

# House Study Bill 152 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
CORRECTIONS BILL)

## A BILL FOR

1 An Act relating to sexual misconduct committed by employees  
2 and agents of the department of corrections and judicial  
3 district departments of correctional services, and providing  
4 a penalty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.16, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. An officer, employee, contractor, vendor, volunteer,  
4 or agent of the department of corrections, or an officer,  
5 employee, or agent of a judicial district department of  
6 correctional services, who engages in a sex act with an  
7 individual committed to the custody of the department of  
8 corrections or a judicial district department of correctional  
9 services commits ~~an aggravated misdemeanor~~ a class "D" felony.

10

EXPLANATION

11 This bill relates to sexual misconduct committed by  
12 employees and agents of the department of corrections and  
13 judicial district departments of correctional services.

14 The bill increases the criminal penalty for an officer,  
15 employee, contractor, vendor, volunteer, or agent of the  
16 department of corrections who engages in a sex act with  
17 an inmate committed to the custody of the department of  
18 corrections from an aggravated misdemeanor to a class "D"  
19 felony.

20 The bill also increases the criminal penalty for such an  
21 act by an officer, employee, or agent of a judicial district  
22 department of correctional services with a person in the  
23 custody of the judicial district from an aggravated misdemeanor  
24 to a class "D" felony.

25 The bill does not increase the criminal penalties for sexual  
26 misconduct committed by the personnel or agents of a juvenile  
27 placement agency or county jail.

28 The bill also does not modify the requirement that a person  
29 convicted of sexual misconduct shall register as a sex offender  
30 and is subject to a special sentence pursuant to Code section  
31 903B.2.

32 An aggravated misdemeanor is punishable by confinement for  
33 no more than two years and a fine of at least \$625 but not more  
34 than \$6,250. A class "D" felony is punishable by confinement  
35 for no more than five years and a fine of at least \$750 but not

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1 more than \$7,500.