## House File 2334 - Introduced

HOUSE FILE 2334 BY FORD

## A BILL FOR

- 1 An Act relating to the criminal offense of sexual exploitation
- of a minor, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 728.12, Code 2009, is amended to read as 2 follows:
- 3 728.12 Sexual exploitation of a minor.
- 4 l. It shall be unlawful to attempt to or to employ, use,
- 5 persuade, induce, entice, coerce, solicit, knowingly permit,
- 6 or otherwise cause or attempt to cause a minor or a person
- 7 reasonably believed to be a minor to engage in a prohibited
- 8 sexual act or in the simulation of a prohibited sexual act. A
- 9 person must know, or have reason to know, or intend that the
- 10 act or simulated act may be photographed, filmed, or otherwise
- 11 preserved in a negative, slide, book, magazine, computer,
- 12 computer disk, or other print or visual medium, or be preserved
- 13 in an electronic, magnetic, or optical storage system, or
- 14 in any other type of storage system. A person who commits
- 15 a violation of this subsection commits a class "C" felony.
- 16 Notwithstanding section 902.9, the court may assess a fine of
- 17 not more than fifty thousand dollars for each offense under
- 18 this subsection in addition to imposing any other authorized
- 19 sentence.
- 20 2. It shall be unlawful to attempt to or to knowingly
- 21 promote any material visually depicting a live performance of a
- 22 minor or a person reasonably believed to be a minor engaging in
- 23 a prohibited sexual act or in the simulation of a prohibited
- 24 sexual act. A person who commits a violation of this
- 25 subsection commits a class "D" felony. Notwithstanding section
- 26 902.9, the court may assess a fine of not more than twenty-five
- 27 thousand dollars for each offense under this subsection in
- 28 addition to imposing any other authorized sentence.
- 29 3. It shall be unlawful to attempt to or to knowingly
- 30 purchase or possess a negative, slide, book, magazine,
- 31 computer, computer disk, or other print or visual medium, or
- 32 an electronic, magnetic, or optical storage system, or any
- 33 other type of storage system which depicts a minor or a person
- 34 reasonably believed to be a minor engaging in a prohibited
- 35 sexual act or the simulation of a prohibited sexual act. A

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- 1 person who commits a violation of this subsection commits
- 2 an aggravated misdemeanor for a first offense and a class
- 3 "D" felony for a second or subsequent offense. For purposes
- 4 of this subsection, an offense is considered a second or
- 5 subsequent offense if, prior to the person's having been
- 6 convicted under this subsection, any of the following apply:
- 7 a. The person has a prior conviction or deferred judgment
- 8 under this subsection.
- 9 b. The person has a prior conviction, deferred judgment, or
- 10 the equivalent of a deferred judgment in another jurisdiction
- ll for an offense substantially similar to the offense defined
- 12 in this subsection. The court shall judicially notice the
- 13 statutes of other states that define offenses substantially
- 14 similar to the offense defined in this subsection and that
- 15 therefore can be considered corresponding statutes.
- 16 4. This section does not apply to law enforcement officers,
- 17 court personnel, licensed physicians, licensed psychologists,
- 18 or attorneys in the performance of their official duties.
- 19 EXPLANATION
- 20 This bill relates to the criminal offense of sexual
- 21 exploitation of a minor.
- The bill provides that a person who attempts to commit
- 23 sexual exploitation of a minor or who commits such an offense
- 24 involving a person reasonably believed to be a minor, is in
- 25 violation of Code section 728.12. A violation of current law
- 26 does not occur if a person attempts to commit a violation
- 27 of Code section 728.12 or the offense involves a person only
- 28 reasonably believed to be a minor.
- 29 A person who violates the bill commits anywhere from an
- 30 aggravated misdemeanor up to a class "C" felony depending on
- 31 the facts of the particular case.
- 32 A person convicted under the bill must register as a sex
- 33 offender under Code chapter 692A and is subject to a special
- 34 sentence as provided in Code section 903B.1 or 903B.2.

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