the parties in interest, and any other  
110 person having or claiming any interest in the commercial  
111 distribution of the challenged material, may appear and  
112 file an answer. The court may by order permit any other  
113 party to appear and file an answer amicus curiae.

114 **Sec. 8. NEW SECTION. NO ANSWER FILED.** If no one ap-  
115 pears  
116 and files an answer on or before the hearing date, the court  
117 shall proceed to hear the matter, receiving in evidence the  
118 challenged material and such other matter as may be  
119 offered or as the court may deem proper. Should the court  
120 after such hearing find the challenged material to be  
121 obscene as to minors, it shall order the clerk of court to  
122 enter judgment accordingly.

122 **Sec. 9. NEW SECTION. EVIDENCE.** The court shall  
123 conduct the hearing in accordance with the rules of  
124 civil procedure applicable to the trial of cases without  
125 a jury. At the hearing the court shall consider such  
126 evidence as set forth in section eighteen (18) of this Act.

127 **Sec. 10. NEW SECTION. WRITTEN FINDING BY COURT.** In  
128 making a decision on the obscenity of the material the court  
129 shall make a written determination upon every consideration  
130 relied upon in the proceeding in its findings of fact and  
131 conclusions of law or in a memorandum accompanying them.

132 **Sec. 11. NEW SECTION. JUDGMENT CONTENTS.** If the  
133 court  
134 finds the material not obscene, it shall order the clerk of  
135 court to enter judgment accordingly. If the court finds the  
136 challenged material to be obscene for minors, it shall order  
137 the clerk to enter judgment that the material is obscene.

137 **Sec. 12. NEW SECTION. KNOWLEDGE OF OBSCENITY PRE-  
138 SUMED.**  
139 While a temporary restraining order made pursuant to this Act  
140 is in effect, or after the entry of a judgment pursuant to  
141 this Act, any party in interest upon whom a temporary

141 restraining order is served or against whom a judgment  
142 has been entered who exhibits or disseminates is presumed  
143 to have knowledge that the challenged material is obscene  
144 under this Act.

145 Sec. 13. *NEW SECTION. APPEAL.* Any party to the  
146 proceeding, including the petitioner, may appeal from the  
147 judgment of the court to the supreme court, as provided by  
148 law.

149 Sec. 14. *NEW SECTION. DISSEMINATION AND EXHIBI-*  
TION OF

150 OBSCENITY TO MINORS. Any person, other than the parent or  
151 guardian of the minor, who knowingly disseminates  
152 or exhibits obscene material

153 to a minor is guilty of a public offense  
154 and shall upon conviction be imprisoned in the state peniten-  
155 tiary for not to exceed one year or be fined one thousand  
156 dollars or be subject to both such fine and imprisonment.

157 Sec. 15. *NEW SECTION. ADMITTING MINORS TO PREM-*  
ISES WHERE

158 OBSCENITY IS EXHIBITED. Any person who knowingly sells,  
159 gives, delivers, or provides a minor with a pass or admits

160 a minor to premises where obscene material  
161 is exhibited is guilty

1 of a public offense and shall upon conviction be imprisoned  
2 in the state penitentiary for not to exceed one year or be  
3 fined not to exceed one thousand dollars or be subject to  
4 both such fine and imprisonment.

5 **Sec. 16. NEW SECTION. EXEMPTIONS FOR PUBLIC LIBRAR-**  
**IES**

6 **AND EDUCATIONAL INSTITUTIONS. Nothing in this Act pro-**  
**hibits**

7 **the use of appropriate material for educational purposes**  
8 **in any accredited school, or any public library, or in**  
9 **any educational program in which the minor is participating.**

10 **Nothing in this Act prohibits the attendance of minors at**  
11 **an exhibition or display of art works or the use of any**  
12 **materials in any public library.**

13 **Sec. 17. NEW SECTION. SUSPENSION OF LICENSES OR**  
**PERMITS.**

14 **Any person convicted of a violation of sections fourteen (14)**  
15 **or fifteen (15)**

16 **of this Act shall have any permit or license which**  
17 **is required by state or local law as a prerequisite for doing**  
18 **business suspended for a period of six months. This section**  
19 **shall apply only to the premises on which the violation**  
20 **occurred.**

21 **The county**  
22 **attorney shall notify all agencies responsible for issuing**  
23 **licenses and permits of any conviction under sections fourteen**  
24 **(14) or fifteen (15)**

25 **of this Act.**

26 **Sec. 18. NEW SECTION. EVIDENCE CONSIDERED. At a**  
**trial**

27 **for violation of sections fourteen (14) and fifteen (15)**

28 **of this Act**  
29 **the court may consider the material, and receive into evidence**  
30 **in addition to other competent evidence, the offered testimony**  
31 **of experts pertaining to:**

32 **1. The artistic, literary, political, or scientific value,**  
33 **if any, of the challenged material.**

34 **2. The degree of public acceptance within the community**  
35 **of the material or material of similar character.**

36 **3. The intent of the author, artist, producer, publisher,**

36 or manufacturer in creating the material.

37 4. The advertising promotion and other circumstances  
38 relating to the sale of the material.

39 **Sec. 19. NEW SECTION. AFFIRMATIVE DEFENSE.** In any  
40 prosecution for disseminating or exhibiting obscene material  
41 to minors, it is an affirmative defense that the defendant  
42 had reasonable cause to believe that the minor involved was  
43 eighteen years old or more and the minor exhibited to the  
44 defendant a draft card, driver's license, birth certificate  
45 or other official or apparently official document purporting  
46 to establish that such minor was eighteen years old or more  
47 or was accompanied by a parent or spouse.

48 **Sec. 20. NEW SECTION. UNIFORM APPLICATION.** In order  
49 to provide for the uniform application of the provisions  
50 of this Act relating to obscene material applicable to  
51 minors within this state, it is intended that the sole  
52 and only regulation of obscene material shall be under  
53 the provisions of this Act, and no municipality, county  
54 or other governmental unit within this state shall make  
55 any law, ordinance or regulation relating to the  
56 availability of obscene materials to minors. All such  
57 laws, ordinances or regulations, whether enacted before  
58 or after this Act, shall be or become void, unenforceable  
59 and of no effect upon the effective date of this Act.

60 **Sec. 21.** Sections seven hundred twenty-five point three  
61 (725.3), seven hundred twenty-five point four (725.4),  
62 seven hundred twenty-  
63 five point six (725.6), seven hundred twenty-five point seven  
64 (725.7), seven hundred twenty-five point eight (725.8),  
65 seven hundred twenty-five point nine (725.9), seven  
66 hundred twenty-five point ten (725.10), and seven  
67 hundred twenty-five point eleven (725.11), Code 1973,  
68 are repealed.

69 **Sec. 22.** Section seven hundred twenty-five point two  
70 (725.2), Code 1973, is amended by striking the section

71 and inserting in lieu thereof the following:

72 725.2 LASCIVIOUS ACTS WITH PERSONS UNDER THE AGE  
OF

73 SIXTEEN YEARS. Any person who is eighteen years of age  
74 or older and who does any of the following acts with or  
75 to a person under sixteen years of age with the purpose  
76 of arousing or satisfying the sexual desires of either  
77 of them shall be imprisoned in the penitentiary for a  
78 term not to exceed five years or be fined not more than  
79 one thousand dollars or submit to treatment by qualified  
80 medical personnel:

81 (1) Fondles the genitals or pubes of the person under  
82 sixteen years of age, or permits or causes the person  
83 under sixteen years of age to fondle the genitals or  
84 pubes of the person who is eighteen years of age or older.

85 (2) Solicits a person under sixteen years of age to  
86 engage in sexual contact performed by penetration of the  
87 penis into the vagina or anus or by contact between the  
88 mouth and genitalia or anus or by use of artificial sexual  
89 organs or substitutes therefor in contact with genitalia  
90 or anus.

91 EXPLANATION

92 This bill makes it unlawful for any person to disseminate  
93 or exhibit obscenity to a minor or admit a minor to premises  
94 where obscenity is exhibited. Aside from other penalties  
95 provided, any person convicted under this Act shall also have  
96 all permits and licenses to do business suspended for six  
97 months.

H-3057

1 Amend the Senate amendment to House File 1102 by  
2 striking lines 61 and 62.

H-3057 Filed - w. d. 5/  
April 30, 1974

By KREAMER of Polk

HOUSE FILE 1102

S-2793

1 Amend House File 1102 as passed, amended, and re-  
2 printed by the House as follows:  
3 1. Page 2A, line 26, by striking the word "un-  
4 married".  
5 2. Page 2A, by inserting after line 34 the follow-  
6 ing new sections:  
7 Sec. 2. NEW SECTION. DISSEMINATION AND EXHIBITION  
8 OF OBSCENE MATERIAL TO MINORS. Any person, other than  
9 the parent or guardian of the minor, who knowingly  
10 disseminates or exhibits obscene material to a minor,  
11 including the exhibition of obscene material so that  
12 it can be observed by a minor on or off the premises  
13 where it is displayed, is guilty of a public offense  
14 and shall upon conviction be imprisoned in the state  
15 penitentiary for not to exceed one year or be fined  
16 not to exceed one thousand dollars or be subject to  
17 both such fine and imprisonment.  
18 Sec. 3. NEW SECTION. ADMITTING MINORS TO PREMISES  
19 WHERE OBSCENE MATERIAL IS EXHIBITED. Any person  
20 knowingly sells, gives, delivers, or provides a minor  
21 with a pass or admits a minor to premises where obscene  
22 material is exhibited is guilty of a public offense  
23 and shall upon conviction be imprisoned in the state  
24 penitentiary for not to exceed one year or be fined  
25 not to exceed one thousand dollars or be subject to

Page 2

1 both such fine and imprisonment.  
2 3. Page 2E, by striking lines 149 through 161 and  
3 page 3A, by striking lines 1 through 4.  
4 4. Page 3A, by striking lines 13 through 24 and  
5 inserting in lieu thereof the following section:  
6 "Sec. \_\_\_\_ . NEW SECTION. SUSPENSION OR LICENSES OR  
7 PERMITS. Any person who knowingly permits a violation  
8 of section two (2) or three (3) of this Act to occur  
9 on premises under his control shall have all per-  
10 mits and licenses issued to him under state or local  
11 law as a prerequisite for doing business on such  
12 premises revoked for a period of six months. The  
13 county attorney shall notify all agencies responsible  
14 for issuing licenses and permits of any conviction  
15 under section two (2) or three (3) of this Act."  
16 5. Page 3A, line 26, by striking the words and  
17 figures "fourteen (14) and fifteen (15)" and inserting  
18 in lieu thereof the words and figures "two (2) and  
19 three (3)".  
20 6. Page 3B, line 47, by inserting after the word  
21 "spouse" the words "eighteen years of age or more".  
22 7. Page 3B, line 56, by striking the words "to  
23 minors".  
24 8. Page 3B, by inserting after line 59 the fol-  
25 lowing sections:

1 "Sec. \_\_\_\_ . NEW SECTION. INDECENT EXPOSURE. A  
 2 person who exposes his or her genitals or pubes or bare  
 3 buttocks, or any female person who exposes her breasts  
 4 without a full opaque covering of the nipple, in the  
 5 presence of a third person, other than a consenting  
 6 adult, or in a place open to the public view, if he or  
 7 she knows or reasonably should know that the exposure  
 8 is patently offensive to the viewer when taken as a  
 9 whole and applying contemporary community standards  
 10 for suitable degrees of exposure shall, upon conviction,  
 11 be imprisoned in the county jail for not to exceed  
 12 thirty days or be fined not to exceed one hundred  
 13 dollars or be subject to both such fine and imprison-  
 14 ment.

15 Sec. \_\_\_\_ . NEW SECTION. LASCIVIOUS ACTS WITH B  
 16 PERSONS UNDER THE AGE OF SIXTEEN YEARS. It is unlaw-  
 17 ful for any person eighteen years of age or older to  
 18 perform any of the following acts with any person  
 19 under the age of sixteen, with or without his or her  
 20 consent unless married to each other, for the purpose  
 21 of arousing or satisfying the sexual desires of either  
 22 of them:

- 23 1. Fondle or touch the breasts of a female under
- 24 the age of sixteen.
- 25 2. Fondle or touch the pubes, genitals, or

- 1 buttock of a person under the age of sixteen.
- 2 3 Permit a person under the age of sixteen to
- 3 fondle or touch his or her genitals, pubes, or
- 4 buttock or the breast of a female.
- 5 4. Solicits a person under sixteen years of age to
- 6 engage in sexual contact performed by penetration of
- 7 the penis into the vagina or anus or by contact be-
- 8 tween the mouth and genitalia or anus, or by use of
- 9 artificial sexual organs or substitutes therefor in
- 10 contact with genitalia or anus.
- 11 5. Inflict pain or discomfort upon a person under
- 12 the age of sixteen or permit a person under the age of
- 13 sixteen to inflict pain or discomfort on him or her.
- 14 Any person who violates a provision of this section
- 15 shall, upon conviction, be imprisoned in the peniten-
- 16 tiary for not to exceed five years or be fined not
- 17 to exceed five hundred dollars, or be subject to both
- 18 such fine and imprisonment."
- 19 9. Page 3B, line 60, by inserting after the word
- 20 "Sections" the words and figures "seven hundred
- 21 twenty-five point one (725.1), seven hundred twenty-
- 22 five point two (725.2),".
- 23 10. Page 3B, by striking lines 69 and 70 and
- 24 page 3C, by striking lines 71 through 90, inclusive.
- 25 11. Amend the title on page 1, line 2, by inserting

- 1 after the word "minor" the words ", indecent exposure,
- 2 and lascivious acts with certain minors" and by
- 3 striking the word "penalty" and inserting in lieu
- 4 thereof the word "penalties".
- 5 12. By renumbering the sections in accordance with
- 6 this amendment.

SENATE AMENDMENT TO HOUSE FILE 1102

- 1 Amend House File 1102 as passed, amended, and re-  
2 printed by the House as follows:  
3 1. Page 2A, line 26, by striking the word  
4 "unmarried".  
5 2. Page 2A, by inserting after line 34 the follow-  
6 ing new sections:  
7 Sec. 2. NEW SECTION. DISSEMINATION AND EX-  
8 HIBITION OF OBSCENE MATERIAL TO MINORS. Any person,  
9 other than the parent or guardian of the minor,  
10 who knowingly disseminates or exhibitis obscene  
11 material to a minor, including the exhibition of  
12 obscene material so that it can be observed by a  
13 minor on or off the premises where it is dis-  
14 played, is guilty of a public offense and shall  
15 upon conviction be imprisoned in the state peni-  
16 tentiary for not to exceed one year or be fined  
17 not to exceed one thousand dollars or be subject  
18 to both such fine and imprisonment.  
19 Sec. 3. NEW SECTION. ADMITTING MINORS TO  
20 PREMISES WHERE OBSCENE MATERIAL IS EXHIBITED. Any  
21 person who knowingly sells, gives, delivers, or  
22 provides a minor with a pass or admits a minor to  
23 premises where obscene material is exhibited is  
24 guilty of a public offense and shall upon con-  
25 viction be imprisoned in the state penitentiary  
26 for not to exceed one year or be fined not to  
27 exceed one thousand dollars or be subject to both  
28 such fine and imprisonment.  
29 3. Page 2B, line 40, by striking the word "for".  
30 4. Page 2B, by striking lines 41 through 43 and  
31 inserting in lieu thereof the following: "to  
32 enjoin the dissemination or exhibition of obscene  
33 material to minors. Such application for injunction  
34 is optional and not mandatory".  
35 5. Page 2B, by striking lines 46 through 70.  
36 6. Page 2C, by striking lines 71 through 105.  
37 7. Page 2D, by striking lines 106 through 140.  
38 8. Page 2E, by striking lines 141 through 161  
39. 9. Page 2E, by striking lines 149 through 161  
40 and page 3A, by striking lines 1 through 4.  
41 10. Page 3A, by striking lines 13 through 24 and  
42 inserting in lieu thereof the following section:  
43 "Sec. \_\_\_\_\_. NEW SECTION. SUSPENSION OR LICENSES  
44 OR PERMITS. Any person who knowingly permits a  
45 violation of section two (2) or three (3) of this  
46 Act to occur on premises under his control shall  
47 have all permits and licenses issued to him under  
48 state or local law as a prerequisite for doing  
49 business on such premises revoked for a period of  
50 six months. The county attorney shall notify all

- 51 agencies responsible for issuing licenses and  
52 permits of any conviction under section two (2)  
53 or three (3) of this Act."  
54 11. Page 3A, line 26, by striking the words and  
55 figures "fourteen (14) and fifteen (15)" and  
56 inserting in lieu thereof the words and figures  
57 "two (2) and three (3)".  
58 12. Page 3B, line 47, by inserting after the  
59 word "spouse" the words "eighteen years of age  
60 or more".  
61 13. Page 3B, line 56, by striking the words  
62 "to minors".  
63 14. Page 3B, by inserting after line 59 the  
64 following section:  
65 "Sec. \_\_\_\_\_. NEW SECTION. LASCIVIOUS ACTS WITH  
66 PERSONS UNDER THE AGE OF SIXTEEN YEARS. It is unlaw-  
67 ful for any person eighteen years of age or older to  
68 perform any of the following acts with any person  
69 under the age of sixteen, with or without his or her  
70 consent unless married to each other, for the purpose  
71 of arousing or satisfying the sexual desires of either  
72 of them:  
73 1. Fondle or touch the pubes or genitals of  
74 a person under the age of sixteen.  
75 2. Permit a person under the age of sixteen to  
76 fondle or touch his or her genitals or pubes.  
77 3. Solicits a person under sixteen years of  
78 age to engage in sexual contact performed by  
79 penetration of the penis into the vagina or anus  
80 or by contact between the mouth and genitalia  
81 or anus, or by use of artificial sexual organs  
82 or substitutes therefor in contact with genitalia  
83 or anus.  
84 4. Inflict pain or discomfort upon a person  
85 under the age of sixteen or permit a person under  
86 the age of sixteen to inflict pain or discomfort  
87 on him or her.  
88 Any person who violates a provision of this  
89 section shall, upon conviction, be imprisoned in  
90 the penitentiary for not to exceed five years or  
91 be fined not to exceed five hundred dollars, or be  
92 subject to both such fine and imprisonment."  
93 15. Page 3B, line 60, by inserting after the word  
94 "Sections" the words and figures "seven hundred twenty-  
95 five point one (725.1), seven hundred twenty-five  
96 point two (725.2)".  
97 16. Page 3B, by striking lines 69 and 70 and page 3C,  
98 by striking lines 71 through 90, inclusive.  
99 17. Amend the title on page 1, line 2, by inserting  
100 after the word "minors" the words "and lascivious acts  
101 with certain minors" and by striking the word "penalty"  
102 and inserting in lieu thereof the word "penalties".  
103 18. By renumbering the sections in accordance  
104 with this amendment.

S-2894

- 1 Amend House File 1102, as amended, passed and re-
- 2 printed by the House, as follows:
- 3 1. Page 3B, line 56 by inserting after the word
- 4 "minors" the words ", except where such law, ordinance
- 5 or regulation is more stringent than the provisions
- 6 of this Act".
- 7 2. Page 3B, line 56 by inserting after the word
- 8 "such" the word "other".

S-2894 Filed - *Lost - 26*  
April 25, 1974

By TAYLOR

S-2858

- 1 Amend the Hill amendment, S-2840, to House File
- 2 1102 as follows:
- 3 1. Page 2, line 23, by inserting after the word
- 4 "exposes" the words "his or her".
- 5 2. Page 2, line 25, by inserting after the word
- 6 "nipple" the words "to another person".
- 7 3. Page 3, line 2, by striking the word "matter"
- 8 and inserting in lieu thereof the word "exposure".
- 9 4. Page 3, line 3, by inserting after the word
- 10 "sex" the words "is patently offensive".

S-2858 Filed - *Ruled out of order 4/26* By HILL  
April 24, 1974

S-2906

- 1 Amend the Taylor amendment S-2894, to House File 1102,
- 2 as amended, passed, and reprinted by the House, line 4
- 3 by striking the word "minors" and inserting in lieu
- 4 thereof the word "materials".

S-2906 Filed and adopted By TAYLOR  
April 26, 1974

S-2903

- 1 Amend the Judiciary Committee Amendment S-2793
- 2 to House File 1102, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 2, line 25, by striking the word
- 5 "sections" and inserting in lieu thereof the word
- 6 "section".
- 7 2. Page 5, line 1, by striking ", indecent ex-
- 8 posure,".

S-2903 Filed and adopted By RILEY  
April 26, 1974

S-2899

- 1 Amend the Committee on Judiciary amendment S-2793,
- 2 to Page 2A of House File 1102, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 1, by adding the following sentence after
- 5 the period in line 17: "The provisions of this section
- 6 relating to off premises dissemination or exhibition
- 7 of obscene material shall not apply to drive-in movie
- 8 theatres until July 1, 1976."

S-2899 Filed and lost  
April 26, 1974

By LAMBORN

H-3060

1 Amend the Senate Amendment to House File 1102 as  
2 passed by the House and reprinted by adding after line  
3 92 the following:  
4 "If a defendant, before the imposition of sentence,  
5 voluntarily submits to medical diagnosis and treatment,  
6 the judgment and sentence of the court shall be stayed  
7 until such time that the court is notified in writing  
8 by the physician attending the defendant that further  
9 treatment will be of no benefit to the defendant and  
10 will serve no further useful purpose."

H-3060 Filed - *Withdrawn 5/1* By KNOKE of Pottawattamie  
April 30, 1974

H-3059

1 Amend the Senate Amendment to House File 1102  
2 as passed, amended and reprinted by the House as  
3 follows:  
4 1. By striking lines 3 and 4.  
5 2. By striking lines 29 through 40.  
6 3. By striking lines 58 through 60.  
7 4. By striking from lines 66, 69, 74, 75, 77,  
8 85 and 86 the word "sixteen" and inserting in lieu  
9 thereof the word "fourteen".  
10 5. By striking from line 73 the words "pubes  
11 or".  
12 6. By striking from line 76 the words "or  
13 pubes".

H-3059 Filed - *w.d 5/1* By KNOKE of Pottawattamie  
April 30, 1974

S-2842

1 Amend House File 1102 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 3A, by striking lines 5 through 12.  
4 2. By renumbering the remaining sections.

S-2842 Filed - *Last 4/26* By HILL  
April 23, 1974

S-2895

1 Amend the Committee on Judiciary amendment S-2793,  
2 to page 2A of House File 1102, as amended, passed and  
3 reprinted by the House, as follows:  
4 1. Page 1, by adding the following sentence after  
5 the period in line 17: "The provisions of this section  
6 shall not apply to drive-in movie theatres until July  
7 1, 1976."

S-2895 Filed. *Filed out of order due to subject matter* By LAMBORN and DODERER  
April 25, 1974 *has been previously reported 4/26*

S-2854

1 Amend House File 1102 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 3B, by striking lines 48 through 59.  
4 2. By renumbering the remaining sections.

S-2854 Filed - *Last 4/26* By HILL  
April 24, 1974

HOUSE FILE 1102

S-2840

1 Amend House File 1102 as amended, passed and re-  
2 printed by the House as follows:

3 1. By striking everything after the enacting clause  
4 and inserting in lieu thereof:

5 Section 1. Chapter seven hundred twenty-five  
6 (725), Code 1973, is amended by adding the following  
7 new sections:

8 NEW SECTION. DEFINITIONS. As used in this Act,  
9 unless the context otherwise requires:

10 1. Matter is "obscene" if the average person,  
11 applying contemporary community standards, would  
12 find that the matter, taken as a whole, lacks serious  
13 literary, artistic, political, or scientific value,  
14 appeals to prurient interest, and the matter consti-  
15 tutes either:

16 a. Patently offensive representations or des-  
17 criptions of ultimate sexual acts, perverted,  
18 actual or simulated.

19 b. Patently offensive representations or des-  
20 criptions of masturbation, excretory functions, and  
21 lewd exhibition of the genitals.

22 2. "Matter" means any book, magazine, or news-  
23 paper, or other printed or written material, or any  
24 picture, drawing, photograph, motion picture, or  
25 other pictorial representation or any statue or

Page 2

1 other figure, or any recording, transcription, or  
2 mechanical, chemical or electrical reproduction or  
3 any other articles, equipment, machines or materials.

4 3. "Distribute" means to transfer possession,  
5 with or without consideration.

6 4. "Knowingly" means being aware of the charac-  
7 ter of the material.

8 NEW SECTION. UNLAWFUL TRANSACTIONS IN OBSCENITY.

9 Any person who distributes, exhibits, manufactures,  
10 produces, reproduces, imports, or possesses with  
11 the intent to distribute or exhibits, or advertises  
12 for distribution any obscene matter, is guilty of  
13 a misdemeanor and shall, upon conviction be im-  
14 prisoned in the county jail for not to exceed one  
15 year or be fined not to exceed one thousand dollars  
16 or be subject to both such fine and imprisonment.

17 NEW SECTION. PRESUMPTION OF INTENT TO DISTRIBUTE.

18 Possession of more than two copies of the identical  
19 obscene matter or possession of more than six items  
20 of obscene matter is prima facie evidence of intent  
21 to distribute or exhibit.

22 NEW SECTION. OBSCENE SEX SHOW PROHIBITED. Any  
23 person who exposes genitals or pubes or the breast  
24 of a female without a fully opaque covering of any  
25 portion below the top of the nipple, in a manner

Senate 16  
April 24, 1974

Page 3

1 that an average person, applying contemporary com-  
2 munity standards, would find that the matter, taken  
3 as a whole, appeals to prurient interest in sex and  
4 does not contain serious, literary, artistic, politi-  
5 cal, or scientific value, is engaged in an obscene  
6 sex show and is guilty of a misdemeanor and shall,  
7 upon conviction, be imprisoned in the county jail  
8 for not to exceed one year or be fined not to exceed  
9 one thousand dollars or be subject to both such fine  
10 and imprisonment.

11 Any person who permits an obscene sex show to be  
12 performed on any premises which he owns, leases, or  
13 possesses is guilty of a misdemeanor and shall, upon  
14 conviction, be imprisoned in the county jail for  
15 not to exceed one year or be fined not to exceed  
16 one thousand dollars or be subject to both such  
17 fine and imprisonment.

18 Sec. 2. Sections seven hundred twenty-five  
19 point three (725.3), seven hundred twenty-five  
20 point four (725.4), seven hundred twenty-five  
21 point five (725.5), seven hundred twenty-five  
22 point six (725.6), seven hundred twenty-five point  
23 seven (725.7), seven hundred twenty-five point  
24 eight (725.8), seven hundred twenty-five point  
25 nine (725.9), seven hundred twenty-five point ten

Page 4

1 (725.10), and seven hundred twenty-five point  
2 eleven (725.11), Code 1973, are repealed.  
3 2. By striking on page one, line 2 the words  
4 "to minors".

S-2840 Filed *Repealed out of order 4/26* By HILL  
April 23, 1974

S-2898

Division S-2898A

1 Amend the Judiciary Committee Amendment S-2793  
2 to House File 1102 as follows:

3 1. Page 3, line 4, by striking the words  
4 "full opaque".

Division S-2898B

5 2. Page 3, by striking lines 8, 9 and 10 and  
6 inserting in lieu thereof the following:  
7 "is patently offensive to the viewer shall upon  
8 conviction,".

S-2898 Filed

By GALLAGHER

Division S-2898A lost

Division S-2898B withdrawn

April 26, 1974

HOUSE FILE 1102

H-2634

1 Amend House File 1102 as follows:

2 1. Page 2, by inserting after line 25 the fol-  
3 lowing new sections:

4 "Sec. \_\_\_\_\_. NEW SECTION. CIVIL SUIT TO DETER-  
5 MINE OBSCENITY. Whenever the county attorney of any  
6 county has reasonable cause to believe that any person  
7 is engaged or plans to engage in the dissemination  
8 or exhibition of obscene material within his county  
9 to minors he shall institute a civil proceeding in the  
10 district court of the county for an adjudication  
11 regarding the obscene nature of the material.

12 Sec. \_\_\_\_\_. NEW SECTION. FILING OF PETITION--  
13 CONTENTS. The proceeding shall be instituted by  
14 filing with the court a petition directed against  
15 the material by name or description and shall allege  
16 the obscene nature of the challenged material, and  
17 list the names and addresses, if known, of the artist,  
18 author, producer, publisher, manufacturer, distrib-  
19 utor and, so far as they be known, all other per-  
20 sons interested in its dissemination or exhibition,  
21 any or all of whom are for purposes of this Act  
22 designated 'parties in interest'.

23 Sec. \_\_\_\_\_. NEW SECTION. EXAMINATION OF CHALLENGED  
24 MATERIAL--SUBPOENA TO OBTAIN. Upon the filing of  
25 a petition pursuant to this Act the court shall  
26 immediately examine the challenged material. If the  
27 material cannot be made available by the petitioner,  
28 the court shall issue a subpoena duces tecum to obtain  
29 the material for examination and any person served  
30 with such a subpoena within this state who has the  
31 challenged material in his possession or control shall  
32 produce it immediately or as soon as practicable.  
33 The subpoena shall require the production of such  
34 challenged material as may come within the possession  
35 or control of the person within sixty days after the  
36 subpoena is served upon him unless the court has in  
37 the interim examined the challenged material.

38 In determining whether the challenged material  
39 can be made available by the petitioner, the peti-  
40 tioner's responsibility to produce the challenged  
41 material is relieved if its cost would exceed fif-  
42 teen dollars and the petition so states.

43 Sec. \_\_\_\_\_. NEW SECTION. ADVERSARY HEARING. If  
44 the court, upon examination, finds no probable cause  
45 to believe the challenged material obscene as to  
46 minors it shall dismiss the petition; but if the court  
47 finds such probable cause it shall set a time and  
48 place of hearing for an adversary determination of  
49 the obscenity of the challenged material. The court  
50 shall, within forty-eight hours after the challenged

51 material is examined, issue a notice of such hearing,  
52 which notice shall:

53 1. Be addressed to all parties in interest to  
54 the proceedings.

55 2. Describe the challenged material with reason-  
56 able certainty.

57 3. Summon the parties in interest and all others  
58 whom it may concern to appear before the court at  
59 a place and time named in the notice, which time shall  
60 not be less than five nor more than fifteen days after  
61 examination of the challenged material by the court.

62 4. Be signed by the presiding judge.

63 Sec. \_\_\_\_\_. NEW SECTION. RESTRAINING ORDER--HOW  
64 SET ASIDE. When hearing is set pursuant to this Act,  
65 the court may issue a temporary restraining order  
66 against the dissemination or exhibition of the  
67 material. The order shall continue in effect until  
68 a determination of the obscenity of the material is  
69 made by the court unless previously set aside pursuant  
70 to this section. The court shall cause a copy of  
71 the temporary restraining order to be served  
72 immediately upon the parties in interest by personal  
73 service or by mailing a copy of the order to the last  
74 known residence of such parties. Any person aggrieved  
75 by issuance of the order may contest it by filing  
76 with the court an application to set aside the order  
77 and by causing a copy of the application to be served  
78 upon the county attorney.

79 Sec. \_\_\_\_\_. NEW SECTION. ANSWERS FILED. On or  
80 before the date of hearing, the parties in interest,  
81 and any other person having or claiming any interest  
82 in the commercial distribution of the challenged  
83 material, may appear and file an answer. The court  
84 may by order permit any other party to appear and  
85 file an answer amicus curiae.

86 Sec. \_\_\_\_\_. NEW SECTION. NO ANSWER FILED. If no  
87 one appears and files an answer on or before the  
88 hearing date, the court shall proceed to hear the  
89 matter, receiving in evidence the challenged material  
90 and such other matter as may be offered or as the  
91 court may deem proper. Should the court after such  
92 hearing find the challenged material to be obscene  
93 as to minors, it shall order the clerk of court to  
94 enter judgment accordingly.

95 Sec. \_\_\_\_\_. NEW SECTION. EVIDENCE. The court shall  
96 conduct the hearing in accordance with the rules of  
97 civil procedure applicable to the trial of cases  
98 without a jury. At the hearing the court shall con-  
99 sider such evidence as set forth in section five (5)  
100 of this Act.

101           Sec. \_\_\_\_\_. NEW SECTION. WRITTEN FINDING BY COURT.  
102 In making a decision on the obscenity of the material  
103 the court shall make a written determination upon  
104 every consideration relied upon in the proceeding  
105 in its findings of fact and conclusions of law or  
106 in a memorandum accompanying them.

107           Sec. \_\_\_\_\_. NEW SECTION. JUDGMENT CONTENTS. If  
108 the court finds the material not obscene, it shall  
109 order the clerk of court to enter judgment accordingly.  
110 If the court finds the challenged material to be  
111 obscene for minors, it shall order the clerk to enter  
112 judgment that the material is obscene.

113           Sec. \_\_\_\_\_. NEW SECTION. KNOWLEDGE OF OBSCENITY  
114 PRESUMED. While a temporary restraining order made  
115 pursuant to this Act is in effect, or after the entry  
116 of a judgment pursuant to this Act, any party in  
117 interest upon whom a temporary restraining order is  
118 served or against whom a judgment has been entered  
119 who exhibits or disseminates is presumed to have  
120 knowledge that the challenged material is obscene  
121 under this Act.

122           Sec. \_\_\_\_\_. NEW SECTION. APPEAL. Any party to  
123 the proceeding, including the petitioner, may appeal  
124 from the judgment of the court to the supreme court,  
125 as provided by law."

H-2634 Filed and adopted  
as amended *by 2646*  
March 26, 1974

By EGENES of Story  
HIGGINS of Scott  
SCHROEDER of Pottawattamie

H-2646

1           Amend the Egenes, et al., amendment H-2634 to  
2 House File 1102 as follows:  
3           1. Page 1, line 9, by striking the word "shall"  
4 and inserting in lieu thereof the word "may".  
5           2. Page 1, by inserting the following at the end  
6 of line 11:  
7           "The procedure provided in this section and the  
8 following eleven sections is optional and not mandatory  
9 and shall not be construed as a prerequisite to  
10 criminal prosecution for a violation of this Act."

H-2646 Filed and adopted  
March 26, 1974

By STANLEY of Muscatine  
KREAMER of Polk  
SCHROEDER of Pottawattamie  
EGENES of Story  
HIGGINS of Scott

H-2467

1           Amend the Kreamer amendment H-2466 to page 4 of  
2 House File 1102, line 22, by inserting after the word  
3 "genitalia" the words "or anus".

H-2467 Filed - *Adopted 3/26*  
March 13, 1974

By KNOKE of Pottawattamie

H-2419

1 Amend House File 1102 as follows:  
2 1. Page 3, by inserting after line 35 the follow-  
3 ing:  
4 Sec. \_\_\_\_\_. NEW SECTION. Any person who exposes his  
5 or her genitals, pubes, buttocks, or the breast of a  
6 female without a fully opaque covering of any portion  
7 below the top of the nipple to any person, other than  
8 a consenting adult, shall, upon conviction, be im-  
9 prisoned in the county jail for not to exceed thirty  
10 days or be fined not to exceed one hundred dollars or  
11 be subject to both such fine and imprisonment.

H-2419 Filed *A.D. 3/26*  
March 6, 1974

By KREAMER of Polk

H-2420

1 Amend House File 1102 as follows:  
2 1. Page 3, by inserting after line 35 the follow-  
3 ing:  
4 Sec. \_\_\_\_\_. NEW SECTION. It is unlawful for any  
5 person eighteen years of age or older to perform any  
6 of the following acts with any person under the age of  
7 sixteen, for the purpose of arousing or satisfying the  
8 sexual desires of either of them:  
9 1. Fondle or touch the breast of a female under  
10 the age of sixteen.  
11 2. Fondle or touch the pubes, genitals, or buttock  
12 of a person under the age of sixteen.  
13 3. Permit a person under the age of sixteen to  
14 fondle or touch his or her genitals, pubes, or buttock  
15 or the breast of a female.  
16 4. Inflict pain or discomfort upon a person under  
17 the age of sixteen or permit a person under the age  
18 of sixteen to inflict pain or discomfort on him or her.  
19 5. Solicit or attempt a sex act with a person  
20 under the age of sixteen.  
21 Any person who violates a provision of this section  
22 shall, upon conviction, be imprisoned in the peniten-  
23 tiary for not to exceed three years or be fined not  
24 to exceed five hundred dollars, or be subject to both  
25 such fine and imprisonment.

H-2420 Filed *A.D. 3/26*  
March 6, 1974

By KREAMER of Polk

H-2430

1 Amend House File 1102, page 2, line 11, by strik-  
2 ing the word "lewd" and inserting in lieu thereof  
3 the words "patently offensive".

H-2430 Filed *Withdrawn 3/25*  
March 11, 1974

By KREAMER of Polk

H-2469

1 Amend the Kreamer amendment H-2466 to page 4 of  
2 House File 1102 by striking the word "sixteen" in  
3 lines 7, 9, 15, 16, and 20 and inserting in lieu there-  
4 of the word "fourteen".

H-2469 Filed *Lost 3/26*  
March 13, 1974

By NEWHARD of Jones  
HARPER of Davis

H-2466

1 Amend House File 1102 as follows:

2 1. By adding the following new section:

3 Sec. \_\_\_\_\_. Section seven hundred twenty-five point  
4 two (725.2), Code 1973, is amended by striking the  
5 section and inserting in lieu thereof the following:  
6 725.2 LASCIVIOUS ACTS WITH PERSONS UNDER THE AGE  
7 OF SIXTEEN YEARS. Any person who is eighteen years  
8 of age or older and who does any of the following  
9 acts with or to a person under sixteen years of age  
10 with the purpose of arousing or satisfying the sexual  
11 desires of either of them shall be imprisoned in the  
12 penitentiary for a term not to exceed five years or  
13 be fined not more than one thousand dollars:

14 (1) Fondles the genitals or pubes of the person  
15 under sixteen years of age, or permits or causes the  
16 person under sixteen years of age to fondle the geni-  
17 tals or pubes of the person who is eighteen years of  
18 age or older.

19 (2) Solicits or attempts to solicit with the  
20 person under sixteen years of age sexual contact per-  
21 formed by penetration of the penis into the vagina  
22 or anus or by contact between the mouth and genitalia  
23 or by use of artificial sexual organs or substitutes  
24 therefor in contact with genitalia or anus.

25 2. By adding the following new section:

26 Sec. \_\_\_\_\_. Section seven hundred twenty-five point  
27 one (725.1), Code 1973, is amended by striking the  
28 section and inserting in lieu thereof the following:

29 725.1 INDECENT EXPOSURE. A person who exposes  
30 his or her genitals or pubes or bare buttocks to a  
31 another not his or her spouse, or any female person  
32 who exposes her breast without a full opaque cover-  
33 ing of the nipple to a person other than her spouse,  
34 or any person who engages in sexual contact between  
35 himself or herself and another by penetration of the  
36 penis into the vagina or anus or by contact between  
37 the mouth and genitalia or by use of artificial sex-  
38 ual organs or substitutes therefor in contact with  
39 genitalia or anus in the presence of or view of a  
40 third person, commits an indictable misdemeanor if he  
41 or she knows or reasonably should know that his or  
42 her act is offensive to the viewer and, upon finding  
43 of guilt, such person shall be imprisoned in the coun-  
44 ty jail not to exceed one year or be fined not to  
45 exceed five hundred dollars.

H-2466 Filed 1 - adopted & amended <sup>3/26</sup> By KREAMER of Polk  
March 13, 1974 - *Revised per german 3/26*

H-2483

1 Amend the Kreamer amendment H-2466 to House File  
2 1102 as follows:

3 1. Page 2, line 8 by striking the comma (,)   
4 after the word "spouse" and inserting in lieu thereof  
5 the words "and not a member of his or her household,"

6 2. Page 2, line 10 by striking the comma (,)   
7 and inserting in lieu thereof the words "or a member  
8 of the household,"

H-2483 Filed  
March 13, 1974

By KRAUSE of Palo Alto

H-2431

1 Amend House File 1102 as follows:

2 1. By adding the following new section:

3 Sec. \_\_\_\_ . NEW SECTION. LASCIVIOUS ACTS WITH PER-  
4 SONS UNDER THE AGE OF SIXTEEN YEARS. Any person who  
5 is eighteen years of age or older and who does any  
6 of the following acts with or to a person under six-  
7 teen years of age with the purpose of arousing or  
8 satisfying the sexual desires of either of them shall  
9 be imprisoned in the penitentiary for a term not to  
10 exceed five years or be fined not more than one thou-  
11 sand dollars:

12 (1). Fondles the genitals or pubes of the person  
13 under sixteen years of age, or permits or causes the  
14 person under sixteen years of age to fondle the geni-  
15 tals or pubes of the person who is eighteen years of  
16 age or older:

17 (2). Solicits or attempts to solicit with the  
18 person under sixteen years of age sexual contact per-  
19 formed by penetration of the penis into the vagina  
20 or anus or by contact between the mouth and genitalia  
21 or by use of artificial sexual organs or substitutes  
22 therefor in contact with genitalia or anus.

23 2. By adding the following new section:

24 Sec. \_\_\_\_ . NEW SECTION. INDECENT EXPOSURE. A per-  
25 son who exposes his or her genitals or pubes or bare  
26 buttocks to another not his or her spouse, or any  
27 female person who exposes her breast without a full  
28 opaque covering of the nipple to a person other than  
29 her spouse, or any person who engages in sexual con-  
30 tact between himself or herself and another by pene-  
31 tration of the penis into the vagina or anus or by  
32 contact between the mouth and genitalia or by use of  
33 artificial sexual organs or substitutes therefor in  
34 contact with genitalia or anus in the presence of  
35 or view of a third person, commits an indictable  
36 misdemeanor if he or she knows or reasonably should  
37 know that his or her act is offensive to the viewer  
38 and, upon a finding of guilt, such person shall be  
39 imprisoned in the county jail not to exceed one year  
40 or be fined not to exceed five hundred dollars.

H-2431 Filed - *H. 2. 3/26*  
March 11, 1974

By KREAMER of Polk

H-2491

1 Amend the Kreamer amendment, H-2466, to page 4,  
2 of House File 1102 as follows:

3 1. By striking from line 19 the words "or attempts  
4 to solicit with the" and inserting in lieu thereof  
5 the word "a".

6 2. By inserting in line 20 before the word  
7 "sexual" the words "to engage in".

H-2491 Filed - *Adopted 3/26*  
March 14, 1974

By NEWHARD of Jones

H—2632

- 1 Amend the Knoke amendment H-2337 to House File  
2 1102 as follows:  
3 1. Line 6, by inserting after the word "material"  
4 the words "applicable to minors".  
5 2. Line 11, by striking the word "obscenity" and  
6 inserting in lieu thereof the words "the availability  
7 of obscene materials to minors".

H—2632 Filed and adopted By OAKLEY of Clinton  
March 26, 1974 FREEMAN of Buena Vista

H—2639

- 1 Amend the Kreamer amendment H-2466 to House File  
2 1102 by striking all after the word "shall" in line  
3 11 and all of line 12.

H—2639 Filed and withdrawn By DE JONG of Marion  
March 26, 1974

H—2336

- 1 Amend House File 1102 as follows:  
2 1. Page 4, line 5, by striking the word "and".  
3 2. Page 4, by striking line 6 and inserting in  
4 lieu thereof the following:  
5 "seven hundred twenty-five point nine (725.9),  
6 seven hundred twenty-five point ten (725.10), and  
7 seven hundred twenty-five point eleven (725.11),  
8 Code 1973,".

H—2336 Filed - *Adopted 3/26* By KNOKE of Pottawattamie  
February 26, 1974

H—2337

- 1 Amend House File 1102 as follows:  
2 1. Page 3, by adding after line 35 the folli-  
3 owing: "Sec. 7. NEW SECTION. UNIFORM APPLICATION.  
4 In order to provide for the uniform application of  
5 the provisions of this act relating to obscene  
6 material within this state, it is intended that the  
7 sole and only regulation of obscene material shall  
8 be under the provisions of this act, and no municipi-  
9 pality, county or other governmental unit within  
10 this state shall make any law, ordinance or regula-  
11 tion relating to obscenity. All such laws, ordi-  
12 nances or regulations, whether enacted before or  
13 after this Act, shall be or become void, unenforce-  
14 able and of no effect upon the effective date of  
15 this Act."  
16 2. By renumbering subsequent sections.

H—2337 Filed - ~~Adopted 3/25~~ *Revised Motion to* By KNOKE of Pottawattamie  
February 26, 1974 *renumbered filed 3/25 (257) passed, adopted as amended by 7-11-74*

H—2371

- 1 Amend House File 1102 as follows:  
2 1. Page 3, line 35, by inserting after the word  
3 "more" the words "or was accompanied by a parent or  
4 spouse".

H—2371 Filed - *Adopted 3/25* By KREAMER of Polk  
March 1, 1974

H-2205

1 Amend House File 1102, Page 2, line 9 by striking the  
2 word "preverted" and inserting in lieu thereof the  
3 word "perverted".

H-2205 Filed - *Withdrawn 3/25*  
February 14, 1974

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT  
HILL of Polk, Chairman

H-2212

1 Amend House File 1102 as follows:  
2 1. Page 2, line 25, by striking the word  
3 "eighteen" and inserting in lieu thereof the  
4 word "sixteen."  
5 2. Page 3, strike lines 5 through 12.  
6 3. Page 3, line 32, by striking the word  
7 "eighteen" and inserting in lieu thereof the  
8 word "sixteen".  
9 4. Page 3, line 35, by striking the word  
10 "eighteen" and inserting in lieu thereof the  
11 word "sixteen".

H-2212 Filed - *Last 3/25 Motion to* By HILL of Polk  
February 15, 1974 *reconsider filed*  
*3/25 (1231) W.D. 3/26*

H-2327

1 Amend House File 1102 as follows:  
2 Page 2, by inserting after line 13, the  
3 following:  
4 d. Patently offensive representations or depic-  
5 tions of decapitation, dismemberment, serious injury,  
6 death or other acts of violence perpetrated against  
7 a human being.

H-2327 Filed - *Withdrawn 3/25*  
February 25, 1974

By KRAUSE of Palo Alto

H-2335

1 Amend House File 1102 as follows:  
2 1. Page 3, by inserting after line 4, the follow-  
3 ing:  
4 NEW SECTION. EXEMPTIONS FOR PUBLIC LIBRARIES AND  
5 EDUCATIONAL INSTITUTIONS. Nothing in this Act pro-  
6 hibits the use of appropriate material for education-  
7 al purposes in any accredited school, or any public  
8 library, or in any educational program in which the  
9 minor is participating. Nothing in this Act pro-  
10 hibits the attendance of minors at an exhibition or  
11 display of art works or the use of any materials in  
12 any public library.

H-2335 Filed  
February 26, 1974

By KISER of Scott

H-2393

1 Amend House File 1102, page 3, by adding after  
2 line 27 the following:  
3 "6. The effect of the material on the individual."

H-2393 Filed - *Last 3/25*  
March 4, 1974

By DAGGETT of Adams

H-2455

1 Amend House File 1102 as follows:

- 2 1. Page 2, by striking lines 3 through 13 and  
3 inserting in lieu thereof the following:  
4 "'Obscene material' is any material depicting or  
5 describing the genitals, sex acts, masturbation,  
6 excretory functions or sado-masochistic abuse which  
7 the average person, taking the material as a whole and  
8 applying contemporary community standards with respect  
9 to what is suitable material for minors, would find  
10 appeals to the prurient interest and is patently offen-  
11 sive; and the material, taken as a whole, lacks serious  
12 literary, scientific, political or artistic value."  
13 2. Page 2, by striking line 24 and inserting  
14 in lieu thereof the following:  
15 "5. 'Sado-masochistic abuse' means the infliction  
16 of physical or mental pain upon a person or the con-  
17 dition of a person being fettered, bound or otherwise  
18 physically restrained."  
19 3. Page 2, line 25, by inserting before the  
20 word "person" the word "unmarried".  
21 4. Page 2, by adding after line 25 the follow-  
22 ing:  
23 "7. 'Sex act' means any sexual contact, actual  
24 or simulated, between two or more persons, either  
25 natural or deviate, or between a person and an animal,  
26 by penetration of the penis into the vagina or anus,  
27 or by contact between the mouth and genitalia or anus,  
28 or by use of artificial sexual organs or substitutes  
29 therefor in contact with the genitalia or anus."  
30 5. Page 2, line 28 by striking the word "ob-  
31 scenity" and inserting in lieu thereof the words  
32 "obscene material".  
33 6. Page 2, line 35, by striking the word "ob-  
34 scenity" and inserting in lieu thereof the words  
35 "obscene material".

H-2455 Filed - *Adopted 3/25*  
March 12, 1974

By KNOKE of Pottawattamie

H-2520

- 1 Amend House File 1102, page 2, by inserting  
2 after line 13, the following:  
3 d. Patently offensive representations or  
4 descriptions of warfare, the glorification of the  
5 martial arts, or the advocacy of violence as an  
6 acceptable instrument in achieving change or the  
7 resolution of differences between individual human  
8 beings or groups of human beings.

H-2520 Filed - *Lost 3/25*  
March 15, 1974

By CUSACK of Scott

H-2619

1 Amend the Kreamer amendment H-2466 to page 4 of  
2 House File 1102 as follows:  
3 1. Line 7, by striking the word "SIXTEEN" and in-  
4 serting in lieu thereof the word "EIGHTEEN".  
5 2. Line 9, by striking the word "sixteen" and in-  
6 serting in lieu thereof the word "eighteen".  
7 3. Line 15, by striking the word "sixteen" and in-  
8 serting in lieu thereof the word "eighteen".  
9 4. Line 16, by striking the word "sixteen" and in-  
10 serting in lieu thereof the word "eighteen".  
11 5. Line 20, by striking the word "sixteen" and in-  
12 serting in lieu thereof the word "eighteen".

H-2619 Filed - *w. d. 3/26*  
March 25, 1974

By MENNENGA of Clinton  
DAGGETT of Adams  
WYCKOFF of Benton  
TOFTE of Winneshiek

H-2623

1 Amend House File 1102, page 4, lines 2 and 3, by  
2 striking the words and figures "seven hundred  
3 twenty-five point five (725.5),".

H-2623 Filed - *Adopted 3/26*  
March 25, 1974

By NIELSEN of Polk

H-2630

1 Amend House File 1102, page 3, by striking lines  
2 24 and 25.

H-2630 Filed - *Adopted 3/26*  
March 25, 1974

By NIELSEN of Polk

H-2627

1 Amend House File 1102, page 2, line 27 by  
2 inserting after the word "person" the following: ", other  
3 than the parent or guardian of the minor,".

H-2627 Filed and adopted  
March 25, 1974

By MONROE of Des Moines

H-2631

1 Amend House File 1102, page 3, by inserting after  
2 the period in line 9 the following: "This section  
3 shall apply only to the premises on which the viola-  
4 tion occurred."

H-2631 Filed - *Adopted 3/26*  
March 25, 1974

By HILL of Polk

H-2633

1 Amend the Kreamer amendment H-2466 to House  
2 File 1102, line 13 by inserting after the word  
3 "dollars" the words "or submit to treatment by  
4 qualified medical personnel".

H-2633 Filed and adopted  
March 26, 1974

By LIPSKY of Linn

H-2370

1 Amend House File 1102 as follows:  
2 1. By adding the following new section after Sec-  
3 tion 7:  
4 Sec. \_\_\_\_\_. Nothing in this Act shall prohibit the  
5 use of appropriate material for educational purposes  
6 in any accredited school, or any public library, or  
7 in any educational program in which the minor is par-  
8 ticipating; nor shall this Act prohibit the attendance  
9 of minors at an exhibition or display of art works  
10 of the use of any materials in any public library.

H-2370 Filed *2. 3/26*  
March 1, 1974

By KREAMER of Polk

H-2414

1 Amend House File 1102 as follows:  
2 1. Page 2, line 3, by inserting before the word  
3 "is" the words "or 'lewd material'".

H-2414 Filed *Withdrawn 2/25*  
March 6, 1974

By KREAMER of Polk

S-2643

1 Amend House File 1102, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Amend the title on page 1, line 2, by insert-  
4 ing after the word "minors" the words "and lascivious  
5 acts with certain minors," and by striking the words  
6 "a penalty" and inserting in lieu thereof the word  
7 "penalties".

S-2643 Filed *Ruled out of order*  
April 2, 1974 *by adoption of 27938* By RILEY

S-2828

1 Amend House File 1102, as amended, passed and re-  
2 printed by the House, as follows:  
3 1. Page 2B, line 40 by striking the word "for".  
4 2. Page 2B, by striking lines 41 through 43 and in-  
5 serting in lieu thereof the following: "to enjoin the  
6 dissemination or exhibition of obscene material to  
7 minors. Such application for injunction is optional  
8 and not mandatory".  
9 3. Page 2B, by striking lines 46 through 70.  
10 4. Page 2C, by striking lines 71 through 105.  
11 5. Page 2D, by striking lines 106 through 140.  
12 6. Page 2E, by striking lines 141 through 148.  
13 7. By renumbering sections to conform with this  
14 amendment.

S-2828 Filed *Adopted 4/26*  
April 22, 1974

By RILEY

S-2833

- 1 Amend the Judiciary Committee amendment S-2793 to
- 2 House File 1102 as follows:
- 3 1. Page 3, line 5, by striking the words "a third"
- 4 and inserting in lieu thereof the word "another".
- 5 2. Page 3, by striking lines 23 and 24.
- 6 3. Page 3, line 25 and page 4, line 1 by striking
- 7 ", genitals, or buttock" and inserting in lieu
- 8 thereof the words "or genitals".
- 9 4. Page 4, lines 3 and 4 by striking ", pubes,
- 10 or buttock or the breast of a female" and inserting
- 11 in lieu thereof "or pubes".
- 12 5. By renumbering the subsections.

S-2833 Filed - *adopted 4/26 (1633-4)* By RILEY  
April 23, 1974