

**Senate File 92 - Introduced**

SENATE FILE 92

BY SINCLAIR

**A BILL FOR**

1 An Act creating the criminal offense of intent to commit a sex  
2 act with a minor through the use of an electronic device.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.102, subsection 1, paragraph b,  
2 Code 2017, is amended by adding the following new subparagraph:  
3 NEW SUBPARAGRAPH. (029) Intent to commit a sex act with  
4 a person under sixteen years of age in violation of section  
5 709.23.

6 Sec. 2. Section 702.11, subsection 1, Code 2017, is amended  
7 to read as follows:

8 1. a. A "*forcible felony*" is any felonious child  
9 endangerment, assault, murder, sexual abuse, kidnapping,  
10 robbery, human trafficking, arson in the first degree, or  
11 burglary in the first degree.

12 b. A "*forcible felony*" also includes a violation of section  
13 709.23.

14 Sec. 3. NEW SECTION. 709.23 Intent to commit a sex act  
15 with a person under sixteen years of age — use of an electronic  
16 device.

17 1. A person commits a class "C" felony if the person uses  
18 an electronic device to communicate with another person with  
19 the intent to commit a sex act and the person believes or has  
20 reason to believe the other person is under sixteen years of  
21 age.

22 2. This section only applies, if at the time of the  
23 communication, the person communicating the intent to commit a  
24 sex act is four or more years older than the other person.

25 3. Proof that the person committed an overt act, other than  
26 the use of an electronic device to communicate the intent to  
27 commit a sex act, is necessary to prove intent under subsection  
28 1.

29 4. For purposes of this section, "*electronic device*"  
30 includes but is not limited to a computer, mobile telephone, or  
31 other electronic device used to communicate.

32 EXPLANATION

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

35 This bill creates the criminal offense of intent to commit a

1 sex act with a person under 16 years of age through the use of  
2 an electronic device.

3 Under the bill, a person commits a class "C" felony if the  
4 person uses an electronic device to communicate with another  
5 person with the intent to commit a sex act and the person  
6 believes or has reason to believe the other person is under 16  
7 years of age. A "sex act" is defined in Code section 702.17.

8 The bill only applies to a person who, at the time of the  
9 communication of the intent to commit a sex act, is four or  
10 more years older than the other person.

11 The bill requires that the person commit an overt act, other  
12 than the use of a computer to communicate the intent to commit  
13 a sex act, in order to prove intent to violate the bill.

14 The bill defines "electronic device" to include a computer,  
15 mobile telephone, or other electronic device used to  
16 communicate.

17 A class "C" felony is punishable by confinement for no more  
18 than 10 years and a fine of at least \$1,000 but not more than  
19 \$10,000.

20 A violation of the bill is also a forcible felony. A person  
21 convicted of a forcible felony is not eligible to receive a  
22 deferred judgment or sentence, or a suspended sentence.

23 A person who violates the bill is required to register as a  
24 tier II sex offender under Code chapter 692A. A tier II sex  
25 offender is required to verify certain information about the  
26 offender every six months while on the registry.

27 A person who violates the bill is also subject to lifetime  
28 special sentence parole provisions under Code section 903B.1.