

House Study Bill 618 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the criminal elements and penalties for
2 the commission of sexual misconduct with offenders and
3 juveniles, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.16, Code 2018, is amended to read as
2 follows:

3 **709.16 Sexual misconduct with offenders and juveniles.**

4 1. a. Any peace officer, or an officer, employee,
5 contractor, vendor, volunteer, or agent of the department of
6 corrections, ~~or an officer, employee, or agent of a judicial~~
7 ~~district department of correctional services,~~ who engages in
8 a sex act with an individual committed to the custody of the
9 department of corrections ~~or a judicial district department of~~
10 ~~correctional services,~~ with specific and actual knowledge the
11 person is committed to the custody of the department, commits
12 ~~an aggravated misdemeanor~~ a class "D" felony.

13 b. An officer, employee, or agent of a judicial district
14 department of correctional services who engages in a sex act
15 with an individual under supervision of a judicial district
16 department of correctional services, with specific and actual
17 knowledge the person is under supervision, commits a class "D"
18 felony.

19 2. a. Any peace officer, or an officer, employee,
20 contractor, vendor, volunteer, or agent of a juvenile placement
21 facility who engages in a sex act with a juvenile placed at
22 such facility commits ~~an aggravated misdemeanor~~ a class "D"
23 felony.

24 b. For purposes of **this subsection**, a "*juvenile placement*
25 *facility*" means any of the following:

26 (1) A child foster care facility licensed under section
27 237.4.

28 (2) Institutions controlled by the department of human
29 services listed in **section 218.1.**

30 (3) Juvenile detention and juvenile shelter care homes
31 approved under **section 232.142.**

32 (4) Psychiatric medical institutions for children licensed
33 under **chapter 135H.**

34 (5) Facilities for the treatment of persons with
35 substance-related disorders as defined in **section 125.2.**

1 who engages in a sex act with a prisoner incarcerated in a
2 county jail or municipal holding facility, if such a person has
3 specific and actual knowledge the inmate is incarcerated.

4 An aggravated misdemeanor is punishable by confinement for
5 no more than two years and a fine of at least \$625 but not more
6 than \$6,250. A class "D" felony is punishable by confinement
7 for no more than five years and a fine of at least \$750 but not
8 more than \$7,500.

9 A person who violates the bill is also subject to a special
10 sentence under Code section 903B.2. A special sentence is a
11 punishment in addition to the punishment for the underlying
12 criminal offense by committing the person into the custody of
13 the director of the Iowa department of corrections for a period
14 of 10 years. A person serving a special sentence begins the
15 sentence as if on parole or work release but the sentence is
16 subject to a revocation of release for up to two years for a
17 first revocation and five years for any second or subsequent
18 revocation.

19 The bill takes effect January 1, 2019.