

Senate Study Bill 2182

Bill Text

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1 1 Section 1. Section [901A.2](#), subsections 3 and 4, Code 1997,
1 2 are amended to read as follows:
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- Except as otherwise provided in subsection 4A, a

1 4 person convicted of a sexually predatory offense which is a
1 5 felony, who has a prior conviction for a sexually predatory
1 6 offense, shall be sentenced to and shall serve twice the
1 7 maximum period of incarceration for the offense, or twenty-
1 8 five years, whichever is greater, notwithstanding any other
1 9 provision of the Code to the contrary. A person sentenced
1 10 under this subsection shall not have the person's sentence
1 11 reduced under chapter 903A or otherwise by more than fifteen
1 12 percent.
1 13 4.

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- Except as otherwise provided in subsection 4A, a

1 14 person convicted of a sexually predatory offense which is a
1 15 felony who has previously been sentenced under subsection 3
1 16 shall be sentenced to life in prison on the same terms as a
1 17 class "A" felon under section 902.1, notwithstanding any other
1 18 provision of the Code to the contrary. In order for a person
1 19 to be sentenced under this subsection, the prosecuting
1 20 attorney shall allege and prove that this section is
1 21 applicable to the person.

1 22 Sec. 2. Section [901A.2](#), Code 1997, is amended by adding
1 23 the following new subsection:

1 24 NEW SUBSECTION. 4A. A person who has been convicted of a
1 25 violation of either section 709.3, subsection 2, or section
1 26 709.4, subsection 2, paragraph "b" or "c", shall, upon a
1 27 second conviction for a violation of either section 709.3,
1 28 subsection 2, or section 709.4, subsection 2, paragraph "b" or
1 29 "c", be committed to the custody of the director of the Iowa
1 30 department of corrections for the rest of the person's life.
1 31 The terms and conditions applicable to sentences for class "A"
1 32 felons under chapters 901 through 909 shall apply to persons
1 33 sentenced under this subsection.

1 34 Sec. 3. NEW SECTION. 903B.1 HORMONAL INTERVENTION
1 35 THERAPY CERTAIN SEX OFFENSES.

2 1 1. A person who has been convicted of a serious sex
2 2 offense may, upon a first conviction and in addition to any
2 3 other punishment provided by law, be required to undergo
2 4 medroxyprogesterone acetate treatment as part of any
2 5 conditions of release imposed by the court or the board of
2 6 parole. Upon a second or subsequent conviction, the court or
2 7 the board of parole shall require the person to undergo
2 8 medroxyprogesterone acetate treatment as a condition of
2 9 release. This section shall not apply if the person
2 10 voluntarily undergoes a permanent surgical alternative
2 11 approved by the court or the board of parole.

2 12 2. If a person is placed on probation and is not in
2 13 confinement at the time of sentencing, the presentence
2 14 investigation shall include a plan for initiation of treatment
2 15 as soon as is reasonably possible after the person is

2 16 sentenced. If the person is in confinement prior to release
2 17 on probation or parole, treatment shall commence prior to the
2 18 release of the person from confinement. Conviction of a
2 19 serious sex offense shall constitute exceptional circumstances
2 20 warranting a presentence investigation under section 901.2.

2 21 3. For purposes of this section, a "serious sex offense"
2 22 means any of the following offenses in which the victim was a
2 23 child who was, at the time the offense was committed, twelve
2 24 years of age or younger:

2 25 a. Sexual abuse in the first degree, in violation of
2 26 section 709.2.

2 27 b. Sexual abuse in the second degree, in violation of
2 28 section 709.3.

2 29 c. Sexual abuse in the third degree, in violation of
2 30 section 709.4.

2 31 d. Lascivious acts with a child, in violation of section
2 32 709.8.

2 33 e. Assault with intent, in violation of section 709.11.

2 34 f. Indecent contact with a minor, in violation of section
2 35 709.12.

3 1 g. Lascivious conduct with a minor, in violation of
3 2 section 709.14.

3 3 h. Sexual exploitation by a counselor in violation of
3 4 section 709.15.

3 5 i. Sexual exploitation of a minor, in violation of section
3 6 728.12, subsections 1 and 2.

3 7 4. The department of corrections, in consultation with the
3 8 board of parole, shall adopt rules which provide for the
3 9 initiation of medroxyprogesterone acetate treatment prior to
3 10 the parole or work release of a person who has been convicted
3 11 of a serious sex offense and who is required to undergo
3 12 treatment as a condition of release by the board of parole.
3 13 The department's rules shall also establish standards for the
3 14 supervision of the treatment by the judicial district
3 15 department of correctional services during the period of
3 16 release. Each district department of correctional services
3 17 shall adopt policies and procedures which provide for the
3 18 initiation or continuation of medroxyprogesterone acetate
3 19 treatment as a condition of release for each person who is
3 20 required to undergo the treatment by the court or the board of
3 21 parole. The board of parole shall, in consultation with the
3 22 department of corrections, adopt rules which relate to
3 23 initiation or continuation of medroxyprogesterone acetate
3 24 treatment as a condition of any parole or work release.

3 25 Sec. 4. SEX OFFENDER TREATMENT INTERIM STUDY COMMITTEE.
3 26 The legislative council is requested to authorize an interim
3 27 study committee to issue a report to the general assembly
3 28 which convenes in 1999, concerning the treatments available
3 29 and used in the United States and other countries to
3 30 rehabilitate sex offenders and deter those persons from
3 31 engaging in criminal sexual acts or activities in the future.

3 32 EXPLANATION

3 33 This bill provides for the imposition of a life sentence
3 34 for persons who commit repeat acts of sexual abuse against
3 35 children age 15 and younger.

4 1 Currently, a person who commits sexual abuse of a child
4 2 under the age of 12 commits sexual abuse in the second degree
4 3 under Code section 709.3. Sexual abuse in the second degree
4 4 is a class "B" felony punishable by a sentence of imprisonment
4 5 not to exceed 25 years, 85 percent of which must be served
4 6 before the person can be released. Currently, a person
4 7 commits sexual abuse in the third degree under Code section
4 8 709.4 when the person commits sexual abuse of a child who is
4 9 12 or 13 or commits sexual abuse of a child who is 14 or 15
4 10 when any of the following applies: the child and the person
4 11 are members of the same household, the child and the person
4 12 are related within the fourth degree by blood or marriage, the

4 13 person uses a position of authority to coerce the child to
4 14 submit, or the person is five or more years older than the
4 15 child. Sexual abuse in the third degree is a class "C" felony
4 16 punishable by imprisonment not to exceed 10 years and a fine
4 17 of at least \$500 but not more than \$10,000.

4 18 The bill provides that if a person is convicted of one of
4 19 those specific violations of those sections and has previously
4 20 been convicted of one of those violations of those sections,
4 21 the person is to be sentenced to life imprisonment on the same
4 22 terms and conditions that apply to class "A" felons.

4 23 The bill also creates new Code section 903B.1, which
4 24 provides that persons who are convicted of certain enumerated
4 25 "serious sex offenses" may, on a first conviction, and shall,
4 26 on a second or subsequent conviction, be required to undergo
4 27 hormonal intervention therapy by the court or board of parole.
4 28 If the person has been confined, the treatment is to commence
4 29 before the person is released. If the person was not confined
4 30 at the time of sentencing, a plan for commencement of
4 31 treatment is to be developed and included in the presentence
4 32 investigation report. "Serious sex offenses" includes sexual
4 33 abuse in the first, second, or third degree, lascivious acts
4 34 with a child, assault with intent to commit sexual abuse,
4 35 sexual exploitation by a counselor, and sexual exploitation of
5 1 a minor.

5 2 The bill also contains a provision requesting that the
5 3 legislative council establish an interim study committee
5 4 concerning the treatments available and used in the United
5 5 States and other countries to rehabilitate persons who have
5 6 engaged in criminal sexual acts or activities and deter them
5 7 from future acts. The committee is to issue a report to the
5 8 general assembly which convenes in 1999.

5 9 LSB 4351SC 77

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