

House File 489 - Introduced

HOUSE FILE 489

BY KRESSIG

A BILL FOR

1 An Act relating to children who have committed certain sexual
2 abuse offenses.

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

1 Section 1. Section 232.2, subsection 6, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Of.* Who has committed an act which may
4 constitute a violation of section 709.3 or 709.4 and is in
5 need of treatment services or other services offered by the
6 department of human services and whose parent, guardian, or
7 custodian is unwilling or unable to provide access to such
8 treatment or services.

9 Sec. 2. Section 232.70, Code 2017, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 11. If the department, after notification
12 from a law enforcement agency, has reasonable cause to believe
13 that a child may be prosecuted for a violation of section 709.3
14 or 709.4, the department shall refer the child to appropriate
15 services within forty-eight hours.

16 EXPLANATION

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

19 This bill relates to the welfare of children who have
20 committed an act which may constitute sex abuse in the second
21 degree or sex abuse in the third degree. The bill includes
22 within the definition of a child in need of assistance a child
23 who has committed an act which may constitute sex abuse in
24 the second degree under Code section 709.3 or sex abuse in
25 the third degree under Code section 709.4, and is in need
26 of services or treatment offered by the department of human
27 services and whose parent, guardian, or custodian is unwilling
28 or unable to provide the child access to such services or
29 treatment. The bill also provides that if the department of
30 human services, after notification from a law enforcement
31 agency, has reasonable cause to believe that a child may be
32 prosecuted for a violation of Code section 709.3 or 709.4, the
33 department shall refer the child to appropriate services within
34 48 hours.

35 Code section 709.3 provides that a person commits sex abuse

1 in the second degree if the other person is under the age of 12.
2 Code section 709.4 provides that a person commits sex abuse
3 in the third degree if the other person is 12 or 13 years of
4 age or the other person is 14 or 15 years of age and certain
5 provisions apply, including but not limited to if the person is
6 four or more years older than the other person.