

See Judiciary 4/4 Do Pass 4/3 (p. 1542)

Senate File 2205

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

FILED MAR 23 1978

SENATE FILE 2205

BY COMMITTEE ON JUDICIARY
Approved 3/23 (p. 642)

Passed Senate, Date 4-2-78 (p. 707) Passed House, Date 3-1-78 (p. 2547)

Vote: Ayes 44 Nays 0 Vote: Ayes 53 Nays 0

Approved 6-5-78

A BILL FOR

1 An Act amending the criminal code revision to prohibit a
2 person from photographing a child involved in certain
3 prohibited sexual acts, and providing a penalty.

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

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1 Section 1. Chapter seven hundred twenty-eight (728), Code
2 1977 Supplement, is amended by adding the following new
3 section:

4 NEW SECTION. SEXUAL EXPLOITATION OF CHILDREN. A person
5 commits a class C felony when he or she employs, uses,
6 persuades, induces, entices, coerces, knowingly permits, or
7 otherwise causes a child to engage in a prohibited sexual
8 act or in the simulation of a prohibited sexual act if the
9 person knows, has reason to know, or intends that the act
10 or simulated act may be photographed, filmed, or otherwise
11 preserved in a negative, slide, book, magazine, or other print
12 or visual medium.

13 Sec. 2. Section seven hundred twenty-eight point one
14 (728.1), Code 1977 Supplement, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. "Prohibited sexual act" means any of the
17 following:

18 a. A sex act as defined in section seven hundred two point
19 seventeen (702.17) of the Code Supplement;

20 b. An act of bestiality involving a child;

21 c. Fondling or touching the pubes or genitals of a child;

22 d. Fondling or touching the pubes or genitals of a person
23 by a child;

24 e. Sado-masochistic abuse of a child for the purpose of
25 arousing or satisfying the sexual desires of a person who
26 may view a depiction of the abuse;

27 f. Sado-masochistic abuse of a person by a child for the
28 purpose of arousing or satisfying the sexual desires of a
29 person who may view a depiction of the abuse; or

30 g. Nudity of a child for the purpose of arousing or
31 satisfying the sexual desires of a person who may view a
32 depiction of the nude child.

33 EXPLANATION

34 The bill makes it a class C felony for a person to
35 photograph a child involved in certain prohibited sexual acts.

1 Amend Senate File 2205 as passed by the Senate
2 as follows:

3 1. Page 1, line 3, by striking the word "section"
4 and inserting in lieu thereof the word "sections".

5 2. Page 1, by inserting after line 12 the follow-
6 ing new section:

7 "NEW SECTION. DISSEMINATION OR EXHIBITION OF
8 INDECENT MATERIAL TO MINORS. It is a serious
9 misdemeanor for a person to willfully or knowingly
10 do any of the following with a live show or material
11 which has a cover or content that exploits, is devoted
12 to, or is principally composed of descriptions or
13 depictions of a sex act or human masturbation; which
14 consists of pictures of nude or partially nude figures
15 posed or presented in a manner to provoke or arouse
16 lust or passion; or which exploits sex, lust, or
17 perversion for commercial gain:

18 1. Disseminate, exhibit, or advertise it to a
19 minor;

20 2. Possess it with intent to sell or commercially
21 distribute it to a minor; or

22 3. Display it at a newsstand or at any other
23 business establishment frequented by minors or where
24 minors are or may be invited as a part of the general
25 public.

26 For the purpose of this section "knowingly" means
27 to be aware of the character and content of the matter.
28 "Knowingly" also means failure, on notice, to exercise
29 reasonable inspection which would disclose the
30 character and content of the matter."

31 3. Page 1, line 15, by striking the word "subsec-
32 tion" and inserting in lieu thereof the word
33 "subsections".

34 4. Page 1, by inserting after line 15 the follow-
35 ing new subsection:

36 "NEW SUBSECTION. "Nude or partially nude figures"
37 means either of the following:

38 1. Less than completely and opaquely covered human
39 genitals, pubic regions, buttocks, or female breast
40 below a point immediately above the top of the areola.

41 2. Human male genitals in a discernibly turgid
42 state even if completely and opaquely covered."

43 5. Page 1, by inserting after line 32 the follow-
44 ing section:

45 "Sec. ____ Sections seven hundred twenty-eight
46 point two (728.2), seven hundred twenty-eight point
47 three (728.3), and seven hundred twenty-eight point
48 four (728.4), Code 1977 Supplement, are repealed."

49 6. Amend the title, line 3, by inserting after
50 the word "acts," the words "prohibiting a person from

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1 disseminating, exhibiting, advertising, or possessing
2 indecent material with intent to sell it to a minor,".

3 7. Amend the title, line 3, by striking the words
4 "a penalty" and inserting in lieu thereof the word
5 "penalties".

6 8. By renumbering as necessary.

SENATE FILE 2205

AN ACT

AMENDING THE CRIMINAL CODE REVISION TO PROHIBIT A PERSON FROM PHOTOGRAPHING A CHILD INVOLVED IN CERTAIN PROHIBITED SEXUAL ACTS, AND PROVIDING A PENALTY.

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

Section 1. Chapter seven hundred twenty-eight (728), Code 1977 Supplement, is amended by adding the following new section:

NEW SECTION. SEXUAL EXPLOITATION OF CHILDREN. A person commits a class C felony when he or she employs, uses, persuades, induces, entices, coerces, knowingly permits, or otherwise causes a child to engage in a prohibited sexual act or in the simulation of a prohibited sexual act if the person knows, has reason to know, or intends that the act or simulated act may be photographed, filmed, or otherwise preserved in a negative, slide, book, magazine, or other print or visual medium.

Sec. 2. Section seven hundred twenty-eight point one (728.1), Code 1977 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. "Prohibited sexual act" means any of the following:

- a. A sex act as defined in section seven hundred two point seventeen (702.17) of the Code Supplement;
- b. An act of bestiality involving a child;
- c. Fondling or touching the pubes or genitals of a child;
- d. Fondling or touching the pubes or genitals of a person by a child;
- e. Sado-masochistic abuse of a child for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the abuse;

f. Sado-masochistic abuse of a person by a child for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the abuse; or

g. Nudity of a child for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the nude child.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2205, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved _____, 1978

ROBERT D. RAY
Governor