

House File 388 - Introduced

HOUSE FILE 388

BY FISHER

A BILL FOR

1 An Act relating to the commission of sexual abuse in the third
2 degree with persons who are sixteen or seventeen years of
3 age, and providing penalties.

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

1 Section 1. Section 709.4, subsection 1, paragraph b,
2 subparagraph (3), unnumbered paragraph 1, Code 2017, is amended
3 to read as follows:

4 The other person is fourteen, ~~or~~ fifteen years, sixteen, or
5 seventeen of age and any of the following are true:

6 EXPLANATION

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

9 This bill relates to the commission of sexual abuse in the
10 third degree with persons who are 16 or 17 years of age.

11 Currently, a person who commits a sex act with a 14-year-old
12 or 15-year-old commits sexual abuse in the third degree under
13 any of the following circumstances: the person is a member
14 of the same household as the 14-year-old or 15-year-old; the
15 person is related to the 14-year-old or 15-year-old by blood
16 or affinity to the fourth degree; the person is in a position
17 of authority over the 14-year-old or 15-year-old and uses that
18 authority to coerce the 14-year-old or 15-year-old to submit;
19 or the person is four or more years older than the 14-year-old
20 or 15-year-old person.

21 Under the bill, a person who commits a sex act with a
22 14-year-old, 15-year-old, 16-year-old, or 17-year-old commits
23 sexual abuse in the third degree under any of the following
24 circumstances: the person is a member of the same household as
25 the 14-year-old, 15-year-old, 16-year-old, or 17-year-old; the
26 person is related to the 14-year-old, 15-year-old, 16-year-old,
27 or 17-year-old by blood or affinity to the fourth degree; the
28 person is in a position of authority over the 14-year-old,
29 15-year-old, 16-year-old, or 17-year-old and uses that
30 authority to coerce the 14-year-old, 15-year-old, 16-year-old,
31 or 17-year-old to submit; or the person is four or more years
32 older than the 14-year-old, 15-year-old, 16-year-old, or
33 17-year-old person.

34 The bill essentially makes a sex act with a 16-year-old
35 or 17-year-old under the circumstances specified in the bill

1 a sexual abuse in the third degree violation. A person who
2 commits sexual abuse in the third degree commits a class "C"
3 felony. A class "C" felony is punishable by confinement for no
4 more than 10 years and a fine of at least \$1,000 but not more
5 than \$10,000.

6 A person who commits sexual abuse in the third degree must
7 register as a sex offender under Code chapter 692A and is also
8 subject to a special life sentence of parole under Code section
9 903B.1.

10 The bill impacts Code sections 321.375 (school bus
11 drivers), 664A.2 (no-contact orders), 692A.101 (definition of
12 aggravated offense against a minor), 692A.102 (sex offense
13 classification), 702.11 (forcible felony), 709.19 (no-contact
14 order-release from jail or prison), 902.14 (enhanced penalty),
15 903B.10 (hormonal intervention therapy), and 906.15 (discharge
16 from parole).