

**House File 2505 - Introduced**

HOUSE FILE 2505

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 515)

(SUCCESSOR TO HSB 72)

**A BILL FOR**

1 An Act relating to the criminal elements for the commission  
2 of sexual misconduct with offenders and juveniles, and  
3 providing penalties.

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

1 Section 1. Section 709.16, subsection 1, Code 2020, is  
2 amended to read as follows:

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

12 Sec. 2. Section 709.16, subsection 2, paragraph a, Code  
13 2020, is amended to read as follows:

14 a. Any peace officer, or an officer, employee, contractor,  
15 vendor, volunteer, or agent of a juvenile placement facility  
16 who engages in a sex act with a juvenile placed at such  
17 facility commits ~~an aggravated misdemeanor~~ a class "D" felony.

18 Sec. 3. Section 709.16, subsection 3, Code 2020, is amended  
19 to read as follows:

20 3. Any peace officer, or an officer, employee, contractor,  
21 vendor, volunteer, or agent of a county who engages in a sex  
22 act with a prisoner incarcerated in a county jail commits ~~an~~  
23 ~~aggravated misdemeanor~~ a class "D" felony.

24 EXPLANATION

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

27 This bill relates to the criminal elements and penalties  
28 for the commission of sexual misconduct with offenders and  
29 juveniles.

30 The bill raises the criminal penalty from an aggravated  
31 misdemeanor to a class "D" felony for a peace officer,  
32 officer, employee, contractor, vendor, volunteer, or agent  
33 of the department of corrections who engages in a sex act  
34 with an inmate committed to the custody of the department of  
35 corrections or a judicial district department of correctional

1 services, if such a person has specific and actual knowledge  
2 the person is committed to the custody of the department.

3 The bill raises the criminal penalty from an aggravated  
4 misdemeanor to a class "D" felony for a peace officer,  
5 employee, contractor, vendor, volunteer, or agent of a juvenile  
6 placement facility who engages in a sex act with a juvenile  
7 placed at such a facility.

8 The bill raises the criminal penalty from an aggravated  
9 misdemeanor to a class "D" felony for a peace officer, or an  
10 officer, employee, contractor, vendor, volunteer, or agent of a  
11 county who engages in a sex act with a prisoner incarcerated  
12 in a county jail.

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

18 A person who violates the bill is also subject to a special  
19 sentence under Code section 903B.2. A special sentence is a  
20 punishment in addition to the punishment for the underlying  
21 criminal offense by committing the person into the custody of  
22 the director of the Iowa department of corrections for a period  
23 of 10 years. A person serving a special sentence begins the  
24 sentence as if on parole or work release but the sentence is  
25 subject to a revocation of release for up to two years for a  
26 first revocation and five years for any second or subsequent  
27 revocation.

28 A person who violates the bill is classified as a tier II sex  
29 offender under Code section 692A.102(1)(b)(12) and is required  
30 to register as a sex offender under Code section 692A.103.