

Substituted for By SF2335
3/24/98 (P. 878)

2/19/98 Unfinished Business
agenda

FEB 19 1998

Place On Calendar

HOUSE FILE

2352

BY COMMITTEE ON JUDICIARY

WITHDRAWN
3/24/98 (P. 880)

(SUCCESSOR TO HF 2248)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the prohibition of sex acts between juveniles
2 and employees and agents at juvenile placement facilities and
3 providing a penalty.

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

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WITHDRAWN

2352

TL5B 3487HV 77

jm/jw/5

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 EXPLANATION

16 Current law prohibits correctional employees, contractors,
17 and other agents from engaging in a sex act with offenders in
18 custody. This bill expands the criminal offense of sexual
19 misconduct to prohibit such sex acts between juvenile
20 placement facility employees, contractors, and other agents
21 and juveniles placed at these facilities.

22 A person who violates the bill commits an aggravated
23 misdemeanor.

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HOUSE FILE 2352

H-8570

1 Amend House File 2352 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "3. An officer, employee, contractor, vendor,
5 volunteer, or agent of a county who engages in a sex
6 act with a prisoner incarcerated in a county jail,
7 commits an aggravated misdemeanor."

8 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-8570 FILED MARCH 23, 1998

Adopted 3/24/98
(P. 878)

HOUSE FILE 2352

H-8445

1 Amend House File 2352 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "For purposes of this subsection, a "juvenile
5 placement facility" means any of the following:

6 a. A child foster care facility licensed under
7 section 237.4.

8 b. Institutions controlled by the department of
9 human services listed in section 218.1.

10 c. Juvenile detention and juvenile shelter care
11 homes approved under section 232.142.

12 d. Psychiatric medical institutions for children
13 licensed under chapter 135H.

14 e. Substance abuse facilities as defined in
15 section 125.2."

By GRUNDBERG of Polk

H-8445 FILED MARCH 16, 1998

WITHDRAWN

3/24/98
(P. 878)

**HOUSE FILE 2352
FISCAL NOTE**

The estimate for House File 2352 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2352 prohibits sex acts between juveniles and employees and agents at juvenile placement facilities and specifies that such acts constitute aggravated misdemeanors.

ASSUMPTIONS

1. Approximately 10 to 12 incidents per year would be covered by the provisions of HF 2352. Some of these incidents are currently prosecuted as felony level offenses. The Bill would offer additional options for plea bargaining that may result in convictions for lesser offenses than currently being prosecuted.
2. Some offenses currently triable as serious misdemeanors may be triable as aggravated misdemeanors under the provisions of the Bill.

CORRECTIONAL IMPACT

There is no estimated correctional impact as a result of HF 2352.

FISCAL IMPACT

There is no estimated fiscal impact as a result of HF 2352.

SOURCES

Criminal and Juvenile Justice Planning, Department of Human Rights
Department of Human Services

(LSB 3487hv, DAA)

FILED FEBRUARY 24, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR