

# Senate Study Bill 2084

## Conference Committee Text

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1 1 Section 1. Section 709.8, unnumbered paragraph 2, Code  
1 2 1995, is amended to read as follows:

1 3 Any person who violates a provision of this section shall,  
1 4 upon conviction, be guilty of a class "D" felony for a first  
1 5 offense and a class "C" felony for a second or subsequent  
1 6 offense.

1 7 Sec. 2. Section [709.9](#), Code 1995, is amended to read as  
1 8 follows:

1 9 709.9 INDECENT EXPOSURE.

1 10 A person

~~who~~

~~commits indecent exposure when the person~~

1 11 exposes the person's genitals or pubes to another not the  
1 12 person's spouse, or

~~who~~

~~when the person commits a sex act in~~

1 13 the presence of or view of a third person

~~, commits a serious~~

~~1 14~~

~~misdemeanor, if~~

~~and both of the following conditions are met:~~

1 15 1. The person does so to arouse or satisfy the sexual  
1 16 desires of either party

~~; and~~

~~2. The person knows or reasonably should know that the act  
1 18 is offensive to the viewer.~~

1 19 Indecent exposure is a serious misdemeanor for a first  
1 20 offense, an aggravated misdemeanor for a second offense, and a  
1 21 class "D" felony for a third or subsequent offense.

1 22 Sec. 3. Section [709.12](#), unnumbered paragraph 1, Code 1995,  
1 23 is amended to read as follows:

1 24 A person eighteen years of age or older is upon conviction  
1 25 guilty of an aggravated misdemeanor for a first offense and a  
1 26 class "D" felony for a second or subsequent offense if the  
1 27 person commits any of the following acts with a child, not the  
1 28 person's spouse, with or without the child's consent, for the  
1 29 purpose of arousing or satisfying the sexual desires of either  
1 30 of them:

1 31 Sec. 4. Section [709.14](#), unnumbered paragraph 2, Code 1995,  
1 32 is amended to read as follows:

1 33 Lascivious conduct with a minor is a serious misdemeanor  
1 34 for a first offense, an aggravated misdemeanor for a second  
1 35 offense, and a class "D" felony for a third or subsequent  
2 1 offense.

2 2

### EXPLANATION

2 3 This bill increases the penalties for certain sex offenses  
2 4 against a person under the age of 18 years. The bill provides  
2 5 as follows:

2 6 1. Lascivious acts with a child (section 709.8) remains a

2 7 class "D" felony only for the first offense. A second or  
2 8 subsequent offense under that section is a class "C" felony.  
2 9 2. Indecent exposure (section 709.9) remains a serious  
2 10 misdemeanor for only the first offense. A second offense is  
2 11 an aggravated misdemeanor and third and subsequent offenses  
2 12 are class "D" felonies.  
2 13 3. Indecent contact with a child (section 709.12) remains  
2 14 an aggravated misdemeanor for only the first offense. A  
2 15 second or subsequent offense under that section is class "D"  
2 16 felony.  
2 17 4. Lascivious conduct with a minor (section 709.14)  
2 18 remains a serious misdemeanor for only the first offense. The  
2 19 second offense under that section is an aggravated misdemeanor  
2 20 and third and subsequent offenses are class "D" felonies.  
2 21 LSB 3716XL 76  
2 22 mk/cf/24