

JAN 29 1998

JUDICIARY

HOUSE FILE 2117
BY WISE and MORELAND

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to provide for the enhancement of penalties applicable to
2 repeat sexual abusers of children thirteen years of age or
3 younger.

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

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HF 2117

1 Section 1. Section 709.2, Code 1997, is amended to read as
2 follows:

3 709.2 SEXUAL ABUSE IN THE FIRST DEGREE.

4 A person commits sexual abuse in the first degree when
5 under any of the following circumstances:

6 1. When in the course of committing sexual abuse the
7 person causes another serious injury.

8 2. When the other participant is under the age of twelve
9 and the person committing sexual abuse has been previously
10 convicted of a violation of section 709.3 in which the other
11 participant was under the age of twelve.

12 Sexual abuse in the first degree is a class "A" felony.

13 Sec. 2. Section 709.3, subsection 2, Code 1997, is amended
14 to read as follows:

15 2. The other participant is under the age of twelve and
16 the person committing the sexual abuse has not been previously
17 convicted of a violation of this section in which the other
18 participant was under the age of twelve.

19 Sec. 3. Section 709.3, Code 1997, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 2A. The other participant is twelve or
22 thirteen years of age and the person committing the sexual
23 abuse has been previously convicted of a violation of this
24 section in which the other participant was under the age of
25 twelve or of section 709.4 in which the other participant was
26 twelve or thirteen years of age.

27 Sec. 4. Section 709.4, subsection 2, paragraph b, Code
28 Supplement 1997, is amended to read as follows:

29 b. The other participant is twelve or thirteen years of
30 age and the person committing the sexual abuse has not been
31 previously convicted of a violation of this section in which
32 the other participant was twelve or thirteen years of age or a
33 violation of section 709.3 in which the other participant was
34 under the age of twelve.

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EXPLANATION

1 This bill provides for the enhancement of penalties
2 applicable to persons who are recidivist sexual abusers of
3 children thirteen years of age or younger.

4 Sexual abuse in the third degree, involving the sexual
5 abuse of a minor aged 12 or 13, is amended to apply only to
6 those abusers of 12-year-old or 13-year-old children who do
7 not have a previous conviction for sexual abuse of a minor who
8 is 13 years of age or younger. If the person has a previous
9 conviction for sexual abuse of a minor aged 13 years of age or
10 younger, that second or subsequent offense involving a minor
11 aged 12 or 13 is sexual abuse in the second degree. If a
12 person commits sexual abuse involving a minor under the age of
13 12 and has not previously been convicted of sexual abuse
14 involving a minor under the age of 12, that offense remains as
15 sexual abuse in the second degree. Second or subsequent
16 violations involving sexual abuse of children under the age of
17 12 are made sexual abuse in the first degree.

18 Sexual abuse in the third degree is a class "C" felony.
19 Class "C" felonies are punishable by imprisonment for not more
20 than 10 years and a possible fine of at least \$500 but not
21 more than \$10,000. Sexual abuse in the second degree is a
22 class "B" felony. Class "B" felons are to be confined for not
23 more than 25 years. Sexual abuse in the first degree is a
24 class "A" felony. Class "A" felons are to be confined for
25 life. Felonious sexual abuse is a forcible felony. Persons
26 who are convicted of sexual abuse in the second degree must
27 serve at least 85 percent of any sentence imposed. Repeat
28 offenders under the sexual abuse chapter are subject to
29 penalty enhancements under chapter 901A.

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