

# Senate File 524 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 180)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the criminal penalties for certain offenses  
2 involving sexual abuse in the second degree, lascivious acts  
3 with a child, and sexual exploitation, and establishing a duty  
4 to inform law enforcement about a registered sex offender.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2254SV 82  
7 jm/gg/14

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1 1 Section 1. NEW SECTION. 692A.7A DUTY TO INFORM LAW  
1 2 ENFORCEMENT == PENALTY.  
1 3 A person commits a class "D" felony if the person knows  
1 4 that another person is required to register under this chapter  
1 5 and that the other person is not in compliance with this  
1 6 chapter or is eluding a law enforcement agency that is seeking  
1 7 to find the other person, and the person does any of the  
1 8 following acts:  
1 9 1. Withholds information from or fails to notify a law  
1 10 enforcement agency about the whereabouts of the other person.  
1 11 2. Provides materially false information to a peace  
1 12 officer about the other person.  
1 13 3. Harbors the other person.  
1 14 4. Conceals the other person.  
1 15 Sec. 2. Section 902.9, unnumbered paragraph 1, Code 2007,  
1 16 is amended to read as follows:  
1 17 The maximum sentence for any person convicted of a felony  
1 18 shall be that prescribed by statute or, if not prescribed by  
1 19 statute, if other than a class "A" or class "B1" felony shall  
1 20 be determined as follows:  
1 21 Sec. 3. NEW SECTION. 902.9A CLASS "B1" FELONS.  
1 22 A person convicted of a class "B1" felony shall be confined  
1 23 for a term of years as ordered by the court at the time of  
1 24 sentencing. The minimum term of confinement shall be twenty=  
1 25 five years and the maximum term of confinement may be for the  
1 26 rest of the defendant's life.  
1 27 Sec. 4. NEW SECTION. 902.15 SEXUAL ABUSE, LASCIVIOUS  
1 28 ACTS, OR SEXUAL EXPLOITATION == ENHANCEMENT.  
1 29 Notwithstanding the penalty for a violation of section  
1 30 709.3, 709.8, or 728.12, if a person eighteen years of age or  
1 31 older commits an offense against a child twelve years of age  
1 32 or younger in violation of section 709.3, 709.8, or 728.12,  
1 33 subsection 1, the person commits a class "B1" felony and shall  
1 34 be denied parole or work release until the term of the  
1 35 sentence ordered pursuant to section 902.9A has been served.  
2 1 Sec. 5. Section 903A.2, subsection 1, unnumbered paragraph  
2 2 1, Code 2007, is amended to read as follows:  
2 3 Each inmate committed to the custody of the director of the  
2 4 department of corrections is eligible to earn a reduction of  
2 5 sentence, except as provided in paragraph "c", in the manner  
2 6 provided in this section. For purposes of calculating the  
2 7 amount of time by which an inmate's sentence may be reduced,  
2 8 inmates shall be grouped into the following ~~two~~ three  
2 9 sentencing categories:  
2 10 Sec. 6. Section 903A.2, subsection 1, Code 2007, is  
2 11 amended by adding the following new paragraph:  
2 12 NEW PARAGRAPH. c. Category "C" sentences are those  
2 13 sentences which are classified as class "B1" felonies under  
2 14 section 902.15. An inmate of an institution under the control  
2 15 of the department of corrections who is serving a category "C"  
2 16 sentence is not eligible for a reduction of sentence.

2 17 Sec. 7. Section 903A.7, Code 2007, is amended to read as  
2 18 follows:  
2 19 903A.7 SEPARATE SENTENCES.  
2 20 Consecutive multiple sentences that are within the same  
2 21 category under section 903A.2 shall be construed as one  
2 22 continuous sentence for purposes of calculating reductions of  
2 23 sentence for earned time. If a person is sentenced to serve  
2 24 sentences of ~~both~~ multiple categories, category "C" sentences  
2 25 shall be served before category "B" or "A" sentences are  
2 26 served, category "B" sentences shall be served before category  
2 27 "A" sentences are served, and earned time accrued against  
2 28 category "C" sentences shall not be used to reduce category  
2 29 "B" or "A" sentences, and earned time accrued against the  
2 30 category "B" sentences shall not be used to reduce the  
2 31 category "A" sentences. If an inmate serving a category "A"  
2 32 sentence is sentenced to serve either a category "C" or "B"  
2 33 sentence, the category "A" sentence shall be interrupted, and  
2 34 no further earned time shall accrue against that sentence  
2 35 until the category "C" or "B" sentence is completed.

3 1 Sec. 8. Section 903B.1, Code 2007, is amended to read as  
3 2 follows:  
3 3 903B.1 SPECIAL SENTENCE == CLASS "B1", CLASS "B", OR CLASS  
3 4 "C" FELONIES.  
3 5 A person convicted of a class "C" felony or greater offense  
3 6 under chapter 709, ~~or~~ a class "C" felony under section 728.12,  
3 7 or a class "B1" felony under section 902.15, shall also be  
3 8 sentenced, in addition to any other punishment provided by  
3 9 law, to a special sentence committing the person into the  
3 10 custody of the director of the Iowa department of corrections  
3 11 for the rest of the person's life, with eligibility for parole  
3 12 as provided in chapter 906. The special sentence imposed  
3 13 under this section shall commence upon completion of the  
3 14 sentence imposed under any applicable criminal sentencing  
3 15 provisions for the underlying criminal offense and the person  
3 16 shall begin the sentence under supervision as if on parole.  
3 17 The person shall be placed on the corrections continuum in  
3 18 chapter 901B, and the terms and conditions of the special  
3 19 sentence, including violations, shall be subject to the same  
3 20 set of procedures set out in chapters 901B, 905, 906, and  
3 21 ~~chapter~~ 908, and rules adopted under those chapters for  
3 22 persons on parole. The revocation of release shall not be for  
3 23 a period greater than two years upon any first revocation, and  
3 24 five years upon any second or subsequent revocation. A  
3 25 special sentence shall be considered a category "A" sentence  
3 26 for purposes of calculating earned time under section 903A.2.  
3 27 Sec. 9. Section 907.3, subsection 1, paragraph a, Code  
3 28 2007, is amended to read as follows:

3 29 a. The offense is a violation of section 709.8 or 728.12,  
3 30 subsection 1, and the child is twelve years of age or under.

3 31 EXPLANATION

3 32 This bill relates to the criminal penalties for sexual  
3 33 abuse in the second degree, lascivious acts with a child, and  
3 34 sexual exploitation, and requiring a duty to inform law  
3 35 enforcement about a sex offender required to register.

4 1 The bill provides that a person commits a class "D" felony  
4 2 if a person knows that a sex offender required to register is  
4 3 not in compliance with the sex offender registry Code chapter,  
4 4 chapter 692A, or is eluding a law enforcement agency and does  
4 5 any of the following: withholds information from or fails to  
4 6 notify a law enforcement agency about the whereabouts of the  
4 7 sex offender; provides materially false information to a peace  
4 8 officer about the sex offender; or harbors or conceals a sex  
4 9 offender.

4 10 The bill enhances the criminal penalties, by creating a new  
4 11 class "B1" felony category, for sexual abuse in the second  
4 12 degree (Code section 709.3), lascivious acts with a child  
4 13 (Code section 709.8), and sexual exploitation of a minor (Code  
4 14 section 728.12, subsection 1), for a person 18 years of age or  
4 15 older who commits an offense against a child 12 years of age  
4 16 or younger. A class "B1" felony is punishable by a minimum  
4 17 term of confinement of 25 years and a maximum term of  
4 18 confinement that may be for the rest of the person's life. A  
4 19 person serving a class "B1" felony is not eligible to receive  
4 20 earned time. A class "B1" felon is also not eligible for  
4 21 parole or work release.

4 22 The bill also prohibits a person from receiving a suspended  
4 23 sentence, deferred sentence, or deferred judgment, if the  
4 24 person commits sexual exploitation of a minor involving a  
4 25 child who is 12 years of age or younger. Current law  
4 26 prohibits a person committing any sexual abuse in the second  
4 27 degree or lascivious acts with a child involving a child 12

4 28 years of age or younger from receiving a suspended sentence,  
4 29 deferred sentence, or deferred judgment.

4 30 The bill also provides that a person serving a class "B1"  
4 31 sentence shall also serve a special sentence as provided in  
4 32 Code section 903B.1. The special sentence provides, in  
4 33 addition to any other punishment provided by law, that a  
4 34 person be committed to the custody of the director of the Iowa  
4 35 department of corrections for the rest of the person's life,  
5 1 with eligibility for parole as provided in Code chapter 906.  
5 2 Under the bill, the special sentence imposed shall commence  
5 3 upon completion of the class "B1" felony sentence imposed and  
5 4 the person shall begin the sentence under supervision as if on  
5 5 parole. The bill provides the person shall be placed on the  
5 6 corrections continuum in Code chapter 901B, and the terms and  
5 7 conditions of the special sentence, including violations,  
5 8 shall be subject to the same set of procedures set out in Code  
5 9 chapters 901B, 905, 906, and 908, and rules adopted under  
5 10 those chapters for persons on parole. The bill provides that  
5 11 if such a person violates the conditions of release, the  
5 12 revocation of release shall not be for a period greater than  
5 13 two years upon any first revocation, and five years upon any  
5 14 second or subsequent revocation. A person serving a special  
5 15 sentence under the bill may be discharged early from the  
5 16 sentence by the board of parole in the same manner as a person  
5 17 on parole.

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