

# House File 657 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON PUBLIC  
SAFETY

(SUCCESSOR TO HSB 95)

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

## A BILL FOR

1 An Act making changes to the criminal offense of indecent  
2 exposure and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1341HV 83  
5 jm/rj/14

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1 1 Section 1. Section 709.9, Code 2009, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:  
1 4 709.9 INDECENT EXPOSURE.  
1 5 1. A person who exposes the person's genitals or pubes  
1 6 commits a serious misdemeanor if all of the following apply:  
1 7 a. The person does so for the purpose of arousing or  
1 8 gratifying the sexual desires of the person or any other  
1 9 person other than the person's spouse.  
1 10 b. The person does so in a place and under circumstances  
1 11 in which the person knows or reasonably should know the  
1 12 conduct is likely to cause affront or alarm.  
1 13 2. A person who engages in a sex act commits a serious  
1 14 misdemeanor if all of the following apply:  
1 15 a. The person does so for the purpose of arousing or  
1 16 gratifying the sexual desires of the person or any other  
1 17 person other than the person's spouse.  
1 18 b. The person does so in the presence or view of a third  
1 19 person.  
1 20 c. The person does so in a place and under circumstances  
1 21 in which the person knows or reasonably should know the  
1 22 conduct is likely to cause affront or alarm.  
1 23 3. A person who engages in masturbation commits a serious  
1 24 misdemeanor if all of the following apply:  
1 25 a. The person does so for the purpose of arousing or  
1 26 gratifying the sexual desires of the person or any other  
1 27 person other than the person's spouse.  
1 28 b. The person does so in the presence or view of another  
1 29 person who is not participating in the act.  
1 30 c. The person does so in a place and under circumstances  
1 31 in which the person knows or reasonably should know the  
1 32 conduct is likely to cause affront or alarm.  
1 33 EXPLANATION  
1 34 This bill modifies the criminal offense of indecent  
1 35 exposure.  
2 1 The bill is in response to State v. Isaac, 756 N.W.2d 817  
2 2 (Iowa 2008).  
2 3 Under the bill, a person commits indecent exposure if, for  
2 4 the purpose of arousing or satisfying the sexual desires of  
2 5 the person or another person who is not the person's spouse,  
2 6 the person exposes the person's genitals or pubes in a place  
2 7 and under circumstances in which the person knows or  
2 8 reasonably should know the conduct is likely to cause affront  
2 9 or alarm.  
2 10 The bill provides that a person commits indecent exposure  
2 11 if, for the purpose of arousing or satisfying the sexual  
2 12 desires of the person or another person who is not the  
2 13 person's spouse, the person engages in a sex act in the  
2 14 presence or view of a third person, in a place and under  
2 15 circumstances in which the person knows or reasonably should  
2 16 know the conduct is likely to cause affront or alarm.  
2 17 The bill provides that a person commits indecent exposure

2 18 if, for the purpose of arousing or satisfying the sexual  
2 19 desires of the person or another person who is not the  
2 20 person's spouse, the person engages in masturbation in the  
2 21 presence or view of another person who is not participating in  
2 22 the act, in a place and under circumstances in which the  
2 23 person knows or reasonably should know the conduct is likely  
2 24 to cause affront or alarm.

2 25 Current law provides that the indecent exposure of a  
2 26 person's genitals or pubes be directed to another for the  
2 27 purpose of sexual arousal or gratification and that the person  
2 28 knows or reasonably should know that the act is offensive to  
2 29 the viewer. In addition, current law provides that a sex act  
2 30 be committed in the presence of or view of a third person to  
2 31 arouse or satisfy the sexual desires of either party, and the  
2 32 person knows or reasonably should know that the act is  
2 33 offensive to the viewer. Current law also does not specify  
2 34 that masturbation can be indecent exposure under certain  
2 35 circumstances.

3 1 Under the bill and in current law, a person who commits  
3 2 indecent exposure is guilty of a simple misdemeanor. In  
3 3 addition, under the bill and in current law, a person who  
3 4 commits indecent exposure is subject to a special sentence  
3 5 pursuant to Code section 903B.2, and is also required to  
3 6 register as a sex offender.

3 7 LSB 1341HV 83

3 8 jm/rj/14