

(p. 200) 2/8/93

(p. 257) 2/12/94 amend/Do Pass w/H5061

Sub Comm - Judiciary, Law Enforcement
Grubbs, Dodder, Grundberg

FEB 4 1993

HOUSE FILE 121

Judiciary & Law Enforcement

BY GRUBBS

Passed House, (p. 814) Date 3/23/94

Passed Senate, (p. 1237) Date 4/14/94

Vote: Ayes 94 Nays 1

Vote: Ayes 47 Nays 0

Approved April 28, 1994

A BILL FOR

1 An Act extending the statute of limitations for certain forcible
2 felonies.

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

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HF 121

1 Section 1. Section 802.2, Code 1993, is amended to read as
2 follows:

3 802.2 SEXUAL ABUSE OF CHILD.

4 An information or indictment for sexual abuse in the first,
5 second, or third degree committed on or with a child under the
6 age of twelve years shall be found ~~not later than~~ within six
7 months after the child attains eighteen years of age, or
8 within seven years after the commission of the offense,
9 whichever is later.

10 Sec. 2. Section 802.3, Code 1993, is amended to read as
11 follows:

12 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

13 1. In all cases, except those enumerated otherwise
14 specified in subsection 2 this section and in sections 802.1
15 and 802.2, an indictment or information for a felony other
16 than a forcible felony, as defined in section 702.11, or
17 aggravated or serious misdemeanor shall be found within three
18 years after its commission.

19 2. An indictment or information for sexual exploitation by
20 a counselor or therapist under section 709.15 shall be found
21 within five years of the date the victim was last treated by
22 the counselor or therapist.

23 3. An indictment or information for a forcible felony, as
24 defined in section 702.11, shall be found within seven years
25 after its commission.

26 EXPLANATION

27 This bill changes the statute of limitations for first,
28 second, or third degree sexual abuse of a child under the age
29 of 12, from not later than six months after the child turns
30 18, to the latter of six months after the child attains the
31 age of 18 or seven years after the commission of the offenses.

32 The bill also changes the statute of limitations for
33 forcible felonies, other than murder in the first or second
34 degree and sexual abuse of a child under the age of 12, by
35 increasing the period from three years to seven years.

HOUSE FILE 121
FISCAL NOTE

The estimate for House File 121 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 121 changes the statute of limitations for first, second, or third degree sexual abuse of a child under the age of 12 to the later of 6 months after the child turns 18 or 7 years after the offense. The bill also changes the statute of limitations for other forcible felonies, other than murder and sexual abuse of a child, from 3 to 7 years.

Assumptions:

Data is not available to specifically estimate the number of cases that are not being brought because the statute of limitations has expired. The Department of Corrections does not anticipate a significant increase in the number of cases or convictions because of this change.

Fiscal Impact:

This change is not expected to have a significant fiscal impact on the General Fund.

Correctional Impact:

There is no impact to the correctional system.

Source:

Department of Corrections
Department of Human Service

(LSB 1432hh, MDF)

FILED FEBRUARY 23, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

MARCH 8, 1994

HOUSE FILE 121

H-5144

- 1 Amend the amendment, H-5061, to House File 121, as
2 follows:
3 1. Page 1, by inserting after line 9 the
4 following:
5 "Sec. ____ . NEW SECTION. 709.17 ENHANCED PENALTY
6 FOR REPEAT OFFENSES.
7 1. A person who is convicted of a second or
8 subsequent violation of any provision of this chapter
9 with a child shall be punished as follows:
10 a. For a second violation, the person shall be
11 sentenced to two times the maximum term otherwise
12 provided by law, and the judgment or sentence shall
13 not be deferred, or suspended, notwithstanding section
14 907.3.
15 b. A third or subsequent violation shall be
16 punished as a class "D" felony if the underlying
17 offense is a misdemeanor, or shall be punished as a
18 felony one class higher than the underlying offense if
19 the underlying offense is a class "D" or class "C"
20 felony. The person shall be sentenced to three times
21 the maximum term otherwise provided by this paragraph,
22 and the judgment or sentence shall not be deferred, or
23 suspended, notwithstanding section 907.3. In
24 addition, the person shall not be eligible for parole.
25 2. The penalties provided for in this section
26 apply even though the second or subsequent violation
27 with a child is for a different offense from the
28 previous offense under this chapter."
29 2. Page 1, line 36, by inserting after the word
30 "offenses" the following: "and penalties for
31 offenses".
32 3. Page 1, line 37, by striking the words "in the
33 third degree".
34 4. By numbering and renumbering as necessary.

By DICKINSON of Jackson

H-5144 FILED MARCH 7, 1994

Withdrawn 3/23/94 (P. 813)

HOUSE FILE 121

H-5145

- 1 Amend the amendment, H-5061, to House File 121 as
2 follows:
3 1. Page 1, line 16, by striking the word
4 "seventeen" and inserting the following: "eighteen".

By DODERER of Johnson
GRUBBS of Scott
KREIMAN of Davis

H-5145 FILED MARCH 7, 1994

adopted 3/23/94 (P. 814)

HOUSE FILE 121

H-5061

1 Amend House File 121 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 709.4, subsection 2, paragraph
5 c, unnumbered paragraph 1, Code 1993, is amended to
6 read as follows:
7 The other participant is fourteen, or fifteen, or
8 sixteen years of age and any of the following are
9 true:
10 Sec. 2. Section 802.2, Code 1993, is amended to
11 read as follows:
12 802.2 SEXUAL ABUSE OF CHILD.
13 An information or indictment for sexual abuse in
14 the first, second, or third degree committed on or
15 with a child person who is under the age of twelve
16 seventeen years shall be found not-later-than-six
17 months within five years after the child person upon
18 whom the offense is committed attains eighteen years
19 of age.
20 Sec. 3. Section 802.3, Code 1993, is amended to
21 read as follows:
22 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.
23 1. In all cases, except those enumerated otherwise
24 specified in subsection 2 and in sections 802.1 and
25 802.2, an indictment or information for a felony or
26 aggravated or serious misdemeanor shall be found
27 within three five years after its commission.
28 2. An indictment or information for sexual
29 exploitation by a counselor or therapist under section
30 709.15 shall be found within five years of the date
31 the victim was last treated by the counselor or
32 therapist."
33 2. Title page, by striking lines 1 and 2 and
34 inserting the following: "An Act relating to certain
35 public offenses, by extending the statute of
36 limitations, and by creating additional offenses which
37 constitute sexual abuse in the third degree."

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

H-5061 FILED FEBRUARY 15, 1994

adopted 3/23/94 (P. 814)

(P. 830) 3/24/94 Senate Judiciary
(P. 857) 3/28/94 Senate - Do Pass

HOUSE FILE 121
BY GRUBBS

(As Amended and Passed by the House March 23, 1994)

Passed House, ^(P. 1718)~~(P. 1287)~~ Date 4-15-94 Passed Senate, ^(P. 1237) Date 4-14-94
Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0
Approved April 28, 1994

Passed 4-15-94
Vote 48-0 (P. 1287)

A BILL FOR

1 An Act relating to certain public offenses, by extending the
2 statute of limitations, and by creating additional offenses
3 which constitute sexual abuse in the third degree.

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

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All New Language by the House

1 Section 1. Section 709.4, subsection 2, paragraph c,
2 unnumbered paragraph 1, Code 1993, is amended to read as
3 follows:

4 The other participant is fourteen, or fifteen, or sixteen
5 years of age and any of the following are true:

6 Sec. 2. Section 802.2, Code 1993, is amended to read as
7 follows:

8 802.2 SEXUAL ABUSE OF CHILD.

9 An information or indictment for sexual abuse in the first,
10 second, or third degree committed on or with a child person
11 who is under the age of ~~twelve~~ eighteen years shall be found
12 not-later-than-six-months within five years after the child
13 person upon whom the offense is committed attains eighteen
14 years of age.

15 Sec. 3. Section 802.3, Code 1993, is amended to read as
16 follows:

17 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

18 1. In all cases, except those enumerated otherwise
19 specified in subsection 2 and in sections 802.1 and 802.2, an
20 indictment or information for a felony or aggravated or
21 serious misdemeanor shall be found within three five years
22 after its commission.

23 2. An indictment or information for sexual exploitation by
24 a counselor or therapist under section 709.15 shall be found
25 within five years of the date the victim was last treated by
26 the counselor or therapist.

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HOUSE FILE 121

S-5441

- 1 Amend House File 121, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "age" the following: "or not later than four years
- 5 after the discovery of the offense, whichever occurs
- 6 later".

By MERLIN E. BARTZ

S-5441 FILED APRIL 4, 1994

Roll 4/6/94 (P. 1065)

HOUSE FILE 121

S-5454

- 1 Amend House File 121, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following: "subparagraph (4), Code
- 5 1993, is amended to read as follows:
- 6 (4) The person is ~~six~~ five or more years older
- 7 than the other participant."
- 8 2. Page 1, by striking lines 15 through 26.
- 9 3. By renumbering as necessary.

By AL STURGEON

S-5454 FILED APRIL 5, 1994

Adopted 4-6-94 (P. 1065)

HOUSE FILE 121

S-5486

1 Amend House File 121, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. NEW SECTION. 692A.1 DEFINITIONS.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. "Bureau" means the department of public safety,
9 division of criminal investigation and bureau of
10 identification.
11 2. "Criminal justice agency" means an agency or
12 department of federal, state, or local government or
13 an entity which is wholly owned, financed, or
14 controlled by one or more agencies or departments of
15 federal, state, or local government, which performs as
16 its principal function the apprehension, prosecution,
17 adjudication, incarceration, or rehabilitation of
18 criminal offenders.
19 3. "Department" means the department of public
20 safety.
21 4. "Individually identified" means criminal
22 history data which relates to a specific person by one
23 or more of the following means of identification:
24 a. Name and alias if any.
25 b. Social security number.
26 c. Fingerprints.
27 5. "Sex crime" means the commission of any of the
28 following public offenses:
29 a. Commission of an act prohibited under chapter
30 709.
31 b. Kidnapping, which is accompanied by the intent
32 to subject the person kidnapped to sexual abuse, as
33 defined under section 710.1, subsection 3.
34 c. Burglary or attempted burglary accompanied by
35 the intent to commit sexual abuse under chapter 713.
36 d. Incest as defined under section 726.2.
37 e. Dissemination and exhibition of obscene
38 material to minors in violation of section 728.2.
39 f. Admitting minors to premises where obscene
40 material is exhibited in violation of section 728.3.
41 g. Sexual exploitation of a minor in violation of
42 section 728.12.
43 h. Telephone dissemination of obscene material to
44 minors in violation of section 728.15.
45 i. A public offense committed under any
46 predecessor statutes to the public offenses specified
47 under paragraphs "a" through "h".
48 j. A public offense committed in another
49 jurisdiction which would constitute a public offense
50 under paragraphs "a" through "h" if committed in this

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1 state.

2 6. "Sex crimes analysis information" means
3 information and analysis of information provided to
4 and used by the sex crimes analysis unit of the
5 department of public safety that relates to sex crimes
6 and sex offenders.

7 7. "Sex offender" means any person who has been
8 convicted of or adjudicated delinquent for commission
9 of an act which constitutes a sex crime.

10 8. "Sex offender registry" means the centralized
11 information base maintained by the department of
12 public safety.

13 Sec. 2. NEW SECTION. 692A.2 WHO MUST REGISTER --
14 FREQUENCY OF REGISTRATION -- NOTICE OF DUTY TO
15 REGISTER.

16 1. A person who is found guilty, pleads guilty, is
17 adjudicated delinquent, or is sentenced for a sex
18 crime shall register in the manner provided in this
19 chapter. If a person's conviction of or delinquency
20 adjudication for commission of an act which would
21 constitute a sex crime is subsequently set aside or
22 overturned, the person shall not be required to
23 register as a sex offender due to the former
24 conviction or adjudication.

25 2. The department may require a person convicted
26 of or adjudicated delinquent for commission of an act
27 which constitutes a sex crime who is incarcerated to
28 be registered in the county of incarceration. If the
29 registration of incarcerated sex offenders is
30 required, the department of corrections in the case of
31 persons committed to the custody of the director of
32 the department of corrections, the judicial district
33 department of correctional services in the case of
34 persons assigned to the custody of the judicial
35 district department of correctional services, or the
36 department of human services in the case of persons
37 who are incarcerated in an institution subject to the
38 control of the department of human services, shall,
39 upon releasing the offender, notify the sheriff of the
40 county to which the person is released. The
41 notification does not relieve the person of the duty
42 to register.

43 3. At the time of adjudication of delinquency or
44 sentencing or, if the person is to be released from
45 physical custody prior to adjudication of delinquency
46 or sentencing, at the time of entry of a guilty plea
47 or entry of a verdict of guilty, the court shall
48 notify the sex offender of the person's duty to
49 register. Failure of the court to notify a person of
50 the duty to register does not relieve the sex offender

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1 of the duty to register.

2 4. Upon entry of sentence, adjudication of
3 delinquency, acceptance of a plea of guilty, or entry
4 of a verdict of guilty for a sex offense, the clerk
5 shall forward copies of each court order and other
6 relevant documents filed or entered in the case to the
7 department.

8 Sec. 3. NEW SECTION. 692A.3 ANNUAL REGISTRATION
9 REQUIRED.

10 Each sex offender shall, within ten days of release
11 from physical custody, register initially as a sex
12 offender with the sheriff of the county in which the
13 sex offender takes up temporary or permanent
14 residence. A sex offender shall register annually
15 with the county sheriff. Renewals of registration
16 shall be completed no later than January 15.

17 A sex offender who is age eighteen or older at the
18 time of conviction of the sex crime shall register
19 annually during the ten-year period which begins
20 either with the date of conviction for the sex crime
21 or the date of the person's release from custody,
22 whichever date occurs later. Sex offenders who are
23 under the age of eighteen at the time of their
24 adjudication of delinquency for an act which
25 constitutes a sex crime shall register annually until
26 the person reaches the age of twenty-five.

27 If a sex offender maintains more than one
28 residence, the sex offender shall register in each
29 county of residence in the manner required by the
30 department. If the sex offender maintains a mobile
31 residence, the sex offender shall register any address
32 at which the offender resides for more than ten days
33 and include the vehicle identification number of the
34 mobile residence in the offender's registration
35 information. If a sex offender who is required to
36 register under this chapter changes the offender's
37 temporary or permanent residence, the person shall
38 register with the sheriff of the county in which the
39 new residence is located, within ten days of the date
40 on which the offender's residence changes. The
41 sheriff shall transmit the registration information to
42 the department in the manner provided by rules adopted
43 by the department.

44 Sec. 4. NEW SECTION. 692A.4 REGISTRATION
45 PROCEDURES.

46 The department shall adopt rules and develop
47 appropriate forms regarding the registration of sex
48 offenders which include, but are not limited to, all
49 of the following:

50 1. REGISTRATION FORM AND CONTENTS. The department

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1 shall develop a standard registration form for use in
2 offender registration. Forms developed shall include
3 information regarding the sex offender's specific
4 address, including the street name, house, apartment
5 or lot number, any post office box, and plat number;
6 and a current telephone number. Forms developed shall
7 permit the addition of other relevant information,
8 such as, but not limited to, fingerprints,
9 photographs, and other relevant information.

10 2. AVAILABILITY OF FORMS. Rules adopted shall
11 provide that registration forms shall be available in
12 each county sheriff's office, and at each facility in
13 which sex offenders are incarcerated if the
14 registration of incarcerated sex offenders is
15 required. Copies of the form shall be available to
16 any person upon request.

17 3. REGISTRATION PROCEDURES. Rules adopted shall
18 establish procedures for the registration of
19 offenders. The procedures shall include provisions
20 for adding, deleting, and changing registration
21 information, and for renewing registrations as
22 necessary.

23 4. DUTIES OF THE SHERIFF. Rules shall establish
24 the duties of the sheriff regarding registration forms
25 and information and shall include a duty to transmit
26 all information received to the department.

27 Sec. 5. NEW SECTION. 692A.5 REGISTRY
28 CONFIDENTIAL.

29 1. The sex offender registry is a confidential
30 record under section 22.7, subsection 9, and shall
31 only be used for legitimate law enforcement purposes.
32 In cases in which members of the department are
33 participating in an investigation or arrest, or where
34 the department has entered into an agreement with
35 officers of other criminal justice agencies regarding
36 dissemination of information, the department may
37 disseminate sex offender registry information and sex
38 crimes analysis information in the manner provided in
39 section 692A.6.

40 2. Except in cases in which members of the
41 department are participating in an investigation or
42 arrest, the department and bureau may provide copies
43 or communicate information from the sex offender
44 registry to the following:

45 a. Criminal justice agencies.

46 b. Other public agencies, as authorized by the
47 commissioner of public safety.

48 c. The Iowa department of human services for the
49 purposes of carrying the duties or requirements of
50 section 218.13, section 232.71, subsection 1, section

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1 232.142, section 237.8, subsection 2, sections 237A.5
2 and 237A.20, and section 600.8, subsections 1 and 2.

3 d. The Iowa department of public health for the
4 purposes of screening employees and applicants for
5 positions of employment in health care facilities or
6 in substance abuse treatment programs which admit
7 juveniles and are licensed under chapter 125.

8 e. Licensed private child care and child placement
9 agencies and certified adoption investigators for
10 purposes of carrying out the requirements of section
11 237.8, subsection 2, and section 600.8, subsections 1
12 and 2.

13 f. A psychiatric medical institution for children
14 licensed under chapter 135H for purposes of meeting
15 the requirements specified in section 237.8,
16 subsection 2, and section 600.8, subsections 1 and 2.

17 g. The board of educational examiners for purposes
18 of carrying out duties imposed under section 272.2,
19 subsection 14.

20 3. The bureau shall maintain a list showing the
21 individual or agency to whom the information is
22 disseminated and the date of dissemination.

23 4. A person authorized to receive sex offender
24 registry information shall request and may receive the
25 information only when both of the following conditions
26 apply:

27 a. The information is for official purposes and is
28 in connection with prescribed duties or required
29 pursuant to section 237.8, subsection 2, or section
30 237A.5.

31 b. The request for information is based upon a
32 name, fingerprints, or other individual identifying
33 characteristics.

34 5. Notwithstanding provisions of this section to
35 the contrary, the department may provide copies or
36 communicate information from the sex offender registry
37 to any youth service agency approved by the
38 commissioner of public safety. Sex offender registry
39 information provided by the department or bureau to
40 authorized youth service agencies shall be limited to
41 information regarding applicants for paid or voluntary
42 positions, if those positions would place the
43 applicant in direct contact with children. The
44 department shall adopt rules that establish criteria
45 for the qualification and approval of youth service
46 agencies that may receive sex offender registry
47 information.

48 6. The department may charge a fee to any non-law
49 enforcement agency for conducting sex offender
50 registry checks and otherwise performing duties

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1 related to providing access to sex offender registry
2 information. The amount of the fee shall be set by
3 the commissioner of public safety, but shall be equal
4 to the lesser of either the cost incurred in providing
5 the information or twenty dollars for each individual
6 check requested. Notwithstanding any other provision
7 to the contrary, the department may use moneys from
8 the fee to employ clerical personnel to process sex
9 offender registry checks for non-law enforcement
10 purposes.

11 7. Information contained in the registry may be
12 disseminated to law enforcement agencies in Iowa and
13 other jurisdictions.

14 The department shall adopt rules to administer this
15 section.

16 Sec. 6. NEW SECTION. 692A.6 REDISSEMINATION OF
17 SEX OFFENDER REGISTRY INFORMATION.

18 1. Except as otherwise provided in this section, a
19 person or agency receiving sex offender registry
20 information from the department or bureau shall not
21 redisseminate the information, unless all of the
22 following apply:

23 a. The information is for official purposes in
24 connection with prescribed duties of a criminal
25 justice agency.

26 b. The agency maintains a list of the persons
27 receiving the information and the date and purpose of
28 the dissemination.

29 c. The request for information is based upon a
30 name, fingerprints, or other individual identifying
31 characteristics.

32 2. The department of human services may
33 redisseminate sex offender registry information
34 obtained pursuant to section 692A.5, to persons
35 licensed, registered, or certified under chapters 237,
36 237A, 238, and 600 for the purposes of section 237.8,
37 subsection 2, and section 237A.5. A person who
38 receives information pursuant to this subsection shall
39 not use the information other than for purposes of
40 section 237.8, subsection 2, section 237A.5, or
41 section 600.8, subsections 1 and 2. A person who
42 receives sex offender registry information pursuant to
43 this subsection and who uses the information for
44 purposes other than those permitted by this subsection
45 or who communicates the information to another person
46 except for the purposes permitted by this subsection
47 is guilty of an aggravated misdemeanor.

48 3. The Iowa department of public health may
49 redisseminate sex offender registry information
50 obtained pursuant to section 692A.5, subsection 1, to

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1 administrators of facilities licensed under chapter
2 125 which admit juveniles. Persons who receive sex
3 offender registry information pursuant to this
4 subsection shall not use the information other than
5 for the purpose of screening employees and applicants
6 for employment in substance abuse programs which admit
7 juveniles and are licensed under chapter 125. A
8 person who receives sex offender registry information
9 pursuant to this subsection and who uses it for any
10 other purposes or who communicates the information to
11 any other person other than for the purposes permitted
12 by this subsection is guilty of an aggravated
13 misdemeanor.

14 4. A peace officer, criminal justice agency, or
15 state or federal regulatory agency shall not
16 redisseminate sex crimes analysis information outside
17 the agency, received from the department or bureau or
18 from any other source, except as provided in
19 subsection 1, paragraphs "a" through "c".

20 Sec. 7. NEW SECTION. 692A.7 FAILURE TO COMPLY.

21 Failure to register as required under this chapter
22 is a serious misdemeanor for a first offense, an
23 aggravated misdemeanor for a second offense, and a
24 class "D" felony for a third or subsequent offense.
25 Any fine imposed for a second or subsequent offense
26 shall not be suspended. The court shall not defer the
27 judgment or sentence for any violation of this
28 chapter. The failure of a sex offender who is on
29 probation or parole to register as required under this
30 chapter shall result in the automatic revocation of
31 the sex offender's probation or parole.

32 A conviction for, deferred judgment for, or plea of
33 guilty to, a violation of this section which occurred
34 more than ten years prior to the date of the violation
35 charged shall not be considered in determining that
36 the violation charged is a second, third, or
37 subsequent offense. For purposes of determining if a
38 violation is a second or subsequent offense, deferred
39 judgments entered pursuant to section 907.3 for
40 violations of this section and convictions or the
41 equivalent of deferred judgments entered for
42 violations in any other states under sex offender
43 registry provisions that are substantially similar to
44 those contained in this section shall be counted as
45 previous offenses. The court shall judicially notice
46 the statutes of other states which establish offenses
47 substantially equivalent to this section. Each
48 violation for which a conviction or deferral judgment
49 is entered prior to the date of the violation charged
50 shall be considered and counted as a separate previous

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1 offense.

2 Sec. 8. NEW SECTION. 692A.8 ACQUITTALS BY REASON
3 OF INSANITY -- PSYCHIATRIC EVALUATION.

4 If a person is found not guilty by reason of
5 insanity of any sex crime, the court shall order that
6 the person undergo an independent psychiatric
7 evaluation in order to determine whether the offender
8 suffers from a permanent psychiatric disorder, and
9 whether the disorder can be treated. The results of
10 the examination shall be reported to the court.

11 Sec. 9. NEW SECTION. 692A.9 SEX CRIMES ANALYSIS
12 UNIT.

13 If the commissioner of public safety determines
14 that sufficient funds are appropriated or received,
15 the department shall establish a sex crimes analysis
16 unit to maintain the sex offender registry, to conduct
17 research and analysis related to sex crimes and sex
18 offenders, and to perform other duties required under
19 this chapter.

20 Sec. 10. NEW SECTION. 692A.10 REDISSEMINATION OF
21 SEX CRIMES ANALYSIS INFORMATION.

22 1. Information obtained by the sex crimes analysis
23 unit is a confidential record under section 22.7,
24 subsection 9. The department or bureau may compile
25 and disseminate sex crimes analysis information to
26 criminal justice agencies for official law enforcement
27 purposes. The department may compile and disseminate
28 sex crimes analysis information in the form of
29 statistical or law enforcement reports derived from
30 sex crimes analysis information or as the basis of
31 further study if individual identities are not
32 ascertainable.

33 The bureau may, with the approval of the
34 commissioner of public safety, disseminate sex crimes
35 analysis information to persons conducting bona fide
36 research, if the data is not individually identified.

37 2. The department may compile and disseminate sex
38 crimes analysis information that may aid in the
39 investigation, apprehension, or prosecution of a
40 criminal case to criminal justice agencies. The
41 information shall not be redisseminated unless the
42 redissemination is to aid in the investigation,
43 apprehension, or prosecution of a suspect."

44 2. Page 1, by inserting after line 5 the
45 following:

46 "Sec. ____ . Section 728.14, Code 1993, is amended
47 to read as follows:

48 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT
49 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN
50 PROHIBITED SEXUAL ACTS.

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1 1. A commercial film and photographic print
 2 processor who has knowledge of or observes, within the
 3 scope of the processor's professional capacity or
 4 employment, a film, photograph, video tape, negative,
 5 or slide which depicts a minor whom the processor
 6 knows or reasonably should know to be under the age of
 7 eighteen, engaged in a prohibited sexual act or in the
 8 simulation of a prohibited sexual act, shall report
 9 the depiction to the county attorney immediately or as
 10 soon as possible as required in this section. The
 11 processor shall not report to the county attorney
 12 depictions involving mere nudity of the minor, but
 13 shall report depictions involving a prohibited sexual
 14 act. This section shall not be construed to require a
 15 processor to review all films, photographs, video
 16 tapes, negatives, or slides delivered to the processor
 17 within the processor's professional capacity or
 18 employment.

19 For purposes of this section, "prohibited sexual
 20 act" means any of the following:

21 ---a.---A sex act as defined in section 702.17.

22 ---b.---An act of bestiality involving a minor.

23 ---c.---Fondling or touching the pubes or genitals of a
 24 minor for the purpose of arousing or satisfying the
 25 sexual desires of a person who may view a depiction of
 26 the act.

27 ---d.---Fondling or touching the pubes or genitals of a
 28 person by a minor for the purpose of arousing or
 29 satisfying the sexual desires of a person who may view
 30 a depiction of the act.

31 ---e.---Sadomasochistic abuse of a minor for the
 32 purpose of arousing or satisfying the sexual desires
 33 of a person who may view a depiction of the abuse.

34 ---f.---Sadomasochistic abuse of a person by a minor
 35 for the purpose of arousing or satisfying the sexual
 36 desires of a person who may view a depiction of the
 37 abuse.

38 2. A person who violates this section is guilty of
 39 a simple misdemeanor."

40 3. Page 1, by inserting after line 26 the
 41 following:

42 "Sec. ____ . NEW SECTION. 901.11 CIVIL PENALTY FOR
 43 SEX OFFENDERS.

44 1. In addition to any other applicable penalty, a
 45 person who is found guilty, pleads guilty, or is
 46 sentenced for any of the following crimes, shall be
 47 assessed a civil penalty of one hundred dollars:

48 a. A crime under chapter 709.

49 b. Kidnapping, which is accompanied by the intent
 50 to subject the person kidnapped to sexual abuse, as

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1 defined in section 710.1.
2 c. Burglary or attempted burglary accompanied by
3 the intent to commit sexual abuse under chapter 713.
4 d. Incest as defined under section 726.2.
5 e. Dissemination and exhibition of obscene
6 material to minors in violation of section 728.2.
7 f. Admitting minor to premises where obscene
8 material is exhibited in violation of section 728.3.
9 g. Sexual exploitation of a minor in violation of
10 section 728.12.
11 h. Telephone dissemination of obscene material to
12 a minor in violation of section 728.15.
13 2. Money collected under this section shall be
14 transmitted to the treasurer of state who shall
15 deposit the money in the general fund of the state.
16 Sec. ____ . Section 907.3, subsection 1, Code
17 Supplement 1993, is amended by adding the following
18 new paragraph:
19 NEW PARAGRAPH. j. The offense is a failure to
20 register in violation of chapter 692A.
21 Sec. ____ . Section 907.3, subsection 2, Code
22 Supplement 1993, is amended to read as follows:
23 2. At the time of or after pronouncing judgment
24 and with the consent of the defendant, the court may
25 defer the sentence and assign the defendant to the
26 judicial district department of correctional services.
27 However, the court shall not defer the sentence for a
28 violation of section 708.2A if the defendant has
29 previously received a deferred judgment or sentence
30 for a violation of section 708.2 or 708.2A which was
31 issued on a domestic abuse assault, or if similar
32 relief was granted anywhere in the United States
33 concerning that jurisdiction's statutes which
34 substantially correspond to domestic abuse assault as
35 provided in section 708.2A. In addition, the court
36 shall not defer a sentence if it is imposed for
37 contempt pursuant to section 236.8 or 236.14, or if it
38 is imposed for a violation of chapter 692A. Upon a
39 showing that the defendant is not fulfilling the
40 conditions of probation, the court may revoke
41 probation and impose any sentence authorized by law.
42 Before taking such action, the court shall give the
43 defendant an opportunity to be heard on any matter
44 relevant to the proposed action. Upon violation of
45 the conditions of probation, the court may proceed as
46 provided in chapter 908."
47 4. Title page, line 3, by inserting after the
48 word "degree" the following: ", and relating to sex
49 acts and sex offenders, establishment of a sex
50 offender registry, and providing penalties".

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1 5. By renumbering as necessary.

By TONY BISIGNANO

S-5486 FILED APRIL 6, 1994
RULED OUT OF ORDER

HOUSE FILE 121

S-5648

1 Amend House File 121, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 6 the
4 following:

5 "Sec. ____ . Section 728.14, Code 1993, is amended
6 to read as follows:

7 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT
8 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN
9 PROHIBITED SEXUAL ACTS.

10 ~~1-~~ A commercial film and photographic print
11 processor who has knowledge of or observes, within the
12 scope of the processor's professional capacity or
13 employment, a film, photograph, video tape, negative,
14 or slide which depicts a minor whom the processor
15 knows or reasonably should know to be under the age of
16 eighteen, engaged in a prohibited sexual act or in the
17 simulation of a prohibited sexual act, shall report
18 the depiction to the county attorney immediately or as
19 soon as possible as required in this section. The
20 processor shall not report to the county attorney
21 depictions involving mere nudity of the minor, but
22 shall report depictions involving a prohibited sexual
23 act. This section shall not be construed to require a
24 processor to review all films, photographs, video
25 tapes, negatives, or slides delivered to the processor
26 within the processor's professional capacity or
27 employment.

28 ~~For purposes of this section, "prohibited sexual~~
29 ~~act" means any of the following:~~

30 ~~---a.---A sex act as defined in section 702.17.~~

31 ~~---b.---An act of bestiality involving a minor.~~

32 ~~---c.---Fondling or touching the pubes or genitals of a~~
33 ~~minor for the purpose of arousing or satisfying the~~
34 ~~sexual desires of a person who may view a depiction of~~
35 ~~the act.~~

36 ~~---d.---Fondling or touching the pubes or genitals of a~~
37 ~~person by a minor for the purpose of arousing or~~
38 ~~satisfying the sexual desires of a person who may view~~
39 ~~a depiction of the act.~~

40 ~~---e.---Sadomasochistic abuse of a minor for the~~
41 ~~purpose of arousing or satisfying the sexual desires~~
42 ~~of a person who may view a depiction of the abuse.~~

43 ~~---f.---Sadomasochistic abuse of a person by a minor~~
44 ~~for the purpose of arousing or satisfying the sexual~~
45 ~~desires of a person who may view a depiction of the~~
46 ~~abuse.~~

47 ~~2.---A person who violates this section is guilty of~~
48 ~~a simple misdemeanor."~~

49 2. By renumbering as necessary.

By TONY BISIGNANO
TOM VILSACK

SENATE AMENDMENT TO HOUSE FILE 121

H-6191

1 Amend House File 121, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 2 through 5 and
4 inserting the following: "Subparagraph (4), Code
5 1993, is amended to read as follows:

6 (4) The person is six five or more years older
7 than the other participant."

8 2. Page 1, by inserting before line 6 the
9 following:

10 "Sec. ____ . Section 728.14, Code 1993, is amended
11 to read as follows:

12 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT
13 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN
14 PROHIBITED SEXUAL ACTS.

15 ±- A commercial film and photographic print
16 processor who has knowledge of or observes, within the
17 scope of the processor's professional capacity or
18 employment, a film, photograph, video tape, negative,
19 or slide which depicts a minor whom the processor
20 knows or reasonably should know to be under the age of
21 eighteen, engaged in a prohibited sexual act or in the
22 simulation of a prohibited sexual act, shall report
23 the depiction to the county attorney immediately or as
24 soon as possible as required in this section. The
25 processor shall not report to the county attorney
26 depictions involving mere nudity of the minor, but
27 shall report depictions involving a prohibited sexual
28 act. This section shall not be construed to require a
29 processor to review all films, photographs, video
30 tapes, negatives, or slides delivered to the processor
31 within the processor's professional capacity or
32 employment.

33 For purposes of this section, "prohibited sexual
34 act" means any of the following:

35 ---a.---A sex act as defined in section 702.17.

36 ---b.---An act of bestiality involving a minor.

37 ---c.---Fondling or touching the pubes or genitals of a
38 minor for the purpose of arousing or satisfying the
39 sexual desires of a person who may view a depiction of
40 the act.

41 ---d.---Fondling or touching the pubes or genitals of a
42 person by a minor for the purpose of arousing or
43 satisfying the sexual desires of a person who may view
44 a depiction of the act.

45 ---e.---Sadomasochistic abuse of a minor for the
46 purpose of arousing or satisfying the sexual desires
47 of a person who may view a depiction of the abuse.

48 ---f.---Sadomasochistic abuse of a person by a minor
49 for the purpose of arousing or satisfying the sexual
50 desires of a person who may view a depiction of the

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Page 2

1 abuse:

2 ~~2. --A person who violates this section is guilty of~~
3 ~~a simple misdemeanor."~~

4 3. --Page 1, by striking lines 15 through 26.

5 4. By renumbering, relettering, or redesignating
6 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6191 FILED APRIL 14, 1994

House Concurred 4/15/94 (P. 1718)

HOUSE FILE 121

H-6206

1 Amend the Senate amendment, H-6191, to House File
2 121, as amended, passed, and reprinted by the House,
3 as follows:4 1. Page 1, by striking lines 3 and 4 and
5 inserting the following:6 "____. Page 1, by inserting after line 5 the
7 following:8 "Sec. ____ . Section 709.4, subsection 2, paragraph
9 c, subparagraph (4), Code".10 2. By striking page 1, line 10 through page 2,
11 line 3, and inserting the following:12 ""Sec. ____ . Section 728.14, subsection 1, Code
13 1993, is amended by adding the following new
14 paragraph:15 NEW PARAGRAPH. g. Nudity of a minor for the
16 purpose of arousing or satisfying the sexual desires
17 of a person who may view a depiction of the nude
18 minor.""19 3. Page 2, by inserting after line 4 the
20 following:21 "____. Title page, line 3, by inserting after the
22 word "degree" the following: "and which constitute
23 failure of commercial film and photographic print
24 processors to report depictions of minors engaged in
25 prohibited sexual acts"."

26 4. By renumbering as necessary.

By DODERER of Johnson

GRUBBS of Scott

HURLEY of Fayette

H-6206 FILED APRIL 14, 1994

WITHDRAWN

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 121

S-5662

1 Amend the Senate amendment, H-6191, to House File
2 121, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 10 through page 2,
5 line 3, and inserting the following:

6 ""Sec. ____ . Section 728.14, subsection 1, Code
7 1993, is amended by adding the following new
8 paragraph:

9 NEW PARAGRAPH. g. Nudity of a minor for the
10 purpose of arousing or satisfying the sexual desires
11 of a person who may view a depiction of the nude
12 minor.""

13 2. Page 2, by inserting after line 4 the
14 following:

15 " ____ . Title page, line 3, by inserting after the
16 word "degree" the following: "and which constitute
17 failure of commercial film and photographic print
18 processors to report depictions of minors engaged in
19 prohibited sexual acts"."

20 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5662 FILED APRIL 15, 1994

CONCURRED 4-15-94

APRIL 18, 1994

HOUSE FILE 121

H-6218

1 Amend the Senate amendment, H-6191, to House File
2 121, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 10 through page 2,
5 line 3, and inserting the following:

6 ""Sec. ____ . Section 728.14, subsection 1, Code
7 1993, is amended by adding the following new
8 paragraph:

9 NEW PARAGRAPH. g. Nudity of a minor for the
10 purpose of arousing or satisfying the sexual desires
11 of a person who may view a depiction of the nude
12 minor.""

13 2. Page 2, by inserting after line 4 the
14 following:

15 " ____ . Title page, line 3, by inserting after the
16 word "degree" the following: "and which constitute
17 failure of commercial film and photographic print
18 processors to report depictions of minors engaged in
19 prohibited sexual acts"."

20 3. By renumbering as necessary.

By DODERER of Johnson
GRUBBS of Scott

H-6218 FILED APRIL 15, 1994

adopted 4/15/94
(P. 1719)

person upon whom the offense is committed attains eighteen years of age.

HOUSE FILE 121

AN ACT

RELATING TO CERTAIN PUBLIC OFFENSES, BY EXTENDING THE STATUTE OF LIMITATIONS, AND BY CREATING ADDITIONAL OFFENSES WHICH CONSTITUTE SEXUAL ABUSE IN THE THIRD DEGREE AND WHICH CONSTITUTE FAILURE OF COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSORS TO REPORT DEPICTIONS OF MINORS ENGAGED IN PROHIBITED SEXUAL ACTS.

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

Section 1. Section 709.4, subsection 2, paragraph c, subparagraph (4), Code 1993, is amended to read as follows:

(4) The person is six five or more years older than the other participant.

Sec. 2. Section 728.14, subsection 1, Code 1993, is amended by adding the following new paragraph:

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

Sec. 3. Section 802.2, Code 1993, is amended to read as follows:

802.2 SEXUAL ABUSE OF CHILD.

An information or indictment for sexual abuse in the first, second, or third degree committed on or with a child person who is under the age of twelve eighteen years shall be found not later than six months within five years after the child

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 121, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 28*, 1994

TERRY E. BRANSTAD
Governor