

FEB 17 1998

JUDICIARY

WITHDRAWN

3/24/98 p.880

HOUSE FILE 2309

BY SHOULTZ and WEIGEL

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to sexual misconduct of a juvenile placed in
2 foster care or in a juvenile facility and providing a penalty.

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

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HF 2309

1 Section 1. Section 709.16, Code 1997, is amended to read
2 as follows:

3 709.16 SEXUAL MISCONDUCT WITH OFFENDERS AND JUVENILES.

4 1. An officer, employee, contractor, vendor, volunteer, or
5 agent of the department of corrections, or an officer,
6 employee, or agent of a judicial district department of
7 correctional services, who engages in a sex act with an
8 individual committed to the custody of the department of
9 corrections or a judicial district department of correctional
10 services commits an aggravated misdemeanor.

11 2. An officer, employee, contractor, vendor, volunteer, or
12 agent of a juvenile placement facility who engages in a sex
13 act with a juvenile placed at such facility commits an
14 aggravated misdemeanor.

15 3. A child foster care parent or an officer, employee,
16 contractor, vendor, volunteer, or agent of any foster care
17 agency who engages in a sex act with a juvenile placed in the
18 child foster care parent's or child foster care agency's
19 custody commits an aggravated misdemeanor.

20 EXPLANATION

21 Current law prohibits correctional employees, contractors,
22 and other agents from engaging in a sex act with offenders in
23 custody. This bill expands the criminal offense of sexual
24 misconduct to prohibit such sex acts between juvenile
25 placement facility employees, contractors, and other agents
26 and juveniles placed at these facilities. In addition, the
27 bill prohibits such sex acts between a foster parent or
28 employees, contractors, and other agents of a foster care
29 agency with a child placed in the foster parent's or agency's
30 care.

31 A person who violates the bill commits an aggravated
32 misdemeanor.

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