

House File 242 - Introduced

HOUSE FILE _____
BY BERRY

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

A BILL FOR

1 An Act creating the criminal offense of sexual solicitation of a
2 minor, providing for registration on the sex offender
3 registry, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2008HH 83
6 jm/nh/8

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1 1 Section 1. Section 692A.1, subsection 5, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. o. Sexual solicitation of a minor in
1 4 violation of section 710.12.
1 5 Sec. 2. Section 692A.1, subsection 5, paragraph o, Code
1 6 2009, is amended to read as follows:
1 7 ~~o.~~ p. An indictable offense committed in another
1 8 jurisdiction which would constitute an indictable offense
1 9 under paragraphs "a" through "~~n~~" "o".
1 10 Sec. 3. NEW SECTION. 710.12 SEXUAL SOLICITATION OF A
1 11 MINOR.
1 12 1. As used in this section:
1 13 a. "Instant message" means a form of real-time
1 14 communication between two or more people based on typed text.
1 15 b. "Solicit" means to command, authorize, urge, entice,
1 16 request, or advise a person by any means including in person,
1 17 through an agent, over the telephone, through any print
1 18 medium, by mail, by computer or internet, by instant message,
1 19 or by any other electronic means.
1 20 2. A person shall not, with the intent to commit sexual
1 21 abuse or sexual exploitation, knowingly solicit a minor or a
1 22 person reasonably believed to be a minor, to engage in a
1 23 prohibited sex act.
1 24 3. For purposes of determining jurisdiction under section
1 25 803.1, an offense is considered committed in this state if the
1 26 solicitation of a minor or a person believed to be a minor who
1 27 is present in this state originates from another state, or the
1 28 solicitation of a minor or a person believed to be a minor
1 29 originates from this state.
1 30 4. A person who violates this section commits a class "C"
1 31 felony if the person solicited is a minor under thirteen years
1 32 of age or a person reasonably believed to be under thirteen
1 33 years of age.
1 34 5. A person who violates this section commits a class "D"
1 35 felony if the person solicited is a minor under sixteen years
2 1 of age or a person reasonably believed to be under sixteen
2 2 years of age.

EXPLANATION

2 3 This bill creates the criminal offense of sexual
2 4 solicitation of a minor.
2 5 The bill provides that a person shall not, with the intent
2 6 to commit sexual abuse or sexual exploitation, knowingly
2 7 solicit a minor or a person reasonably believed to be a minor,
2 8 to engage in a prohibited sex act.
2 9 Under the bill, "solicit" means to command, authorize,
2 10 urge, entice, request, or advise a person by any means,
2 11 including in person, through an agent, over the telephone,
2 12 through any print medium, by mail, by computer or internet, by
2 13 instant message, or by any other electronic means.
2 14 The bill also provides that a person who commits sexual
2 15 solicitation of a minor shall register as a sex offender.
2 16 The bill is not applicable to a minor 16 years of age or
2 17 older because sex acts with a minor 16 years of age or older
2 18 are not prohibited under Code section 709.4 (sexual abuse) or
2 19

2 20 728.12 (sexual exploitation).
2 21 A sex act is defined in Code section 702.17.
2 22 A person who violates the bill commits a class "C" felony
2 23 if the person solicited is a minor under 13 years of age or a
2 24 person reasonably believed to be under 13 years of age.
2 25 A person who violates the bill commits a class "D" felony
2 26 if the person solicited is a minor under 16 years of age or a
2 27 person reasonably believed to be under 16 years of age.
2 28 A class "C" felony is punishable by confinement for no more
2 29 than 10 years and a fine of at least \$1,000 but not more than
2 30 \$10,000. A class "D" felony is punishable by confinement for
2 31 no more than five years and a fine of at least \$750 but no
2 32 more than \$7,500.
2 33 LSB 2008HH 83
2 34 jm/nh/8