

3/25/96 Judiciary

FILED MAR 4 1996

SENATE FILE 2418

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2062)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to sexual exploitation by law enforcement  
2 officers and providing a penalty.

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

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SENATE FILE 2418

S-5404

1 Amend Senate File 2418 as follows:  
2 1. Page 1, line 20, by inserting after the word  
3 "victim" the following: "at any time between the time  
4 the victim is responded to or the victim's case is  
5 opened and the time a conviction or plea of guilty is  
6 obtained or the case is closed".

By O. GENE MADDOX

S-5404 FILED MARCH 19, 1996

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S.F. 2418

1 Section 1. Section 702.11, Code 1995, is amended to read  
2 as follows:

3 702.11 FORCIBLE FELONY.

4 A "forcible felony" is any felonious child endangerment,  
5 assault, murder, sexual abuse, kidnapping, robbery, arson in  
6 the first degree, or burglary in the first degree. However,  
7 sexual abuse in the third degree committed between spouses,  
8 sexual abuse in violation of section 709.4, subsection 2,  
9 paragraph "c", subparagraph (4), or sexual exploitation by a  
10 counselor or therapist in violation of section 709.15, or  
11 sexual exploitation by a law enforcement officer in violation  
12 of section 709.15A is not a "forcible felony".

13 Sec. 2. NEW SECTION. 709.15A SEXUAL EXPLOITATION BY A  
14 LAW ENFORCEMENT OFFICER - PENALTY.

15 1. As used in this section:

16 a. "Law enforcement officer" means a peace officer  
17 employed by the state or a political subdivision of the state.

18 b. "Sexual exploitation by a law enforcement officer"  
19 occurs when a sex act, as defined in section 702.17, occurs  
20 between a law enforcement officer and a victim.

21 c. "Victim" means a person who is the subject of an act  
22 being investigated or responded to by a law enforcement of-  
23 ficer as a crime.

24 2. A law enforcement officer who commits sexual exploi-  
25 tation commits a class "D" felony.

26 EXPLANATION

27 This bill creates the offense of sexual exploitation by a  
28 law enforcement officer and makes the offense a class "D"  
29 felony. Sexual exploitation by a law enforcement officer is  
30 committed when a sex act as defined in section 702.17 occurs  
31 between the victim of a criminal act and a law enforcement  
32 officer who is responding to or investigating the criminal  
33 act.

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**SENATE FILE 2418  
FISCAL NOTE**

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A fiscal note for Senate File 2418 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2418 creates the offense of sexual exploitation by a law enforcement officer and makes the offense a Class "D" felony. Sexual exploitation by a law enforcement officer is committed when sexual conduct or a sex act occurs between the victim of a criminal act and a law enforcement officer who is responding to or investigating the criminal act.

**ASSUMPTIONS**

No information is available from which to predict the incidence of the offense or the number of convictions.

**CORRECTIONAL IMPACT**

Senate File 2418 defines a new offense, which may result in a potential impact to the correctional system. However, the exact impact on prison population cannot be determined. It is anticipated that any impact would not be significant.

**FISCAL IMPACT**

The fiscal impact of SF 2418 cannot be determined due to insufficient information. However, any impact is not anticipated to be significant.

**SOURCES**

Department of Human Services  
Criminal and Juvenile Justice Planning Division  
Department of Corrections

(LSB 3851sv, PQP)

FILED MARCH 7, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Maddox  
Giannetto  
Disignano  
Vilsack  
Boettger

SSB-2062  
Judiciary

Succeeded By  
SF/HF 2418

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON GIANNETTO)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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15 1. As used in this section:

16 a. "Law enforcement officer" means a peace officer  
17 employed by the state or a political subdivision of the state.

18 b. "Sexual exploitation by a law enforcement officer"  
19 occurs when any sexual conduct occurs between a law  
20 enforcement officer and a victim for the purpose of arousing  
21 or satisfying the sexual desires of the law enforcement  
22 officer or victim, which includes but is not limited to the  
23 following: kissing; touching of the clothed or unclothed  
24 inner thigh, breast, groin, buttock, anus, pubes, or genitals;  
25 or a sex act as defined in section 702.17.

26 c. "Victim" means a person who is the subject of an act  
27 being investigated or responded to by a law enforcement of-  
28 ficer as a crime.

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1 victim of a criminal act and a law enforcement officer who is  
2 responding to or investigating the criminal act.

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