

House Study Bill 23 - Introduced

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

A BILL FOR

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

1 Section 1. Section 709.14, Code 2019, is amended by striking
2 the section and inserting in lieu thereof the following:

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

4 1. *a.* It is unlawful for a person eighteen years of age
5 or older who is in a position of authority over a minor to
6 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. For purposes of subsections 3 and 4, "*minor*" means a
11 person fourteen or fifteen years of age.

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

17 (1) Fondle or touch the inner thigh, groin, buttock, anus,
18 or breast of the minor.

19 (2) Touch the clothing covering the immediate area of the
20 inner thigh, groin, buttock, anus, or breast of the minor.

21 (3) Solicit or permit the minor to fondle or touch the inner
22 thigh, groin, buttock, anus, or breast of the person.

23 (4) Solicit the minor to engage in any act prohibited under
24 subsection 4, paragraph "*a*", subparagraph (1), (2), or (3).

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

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

31 (1) Fondle or touch the pubes or genitals of the minor.

32 (2) Permit or cause the minor to fondle or touch the
33 person's genitals or pubes.

34 (3) Cause the touching of the person's genitals to any part
35 of the body of the minor.

1 (4) Solicit the minor to engage in a sex act or solicit a
2 person to arrange a sex act with the minor.

3 (5) Inflict pain or discomfort upon the minor or permit the
4 minor to inflict pain or discomfort on the person.

5 b. A violation of this subsection is an aggravated
6 misdemeanor.

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 The bill defines "minor" to mean a person fourteen or fifteen
13 years of age.

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

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

1 or solicit a person to arrange a sex act with the minor; or
2 inflict pain or discomfort upon the minor or permit the minor
3 to inflict pain or discomfort on the person. A person who
4 violates this provision commits an aggravated misdemeanor.

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

13 A person who violates the bill must register as a sex
14 offender pursuant to Code chapter 692A.