

House Study Bill 72 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

A BILL FOR

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

1 Section 1. Section 709.16, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. a. Any peace officer, or an officer, employee,
4 contractor, vendor, volunteer, or agent of the department of
5 corrections, ~~or an officer, employee, or agent of a judicial~~
6 ~~district department of correctional services,~~ who engages in
7 a sex 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 b. An officer, employee, or agent of a judicial district
13 department of correctional services who engages in a sex act
14 with an individual under supervision of a judicial district
15 department of correctional services, with specific and actual
16 knowledge the person is under supervision, commits a class "D"
17 felony.

18 EXPLANATION

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

21 This bill relates to the criminal elements and penalties for
22 the commission of sexual misconduct with offenders.

23 The bill raises the criminal penalty from an aggravated
24 misdemeanor to a class "D" felony for a peace officer,
25 officer, employee, contractor, vendor, volunteer, or agent
26 of the department of corrections who engages in a sex act
27 with an inmate committed to the custody of the department of
28 corrections, if such a person has specific and actual knowledge
29 the inmate is committed to the custody of the department.

30 The bill raises the criminal penalty from an aggravated
31 misdemeanor to a class "D" felony for an officer, employee,
32 or agent of a judicial district department of correctional
33 services who engages in a sex act with an individual under
34 supervision of a judicial district department, with specific
35 and actual knowledge the person is under supervision.

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

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

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