

REPRINTED

FILED FEB 25 1998

SENATE FILE 2335
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2171) ^(also) 2270
(COMPANION TO HF 2352
BY COMMITTEE ON JUDICIARY)

Passed Senate, ^(p.622) Date 3/11/98 Passed House, ^(p.879) Date 3/24/98
Vote: Ayes 47 Nays 0 Vote: Ayes 96 Nays 0
Approved April 15, 1998

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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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. In addition, the
22 bill prohibits such sex acts between a foster parent or
23 employees, contractors, and other agents of a foster care
24 agency with a child placed in the foster parent's or agency's
25 care.

26 A person who violates the bill commits an aggravated
27 misdemeanor.

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Substituted for HF 2352
3/24/98
(p. 878)

~~File 21218~~

SENATE FILE **2335**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2171)
(COMPANION TO HF 2352
BY COMMITTEE ON JUDICIARY)

(AS AMENDED AND PASSED BY THE SENATE MARCH 11, 1998)

~~_____~~ - New Language by the Senate

Passed Senate, ^(p. 1006) Date 4-1-98 Passed House, ^(p. 879) Date 3/24/98
Vote: Ayes 48 Nays 0 Vote: Ayes 96 Nays 0
Approved April 15, 1998

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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SENATE FILE 2335

S-5181

1 Amend Senate File 2335 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."

By O. GENE MADDOX

S-5181 FILED MARCH 11, 1998
ADOPTED

(p. 622)

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S.F. 2335

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. An officer, employee, contractor, vendor, volunteer, or
16 agent of a county who engages in a sex act with a prisoner
17 incarcerated in a county jail commits an aggravated
18 misdemeanor.

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SENATE FILE 2335

H-8439

1 Amend Senate File 2335, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "For purposes of this subsection, a "juvenile
6 placement facility" means any of the following:
7 a. A child foster care facility licensed under
8 section 237.4.
9 b. Institutions controlled by the department of
10 human services listed in section 218.1.
11 c. Juvenile detention and juvenile shelter care
12 homes approved under section 232.142.
13 d. Psychiatric medical institutions for children
14 licensed under chapter 135H.
15 e. Substance abuse facilities as defined in
16 section 125.2."

By GRUNDBERG of Polk

H-8439 FILED MARCH 16, 1998

WITNESSED 3/24/98 (A 878)

SENATE FILE 2335

H-8597

1 Amend Senate File 2335, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "For purposes of this subsection, a "juvenile
6 placement facility" means any of the following:
7 a. A child foster care facility licensed under
8 section 237.4.
9 b. Institutions controlled by the department of
10 human services listed in section 218.1.
11 c. Juvenile detention and juvenile shelter care
12 homes approved under section 232.142.
13 d. Psychiatric medical institutions for children
14 licensed under chapter 135H.
15 e. Substance abuse facilities as defined in
16 section 125.2."
17 2. Title page, line 2, by inserting after the
18 word "facilities" the following: "and between
19 prisoners incarcerated in a county jail and employees
20 or agents of a county".
21 3. By renumbering as necessary.

By GRUNDBERG of Polk

H-8597 FILED MARCH 23, 1998

adopted 3/24/98 (P. 879)

HOUSE AMENDMENT TO
SENATE FILE 2335

S-5348

- 1 Amend Senate File 2335, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "For purposes of this subsection, a "juvenile
6 placement facility" means any of the following:
7 a. A child foster care facility licensed under
8 section 237.4.
9 b. Institutions controlled by the department of
10 human services listed in section 218.1.
11 c. Juvenile detention and juvenile shelter care
12 homes approved under section 232.142.
13 d. Psychiatric medical institutions for children
14 licensed under chapter 135H.
15 e. Substance abuse facilities as defined in
16 section 125.2."
17 2. Title page, line 2, by inserting after the
18 word "facilities" the following: "and between
19 prisoners incarcerated in a county jail and employees
20 or agents of a county".
21 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5348 FILED MARCH 24, 1998

Senate Concurred
4/1/98 (P.1006)

SENATE FILE 2335

AN ACT
RELATING TO THE PROHIBITION OF SEX ACTS BETWEEN JUVENILES AND
EMPLOYEES AND AGENTS AT JUVENILE PLACEMENT FACILITIES AND
BETWEEN PRISONERS INCARCERATED IN A COUNTY JAIL AND EMPLOYEES
OR AGENTS OF A COUNTY AND PROVIDING A PENALTY.

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

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

709.16 SEXUAL MISCONDUCT WITH OFFENDERS AND JUVENILES.

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

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

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

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

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

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

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

e. Substance abuse facilities as defined in section 125.2.
3. An officer, employee, contractor, vendor, volunteer, or agent of a county who engages in a sex act with a prisoner incarcerated in a county jail commits an aggravated misdemeanor.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2335, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 15, 1998

TERRY E. BRANSTAD
Governor