

**House File 2209 - Introduced**

HOUSE FILE 2209

BY FISHER

**A BILL FOR**

1 An Act relating to harassment of minors, and providing  
2 penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 708.7A Harassment of a minor.

2 1. a. A person eighteen years of age or older commits  
3 harassment of a minor when the minor is fifteen years of age  
4 or younger and the person purposefully and without legitimate  
5 purpose, has personal contact with the minor after the parent  
6 or guardian of the minor has prohibited that person from having  
7 contact with the minor.

8 b. In order for the prohibition to apply, a parent or  
9 guardian must prohibit a person from having contact with a  
10 child by filling out a report with local law enforcement and  
11 having law enforcement deliver that report to the person. The  
12 report shall include the name of the child and the name of the  
13 person who is prohibited from having contact with the child,  
14 and the parent or guardian shall sign and date the report. Law  
15 enforcement may refuse to deliver the report or enforce the  
16 prohibition of contact if a law enforcement officer, within  
17 that officer's discretion, believes that the report filed by  
18 the parent or guardian is frivolous or spurious in nature.

19 c. For purposes of this section:

20 (1) "*Legitimate purpose*" in relation to personal contact  
21 with a child includes but is not limited to a person's contact  
22 with the child due to the nature of the person's profession,  
23 the person's residence, or the person's familial relationships.

24 (2) "*Personal contact*" means the same as defined in section  
25 708.7.

26 2. a. A person commits harassment of a minor in the first  
27 degree when the person commits harassment against a minor  
28 and has previously been convicted of a sex offense against a  
29 minor as defined in section 692A.101, subsection 28, or has  
30 been convicted of an offense specified in the laws of another  
31 jurisdiction or prosecuted in federal, military, or foreign  
32 court that is comparable to an offense listed in section  
33 692A.101, subsection 28.

34 b. Harassment of a minor in the first degree is a serious  
35 misdemeanor.

1 3. a. Any other act of harassment of a minor is harassment  
2 of a minor in the second degree.

3 b. Harassment of a minor in the second degree is a simple  
4 misdemeanor.

5

EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 This bill relates to the harassment of minors by a person who  
9 has been prohibited from having contact with the minor by that  
10 minor's parent or guardian.

11 The bill specifies that a person who purposefully, without  
12 a legitimate purpose, has personal contact with a minor after  
13 the minor's parent or guardian has prohibited that person from  
14 having contact with the minor commits harassment of a minor.  
15 For purposes of the bill, the minor must be 15 years or younger  
16 and the alleged perpetrator must be 18 years or older. The  
17 bill provides that a parent or guardian prohibits contact with  
18 the minor by filling out a report with local law enforcement  
19 and having law enforcement deliver that report to the person  
20 with whom the parent or guardian is prohibiting contact. Law  
21 enforcement may refuse to deliver or enforce the report if law  
22 enforcement believes it is frivolous.

23 The bill specifies that "personal contact" means an  
24 encounter in which two or more people are in visual or physical  
25 proximity to one another, but does not require touching or  
26 communication.

27 A person who violates this bill commits a simple  
28 misdemeanor. A simple misdemeanor is punishable by  
29 confinement, not to exceed 30 days and a fine of at least \$65  
30 but not more than \$625.

31 A person who violates this bill and has previously been  
32 convicted of a sex offense against a minor or a comparable  
33 offense commits a serious misdemeanor. A serious misdemeanor  
34 is punishable by confinement not to exceed one year and a fine  
35 of at least \$315 but no more than \$1,875.