

# Senate Study Bill 1025

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