

House Study Bill 44

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

A BILL FOR

1 An Act relating to the criminal offense of enticing or attempting
2 to entice a minor and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1327DP 83
5 jm/nh/14

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1 1 Section 1. Section 710.10, Code 2009, is amended to read
1 2 as follows:
1 3 710.10 ENTICING ~~AWAY~~ A MINOR.
1 4 1. A person commits a class "C" felony when, without
1 5 authority and with the intent to commit sexual abuse or sexual
1 6 exploitation upon a minor under the age of thirteen, the
1 7 person entices ~~away or attempts to entice~~ the minor under the
1 8 age of thirteen, or entices ~~away or attempts to entice~~ a
1 9 person reasonably believed to be under the age of thirteen.
1 10 2. A person commits a class "D" felony when, without
1 11 authority and with the intent to commit an illegal act upon a
1 12 minor under the age of sixteen, the person entices ~~away or~~
1 13 ~~attempts to entice~~ a minor under the age of sixteen, or
1 14 entices ~~away or attempts to entice~~ a person reasonably
1 15 believed to be under the age of sixteen.
1 16 ~~3. A person commits an aggravated misdemeanor when,~~
1 17 ~~without authority and with the intent to commit an illegal act~~
1 18 ~~upon a minor under the age of sixteen, the person attempts to~~
1 19 ~~entice away a minor under the age of sixteen, or attempts to~~
1 20 ~~entice away a person reasonably believed to be under the age~~
1 21 ~~of sixteen.~~
1 22 ~~4. 3. A person's intent to commit a violation of this~~
1 23 ~~section sexual abuse, sexual exploitation, or another illegal~~
1 24 ~~act upon a minor, may be inferred when the person is not known~~
1 25 ~~to the person being enticed away minor the person is enticing~~
1 26 ~~or attempting to entice and the person does not have the~~
1 27 permission of the parent, guardian, or custodian to contact
1 28 the ~~person being enticed away minor the person is enticing or~~
1 29 ~~attempting to entice.~~
1 30 ~~5. 4. For purposes of determining jurisdiction under~~
1 31 section 803.1, an offense is considered committed in this
1 32 state if the communication to entice ~~away~~ a minor or a person
1 33 believed to be a minor who is present in this state originates
1 34 from another state, or the communication to entice ~~away~~ a
1 35 minor or a person believed to be a minor is sent from this
2 1 state.

EXPLANATION

2 2
2 3 This bill relates to the criminal offense of enticing a
2 4 minor.
2 5 The bill renames the criminal offense of enticing away a
2 6 minor to enticing a minor, and eliminates the provisions
2 7 related to enticing "away" a minor.
2 8 The bill changes the criminal penalty for attempting to
2 9 entice a minor under the age of 13 or a person reasonably
2 10 believed to be under the age of 13 with the intent to commit
2 11 sexual abuse or sexual exploitation. Under the bill, the
2 12 criminal penalty is changed from an aggravated misdemeanor to
2 13 a class "C" felony.
2 14 The bill also changes the criminal penalty for attempting
2 15 to entice a minor under the age of 16 or a person reasonably
2 16 believed to be under the age of 16 with the intent to commit
2 17 an illegal act. Under the bill, the criminal penalty is
2 18 changed from an aggravated misdemeanor to a class "D" felony.
2 19 Under current law and the bill, a person who commits

2 20 enticing or attempting to entice a minor shall register as a
2 21 sex offender for 10 years plus the length of any special
2 22 sentence.

2 23 The bill specifies that a person's intent to commit sexual
2 24 abuse, sexual exploitation, or another illegal act upon a
2 25 minor, may be inferred when the person is not known to the
2 26 minor the person is enticing or attempting to entice, and the
2 27 person does not have the permission of the parent, guardian,
2 28 or custodian to contact the minor the person is enticing or
2 29 attempting to entice.

2 30 The amendments in the bill are in response to State v.
2 31 Hansen, 750 N.W.2d 111 (Iowa 2008) and State v. Quinn, 691
2 32 N.W.2d 403 (Iowa 2005).

2 33 LSB 1327DP 83

2 34 jm/nh/14