

# Senate File 105 - Introduced

SENATE FILE \_\_\_\_\_  
BY SODDERS

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

## A BILL FOR

1 An Act enhancing criminal penalties for certain offenses  
2 committed against a child or person sixty=five years of age or  
3 older.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1537XS 83  
6 jm/rj/5

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1 1 Section 1. NEW SECTION. 902.15 ENHANCED PENALTY FOR  
1 2 FORCIBLE FELONY OFFENSES AGAINST A CHILD OR A PERSON  
1 3 SIXTY=FIVE YEARS OF AGE OR OLDER.  
1 4 Notwithstanding the contrary provisions of section 902.9,  
1 5 the maximum sentence for a forcible felony as defined in  
1 6 section 702.11 shall be twice the maximum penalties specified  
1 7 for the felony offense in section 902.9, if the offense is  
1 8 committed against a child or a person sixty=five years of age  
1 9 or older.  
1 10 Sec. 2. NEW SECTION. 903.7 ENHANCED PENALTY FOR CERTAIN  
1 11 VIOLENT CRIMINAL OFFENSES AGAINST A CHILD OR A PERSON  
1 12 SIXTY=FIVE YEARS OF AGE OR OLDER.  
1 13 Notwithstanding the contrary provisions of section 903.1,  
1 14 the maximum sentence for a misdemeanor offense in chapters  
1 15 708, 709, 710, 712, and 726, shall be twice the maximum  
1 16 penalties specified for the misdemeanor offense in section  
1 17 903.1, if the offense is committed against a child or a person  
1 18 sixty=five years of age or older.  
1 19 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 20 3, shall not apply to this Act.  
1 21 EXPLANATION  
1 22 This bill enhances criminal penalties for certain offenses  
1 23 committed against a child or person 65 years of age or older.  
1 24 Under the bill, "child" means a person under 14 years of  
1 25 age as defined in Code section 702.5.  
1 26 The bill provides that the maximum sentence for a person  
1 27 who commits a forcible felony as defined in Code section  
1 28 702.11 shall be twice the maximum penalties specified for the  
1 29 felony offense in Code section 902.9, if the offense is  
1 30 committed against a child or person age 65 years of age or  
1 31 older. A person convicted of a forcible felony is not  
1 32 eligible to receive a deferred judgment, deferred sentence, or  
1 33 suspended sentence pursuant to Code section 907.3.  
1 34 The bill also provides that the maximum sentence shall be  
1 35 twice the maximum penalties specified for the misdemeanor  
2 1 offense in Code section 903.1, for a misdemeanor violation of  
2 2 Code chapter 708 (assault), 709 (sexual abuse), 710  
2 3 (kidnapping), 712 (arson), or 726 (protection of the family  
2 4 and dependent persons), if the offense is committed against a  
2 5 child or a person 65 years of age or older.  
2 6 The bill may include a state mandate as defined in Code  
2 7 section 25B.3. The bill makes inapplicable Code section  
2 8 25B.2, subsection 3, which would relieve a political  
2 9 subdivision from complying with a state mandate if funding for  
2 10 the cost of the state mandate is not provided or specified.  
2 11 Therefore, political subdivisions are required to comply with  
2 12 any state mandate included in the bill.  
2 13 LSB 1537XS 83  
2 14 jm/rj/5