

FEB 21 1997

JUDICIARY

HOUSE FILE
BY DODERER

318

(COMPANION TO LSB 2274SS
BY LIND)

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

A BILL FOR

1 An Act to prohibit sexual exploitation by law enforcement
2 officers and providing a penalty.

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

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1 Section 1. Section 702.11, Code 1997, is amended to read
2 as follows:

3 702.11 FORCIBLE FELONY.

4 A "forcible felony" is any felonious child endangerment,
5 assault, murder, sexual abuse, kidnapping, robbery, arson in
6 the first degree, or burglary in the first degree. However,
7 sexual abuse in the third degree committed between spouses,
8 sexual abuse in violation of section 709.4, subsection 2,
9 paragraph "c", subparagraph (4), ~~or~~ sexual exploitation by a
10 counselor or therapist in violation of section 709.15, or
11 sexual exploitation by a law enforcement officer in violation
12 of section 709.15A, is not a "forcible felony".

13 Sec. 2. NEW SECTION. 709.15A SEXUAL EXPLOITATION BY A
14 LAW ENFORCEMENT OFFICER -- PENALTY.

15 1. A law enforcement officer commits a class "D" felony
16 when the officer sexually exploits a person who is the victim
17 of, a suspect in, or a witness to a criminal act or other
18 activity which the officer is investigating or to which the
19 officer is responding.

20 2. For purposes of this section, "law enforcement officer"
21 means a peace officer employed by the state or a political
22 subdivision of the state.

23 3. For purposes of this section, "sexually exploits" means
24 engaging in conduct that is for the purpose of arousing or
25 satisfying the sexual desire of the law enforcement officer or
26 other participant and includes but is not limited to kissing;
27 touching of the clothed or unclothed inner thigh, breast,
28 groin, buttock, anus, pubes, or genitals; or a sex act as
29 defined in section 702.17.

30 EXPLANATION

31 This bill creates a class "D" felony offense of sexual
32 exploitation by a law enforcement officer. Sexual
33 exploitation by a law enforcement officer is committed when
34 the law enforcement officer engages in certain sexual conduct
35 that is for the purpose of arousing or satisfying the sexual

1 desire of the law enforcement officer or other participant. A
2 class "D" felony is punishable by imprisonment of not more
3 than five years and a fine of at least \$500 but not more than
4 \$7,500.

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