

FILED MAR 1 1999
SENATE FILE 256
BY BARTZ

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

A BILL FOR

1 An Act relating to the penalty for the criminal offense of
2 indecent exposure.

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

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SF 256
JUDICIARY

1 Section 1. Section 709.9, Code 1999, is amended to read as
2 follows:

3 709.9 INDECENT EXPOSURE.

4 1. A person who commits the offense of indecent exposure
5 if the person exposes the person's genitals or pubes to
6 another not the person's spouse, or who commits a sex act in
7 the presence of or view of a third person, commits a serious
8 misdemeanor, if:

9 1.---The person does so to arouse or satisfy the sexual
10 desires of either party, and

11 2.---The person knows or reasonably should know that the act
12 is offensive to the viewer and does so to arouse or satisfy
13 the sexual desires of either party, and knows or reasonably
14 should know that the act is offensive to the viewer.

15 2. a. Except as otherwise provided in paragraph "c", a
16 person who commits a first offense is guilty of a serious
17 misdemeanor.

18 b. Except as otherwise provided in paragraph "d", a person
19 who commits a second or subsequent offense is guilty of an
20 aggravated misdemeanor.

21 c. A person who commits a first offense in the presence or
22 view of a person who is under eighteen years of age is guilty
23 of an aggravated misdemeanor.

24 d. A person who commits a second or subsequent offense in
25 the presence or view of a person who is under eighteen years
26 of age is guilty of a class "D" felony.

27 EXPLANATION

28 This bill changes the penalty for indecent exposure. The
29 bill enhances the penalty from a serious to an aggravated
30 misdemeanor for persons who commit a second or subsequent
31 offense of indecent exposure. Under current law, a person
32 commits a serious misdemeanor for each offense of indecent
33 exposure.

34 The bill further enhances the penalty for persons who
35 commit indecent exposure in the presence or view of a minor.

1 A person commits an aggravated misdemeanor for a first
2 offense, and a class "D" felony for a second or subsequent
3 offense.

4 A serious misdemeanor is punishable by confinement for no
5 more than one year and a fine of at least \$250 but not more
6 than \$1,500. An aggravated misdemeanor is punishable by
7 confinement for no more than two years and a fine of at least
8 \$500 but not more than \$5,000. A class "D" felony is
9 punishable by confinement for no more than five years and a
10 fine of at least \$500 but not more than \$7,500.

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