

Senate Study Bill 1036

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 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 1341DP 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 A person commits a serious misdemeanor if, for the purpose
1 6 of arousing or satisfying the sexual desires of the person or
1 7 another person who is not the person's spouse, the person
1 8 exposes the person's genitals or pubes, commits a sex act, or
1 9 masturbates under circumstances in which the person knows or
1 10 reasonably should know that the conduct is likely to cause
1 11 affront or alarm.
1 12 EXPLANATION
1 13 This bill modifies the criminal offense of indecent
1 14 exposure.
1 15 The bill is in response to State v. Isaac, 756 N.W.2d 817
1 16 (Iowa 2008).
1 17 Under the bill, a person commits indecent exposure if, for
1 18 the purpose of arousing or satisfying the sexual desires of
1 19 the person or another person who is not the person's spouse,
1 20 the person exposes the person's genitals or pubes, commits a
1 21 sex act, or masturbates under circumstances in which the
1 22 person knows or reasonably should know that the conduct is
1 23 likely to cause affront or alarm.
1 24 Current law provides that the indecent exposure of a
1 25 person's genitals or pubes be directed to another for the
1 26 purpose of sexual arousal or gratification and that the person
1 27 knows or reasonably should know that the act is offensive to
1 28 the viewer. In addition, current law provides that a sex act
1 29 be committed in the presence of or view of a third person to
1 30 arouse or satisfy the sexual desires of either party, and the
1 31 person knows or reasonably should know that the act is
1 32 offensive to the viewer. Current law also does not specify
1 33 that masturbation can be indecent exposure under certain
1 34 circumstances.
1 35 Under the bill and in current law, a person who commits
2 1 indecent exposure is guilty of a simple misdemeanor. In
2 2 addition, under the bill and in current law, a person who
2 3 commits indecent exposure is subject to a special sentence
2 4 pursuant to Code section 903B.2, and is also required to
2 5 register as a sex offender.
2 6 LSB 1341DP 83
2 7 jm/rj/14.1