

Sen Judiciary 4/4/85 Amend (3734) & Do Pass 4/15 (p. 1364)

House File 732

JUDICIARY: Mann, Chair; Horn and Hester

Amend 5313 & Do Pass 3/11/86 (p. 672)

MAR 27 1985

Place On Calendar

HOUSE FILE 732

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly House File 275)

Passed House, Date 4-3-85 (p. 1331) Passed Senate, Date 3-26-86 (p. 901)

Vote: Ayes 92 Nays 0 Vote: Ayes 46 Nays 0

Approved May 2, 1986 (p. 2320)

Repassed House 4-7-86 (p. 1276)  
96-0

Repassed Senate 4-15-86 (p. 1230)  
47-0

## A BILL FOR

- 1 An Act relating to the penalties for violations of chapter 728
- 2 involving the promotion of obscene material and the sexual
- 3 exploitation of children.

53133

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

HOUSE FILE 732

H-3527

- 1 Amend House File 732 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "to" the following: "transfer possession, with or
- 4 without consideration, or to otherwise".

H-3527 FILED MARCH 28, 1985 BY VAN CAMP of Scott

Lois 4/3 (p. 1331)

S-3734

HOUSE FILE 732

- 1 Amend House File 732 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "'Promote'" the following: ", as used in section
- 5 728.12, subsection 2,".

S-3734 Filed April 15, 1985

By COM. ON JUDICIARY

Place o/o 3/26/86 (p. 901)

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HF 732

5313 1 Section 1. Section 728.1, subsection 9, Code 1985, is  
2 amended to read as follows:

3 9. "Promote" means to procure, manufacture, issue, sell,  
4 purchase, give, provide, lend, mail, deliver, transfer,  
5 transmute, transmit, publish, distribute, circulate,  
6 disseminate, present, exhibit, or advertise, or to offer or  
7 agree to do any of these acts.

8 Sec. 2. Section 728.12, subsection 1, Code 1985, is  
9 amended to read as follows:

10 1. A person commits a class "C" felony when the person  
11 employs, uses, persuades, induces, entices, coerces, knowingly  
12 permits, or otherwise causes a child to engage in a prohibited  
13 sexual act or in the simulation of a prohibited sexual act if  
14 the person knows, has reason to know, or intends that the act  
15 or simulated act may be photographed, filmed, or otherwise  
16 preserved in a negative, slide, book, magazine, or other print  
17 or visual medium. Notwithstanding section 902.9, the court  
18 may assess a fine of not more than fifty thousand dollars for  
19 each offense under this subsection in addition to imposing any  
20 other authorized sentence.

5313 21 Sec. 3. Section 728.12, subsection 2, unnumbered paragraph  
22 1, Code 1985, is amended to read as follows:

23 A person commits a class "D" felony when the person  
24 knowingly promotes any material visually depicting a live  
25 performance of a child engaging in a prohibited sexual act or  
26 in the simulation of a prohibited sexual act. Notwithstanding  
27 section 902.9, the court may assess a fine of not more than  
28 twenty-five thousand dollars for each offense under this  
29 subsection in addition to imposing any other authorized  
30 sentence.

31 EXPLANATION

32 Section 1 of this bill provides that the purchase obscene  
33 material will be considered as "promoting" such material for  
34 the purpose of the prohibitions and penalties of the obscenity  
35 chapter.

1 Sections 2 and 3 of the bill provide that in addition to  
2 present authorized penalties for the sexual exploitation of  
3 children, an additional fine of up to \$50,000 (for class "C"  
4 offenses) or \$25,000 (for class "D" offenses) may be imposed  
5 by the court.

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HOUSE FILE 732

S-5444

1 Amend the amendment S-5313 to House File 732 as  
2 passed by the House as follows:

3 1. Page 1, by striking line 3, and inserting the  
4 following:

5 "    . Page 1, by striking lines 1 through 7, and  
6 inserting the following:

7 "Sec.     . Section 92.2, unnumbered paragraph 1,  
8 Code 1985, is amended to read as follows:

9 ~~No~~ A person between ten and sixteen years of age  
10 shall not be employed or permitted to work with or  
11 without compensation in connection with any of the  
12 occupations mentioned in section 92.1 unless the  
13 worker complies with all the requirements for the  
14 issuance of work permits. Upon compliance with the  
15 requirements of this chapter, ~~such a person shall be~~  
16 is entitled to receive from the officer authorized to  
17 issue work permits, a work permit which shall  
18 authorize such the person to engage in the occupations  
19 set forth in section 92.1, work as a migratory laborer  
20 at such a time or times specified in the work permit,  
21 between five seven o'clock a.m. and seven-thirty  
22 o'clock p.m., except nine o'clock p.m. June 1 through  
23 Labor Day, provided that.

24 PARAGRAPH DIVIDED. Nothing in However, this  
25 chapter shall be construed to does not prohibit or  
26 restrict such persons from being employed or permitted  
27 to work without such a work permit in or in connection  
28 with the street occupations in cities of less than ten  
29 thousand population and in areas outside the corporate  
30 limits of any city, in any. In a city of ten thousand  
31 or more inhabitants such persons, a person shall  
32 comply with the requirements for the issuance of work  
33 permits as described in this chapter except the filing  
34 of an employer's agreement, but the school record so  
35 required shall certify only that the person is  
36 regularly attending school and that the work in which  
37 the person wishes to engage will not interfere with  
38 the person's progress at school. Upon compliance with  
39 these requirements such a person shall be is entitled  
40 to receive from the officer authorized to issue work  
41 permits a street-occupation permit or badge which  
42 shall authorize such the person to engage in the  
43 street occupations at such a time or times specified  
44 in the work permit between four seven o'clock a.m. and  
45 seven-thirty o'clock p.m. each day during the hours  
46 that the public schools of the city or district where  
47 such the person resides are not in session, except  
48 that during the summer school vacation, such the  
49 person may engage in such the occupation until the  
50 hour of eight-thirty nine o'clock p.m.

1 Sec. \_\_\_\_ . Section 92.7, Code 1985, is amended to  
2 read as follows:

3 92.7 UNDER SIXTEEN -- HOURS PERMITTED.

4 No A person under sixteen years of age shall not be  
5 employed with or without compensation ~~except-as~~  
6 ~~provided-in-section-92-3~~ before the hour of seven  
7 o'clock a.m. or after seven seven-thirty o'clock p.m.,  
8 except during the period from June 1 through Labor Day  
9 when the hours may be extended to nine o'clock p.m.  
10 If such a person is employed for a period of five  
11 hours or more each day, an intermission of not less  
12 than thirty minutes shall be given. ~~No-such A person~~  
13 under sixteen years of age shall not be employed for  
14 more than eight hours in one day, exclusive of  
15 intermission, nor shall-such-person-be-employed for  
16 more than forty hours in one week. The However, the  
17 hours of work of persons under sixteen years of age  
18 ~~employed-outside-school-hours~~ shall not exceed four in  
19 one day or twenty-eight in one week while school is in  
20 session.""

21 2. Page 1, line 7, by striking the word  
22 "subsection" and inserting the word "subsections".

23 3. Page 1, by striking line 12 and inserting the  
24 following: "prohibited sexual act commits a simple  
25 misdemeanor."

26 NEW SUBSECTION. 4. A person who employs a child,  
27 knowing or having reason to know that such employment  
28 places the child in risk of being sexually exploited  
29 or increases the potential for sexual exploitation of  
30 the child, commits a simple misdemeanor.""

S-5444 Filed March 25, 1986

BY HOLDEN

*Amended not german 3/26 (p. 898)*

HOUSE FILE 732

S-5313

1 Amend House File 732 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 1 through 7.

4 2. Page 1, by striking lines 21 through 30 and  
5 inserting the following:

6 "Sec. \_\_\_\_ . Section 728.12, Code 1985, is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 3. A person who knowingly  
9 purchases any negative, slide, book, magazine or other  
10 print or visual medium depicting a child engaging in a  
11 prohibited sexual act or the simulation of a  
12 prohibited sexual act commits a simple misdemeanor."

13 3. Title page, lines 1 and 2 by striking the  
14 words "penalties for violations of chapter 728  
15 involving the promotion of obscene material and the".

16 4. Title page, line 3, by inserting after the  
17 word "children" the words ", and providing penalties".

18 5. By numbering and renumbering as necessary.

S-5313 Filed March 11, 1986

BY COMM. ON JUDICIARY, DOYLE, CHAIR

*Adopted 3/26/86 (p. 901)*

SENATE AMENDMENT TO HOUSE FILE 732

H-5595

1 Amend House File 732 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 1 through 7.

4 2. Page 1, by striking lines 21 through 30 and  
5 inserting the following:

6 "Sec. \_\_\_\_ . Section 728.12, Code 1985, is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 3. A person who knowingly  
9 purchases any negative, slide, book, magazine or other  
10 print or visual medium depicting a child engaging in a  
11 prohibited sexual act or the simulation of a

12 prohibited sexual act commits a simple misdemeanor."

13 3. Title page, lines 1 and 2 by striking the  
14 words "penalties for violations of chapter 728  
15 involving the promotion of obscene material and the".

16 4. Title page, line 3, by inserting after the  
17 word "children" the words ", and providing penalties".

18 5. By numbering and renumbering as necessary.

H-5595 FILED MARCH 28, 1986 RECEIVED FROM THE SENATE

*House amended (5689) & concurred  
4/7/86 (p. 1276)*

HOUSE FILE 732

H-5689

1 Amend the amendment H-5595, to House File 732 as  
2 passed by the House as follows:

3 1. Page 1, by striking lines 4 and 5 and  
4 inserting the following:

5 "2. Page 1, by inserting after line 30 the  
6 following:".

7 2. Page 1, line 12, by striking the word "simple"  
8 and inserting the word "serious".

9 3. By renumbering as necessary.

H-5689 FILED APRIL 3, 1986 BY TABOR of Jackson

*Adopted 4/7/86 (p. 1276)*

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 732

S-5655

1 Amend the amendment H-5595, to House File 732 as  
2 passed by the House as follows:

3 1. Page 1, by striking lines 4 and 5 and  
4 inserting the following:

5 "2. Page 1, by inserting after line 30 the  
6 following:".

7 2. Page 1, line 12, by striking the word "simple"  
8 and inserting the word "serious".

9 3. By renumbering as necessary.

S-5655 Filed April 9, 1986 REC'D FROM THE HOUSE

*Senate concurred 4/15 (p. 1230)*

HOUSE FILE 732

AN ACT  
RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN, AND PROVID-  
ING PENALTIES.

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

Section 1. Section 728.12, subsection 1, Code 1985, is amended to read as follows:

1. A person commits a class "C" felony when the person 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. Notwithstanding section 902.9, the court may assess a fine of not more than fifty thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 2. Section 728.12, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A person commits a class "D" felony when the person knowingly promotes any material visually depicting a live performance of a child engaging in a prohibited sexual act or in the simulation of a prohibited sexual act. Notwithstanding section 902.9, the court may assess a fine of not more than twenty-five thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 3. Section 728.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who knowingly purchases any negative, slide, book, magazine or other print or visual

medium depicting a child engaging in a prohibited sexual act or the simulation of a prohibited sexual act commits a serious misdemeanor.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 732, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 2, 1986

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TERRY E. BRANSTAD  
Governor