

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

*Re Pass 3/23 (p. 1247)*

**FILED FEB 14 1984**

SENATE FILE **2183**

BY COMMITTEE ON JUDICIARY  
*Approved 2/14 (p. 427)*  
(FORMERLY SSB 2070)

Passed Senate, Date 2-23-84 (p. 508) Passed House, Date 3-29-84 (p. 1478)

Vote: Ayes 40 Nays 0 Vote: Ayes 94 Nays 3

Approved May 4, 1984

*Repassed Senate 3-4-84 (p. 1261)*

*41-3.  
motion to reconsider w/d 4/12*

# A BILL FOR

- 1 An Act relating to sexual abuse committed by engaging in a sex
- 2 act against the will of the other participant.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2183

H-5874

- 1 Amend Senate File 2183 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "Sec. 2. Section 709.3, subsection 1, Code 1983,
- 6 is amended to read as follows:
- 7 1. During the commission of sexual abuse the
- 8 person displays in a threatening manner a ~~deadly~~
- 9 dangerous weapon, or uses or threatens to use force
- 10 creating a substantial risk of death or serious injury
- 11 to any person."

H-5874 FILED MARCH 27, 1984 BY ROSENBERG of Story  
*Adopted 3/29 (p. 1478)*

## HOUSE AMENDMENT TO SENATE FILE 2183

S-5725

- 1 Amend Senate File 2183 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "Sec. 2. Section 709.3, subsection 1, Code 1983,
- 6 is amended to read as follows:
- 7 1. During the commission of sexual abuse the
- 8 person displays in a threatening manner a ~~deadly~~
- 9 dangerous weapon, or uses or threatens to use force
- 10 creating a substantial risk of death or serious injury
- 11 to any person."

S-5725 FILED  
APRIL 2, 1984

RECEIVED FROM THE HOUSE

*Senate concurred 4/3 (p. 1260)*

1 Section 1. Section 709.1, subsection 1, Code 1983, is  
2 amended to read as follows:

3 1. ~~Such~~ The act is done by force or against the will of  
4 the other. ~~in-any-case-where~~ If the consent or acquiescence  
5 of the other is procured by threats of violence toward any  
6 person or if the act is done while the other is under the  
7 influence of a drug inducing sleep or is otherwise in a state  
8 of unconsciousness, the act is done against the will of the  
9 other.

5874

10 EXPLANATION

11 This bill expressly provides that if a sex act is done  
12 while the other participant is under the influence of a drug  
13 inducing sleep or otherwise in a state of unconsciousness,  
14 it is done against the other's will and thus constitutes  
15 sexual abuse. The bill takes effect July 1 following its  
16 enactment.

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or uses or threatens to use force creating a substantial risk of death or serious injury to any person.

SENATE FILE 2183

AN ACT

RELATING TO SEXUAL ABUSE COMMITTED BY ENGAGING IN A SEX ACT AGAINST THE WILL OF THE OTHER PARTICIPANT.

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

Section 1. Section 709.1, subsection 1, Code 1983, is amended to read as follows:

1. ~~Such~~ The act is done by force or against the will of the other. ~~In any case where~~ If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.

Sec. 2. Section 709.3, subsection 1, Code 1983, is amended to read as follows:

1. During the commission of sexual abuse the person displays in a threatening manner a ~~deadly~~ dangerous weapon,

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CHARLES P. MILLER  
President Pro Tempore of the  
Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2183, Seventieth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 4, 1984

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TERRY E. BRANSTAD  
Governor

S.F. 2183