

House Study Bill 577 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON NUNN)

A BILL FOR

1 An Act relating to the criminal offense of lascivious conduct
2 with a minor or child, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.14, Code 2018, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **709.14 Lascivious conduct with a minor or child.**

4 1. *a.* It is unlawful for a person or child eighteen years
5 of age or older who is in a position of authority over a minor
6 to force, persuade, or coerce a minor, with or without consent,
7 to disrobe or partially disrobe for the purpose of arousing or
8 satisfying the sexual desires of either of them.

9 *b.* A violation of this subsection is a serious misdemeanor.

10 2. *a.* It is unlawful for a person eighteen years of age
11 or older who is in a position of authority over a child to
12 perform any of the following acts with a child, with or without
13 consent, for the purpose of arousing or satisfying the sexual
14 desires of either of them:

15 (1) Fondle or touch the inner thigh, groin, buttock, anus,
16 or breast of the child.

17 (2) Touch the clothing covering the immediate area of the
18 inner thigh, groin, buttock, anus, or breast of the child.

19 (3) Solicit or permit the child to fondle or touch the inner
20 thigh, groin, buttock, anus, or breast of the person.

21 (4) Solicit the child to engage in any act prohibited under
22 subsection 3, paragraph "a", subparagraph (1), (2), or (3).

23 *b.* A violation of this subsection is a serious misdemeanor.

24 3. *a.* It is unlawful for a person eighteen years of age
25 or older who is in a position of authority over a child to
26 perform any of the following acts with a child, with or without
27 consent, for the purpose of arousing or satisfying the sexual
28 desires of either of them:

29 (1) Fondle or touch the pubes or genitals of the child.

30 (2) Permit or cause the child to fondle or touch the
31 person's genitals or pubes.

32 (3) Cause the touching of the person's genitals to any part
33 of the body of the child.

34 (4) Solicit the child to engage in a sex act or solicit a
35 person to arrange a sex act with the child.

1 (5) Inflict pain or discomfort upon the child or permit the
2 child to inflict pain or discomfort on the person.

3 b. A violation of this subsection is an aggravated
4 misdemeanor.

5 4. For purposes of subsections 2 and 3, "child" means a
6 person fourteen or fifteen years of age.

7 EXPLANATION

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

10 This bill relates to the criminal offense of lascivious
11 conduct with a minor or child.

12 A person commits lascivious conduct with a minor when a
13 person over 18 years of age who is in a position of authority
14 over a child performs any of the following acts with a child,
15 with or without consent, for the purpose of arousing or
16 satisfying the sexual desires of either of them: fondle or
17 touch the inner thigh, groin, buttock, anus, or breast of the
18 child; touch the clothing covering the immediate area of the
19 inner thigh, groin, buttock, anus, or breast of the child;
20 solicit or permit the child to fondle or touch the inner thigh,
21 groin, buttock, anus, or breast of the person; or solicit the
22 child to engage in certain acts prohibited by the bill in Code
23 section 709.14(3)(a)(1),(2), or (3). A person who violates
24 this provision commits a serious misdemeanor.

25 A person commits lascivious conduct with a child when a
26 person over 18 years of age who is in a position of authority
27 over a child performs any of the following acts with a child,
28 with or without consent, for the purpose of arousing or
29 satisfying the sexual desires of either of them: fondle or
30 touch the pubes or genitals of the child; permit or cause
31 the child to fondle or touch the person's genitals or pubes;
32 cause the touching of the person's genitals to any part of the
33 body of the child; solicit the child to engage in a sex act
34 or solicit a person to arrange a sex act with the child; or
35 inflict pain or discomfort upon the child or permit the child

1 to inflict pain or discomfort on the person. A person who
2 violates this provision commits an aggravated misdemeanor.

3 The bill defines "child" as a person 14 or 15 years of age.

4 The bill does not change the current offense of lascivious
5 conduct with a minor which makes it unlawful for a person over
6 18 years of age who is in a position of authority over a minor
7 to force, persuade, or coerce a minor, with or without consent,
8 to disrobe or partially disrobe for the purpose of arousing or
9 satisfying the sexual desires of either of them. The current
10 offense is punishable as a serious misdemeanor.

11 A person convicted of lascivious conduct with a minor or
12 child must register as a sex offender pursuant to Code chapter
13 692A.