

Senate Study Bill 2062

Conference Committee Text

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1 1 Section 1. Section [702.11](#), Code 1995, is amended to read
1 2 as follows:
1 3 702.11 FORCIBLE FELONY.
1 4 A "forcible felony" is any felonious child endangerment,
1 5 assault, murder, sexual abuse, kidnapping, robbery, arson in
1 6 the first degree, or burglary in the first degree. However,
1 7 sexual abuse in the third degree committed between spouses,
1 8 sexual abuse in violation of section 709.4, subsection 2,
1 9 paragraph "c", subparagraph (4),

~~or~~

- sexual exploitation by a
1 10 counselor or therapist in violation of section 709.15, or
1 11 sexual exploitation by a law enforcement officer in violation
1 12 of section 709.15A is not a "forcible felony".
1 13 Sec. 2. NEW SECTION. 709.15A SEXUAL EXPLOITATION BY A
1 14 LAW ENFORCEMENT OFFICER – PENALTY.
1 15 1. As used in this section:
1 16 a. "Law enforcement officer" means a peace officer
1 17 employed by the state or a political subdivision of the state.
1 18 b. "Sexual exploitation by a law enforcement officer"
1 19 occurs when any sexual conduct occurs between a law
1 20 enforcement officer and a victim for the purpose of arousing
1 21 or satisfying the sexual desires of the law enforcement
1 22 officer or victim, which includes but is not limited to the
1 23 following: kissing; touching of the clothed or unclothed
1 24 inner thigh, breast, groin, buttock, anus, pubes, or genitals;
1 25 or a sex act as defined in section 702.17.
1 26 c. "Victim" means a person who is the subject of an act
1 27 being investigated or responded to by a law enforcement of-
1 28 ficer as a crime.
1 29 2. A law enforcement officer who commits sexual exploi-
1 30 tation commits a class "D" felony.

1 31 EXPLANATION

1 32 This bill creates the offense of sexual exploitation by a
1 33 law enforcement officer and makes the offense a class "D"
1 34 felony. Sexual exploitation by a law enforcement officer is
1 35 committed when sexual conduct or a sex act occurs between the
2 1 victim of a criminal act and a law enforcement officer who is
2 2 responding to or investigating the criminal act.

2 3 LSB 3851SC 76

2 4 mk/jw/5