

Senate File 2382 - Introduced

SENATE FILE 2382
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3081)

(COMPANION TO HF 2248 BY
KAUFMANN)

A BILL FOR

1 An Act establishing the offense of sexual activity with an
2 individual sixteen or seventeen years of age, and providing
3 penalties.

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

1 Section 1. NEW SECTION. **709.4A Sexual activity with a**
2 **person sixteen or seventeen years of age.**

3 A person who engages in sexual activity with another person
4 who is sixteen or seventeen years of age is guilty of an
5 aggravated misdemeanor if the other person is not at the time
6 cohabiting with the person as the person's spouse and the
7 person is twenty-seven years of age or older.

8 Sec. 2. Section 903B.2, Code 2020, is amended to read as
9 follows:

10 **903B.2 Special sentence — class "D" felonies or**
11 **misdemeanors.**

12 A person convicted of a misdemeanor or a class "D" felony
13 offense under chapter 709, except for a conviction under
14 section 709.4A, section 726.2, or section 728.12 shall also be
15 sentenced, in addition to any other punishment provided by law,
16 to a special sentence committing the person into the custody
17 of the director of the Iowa department of corrections for a
18 period of ten years, with eligibility for parole as provided in
19 chapter 906. The board of parole shall determine whether the
20 person should be released on parole or placed in a work release
21 program. The special sentence imposed under this section shall
22 commence upon completion of the sentence imposed under any
23 applicable criminal sentencing provisions for the underlying
24 criminal offense and the person shall begin the sentence under
25 supervision as if on parole or work release. The person shall
26 be placed on the corrections continuum in chapter 901B, and
27 the terms and conditions of the special sentence, including
28 violations, shall be subject to the same set of procedures set
29 out in chapters 901B, 905, 906, and 908, and rules adopted
30 under those chapters for persons on parole or work release.
31 The revocation of release shall not be for a period greater
32 than two years upon any first revocation, and five years upon
33 any second or subsequent revocation. A special sentence
34 shall be considered a category "A" sentence for purposes of
35 calculating earned time under section 903A.2.

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EXPLANATION

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

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4 This bill establishes the offense of sexual activity with an
5 individual 16 or 17 years of age, and provides penalties.

6 The bill provides that a person who engages in sexual
7 activity with another person who is 16 or 17 years of age is
8 guilty of an aggravated misdemeanor if the other person is not
9 at the time cohabiting with the person as the person's spouse
10 and the person is 27 years of age or older. Sexual activity is
11 defined in Code section 702.17 as any sexual contact between
12 two or more persons by any of the following: penetration of
13 the penis into the vagina or anus; contact between the mouth
14 and genitalia or by contact between the genitalia of one person
15 and the genitalia or anus of another person; contact between
16 the finger or hand of one person and the genitalia or anus
17 of another person, except in the course of examination or
18 treatment by a licensed person; ejaculation onto the person of
19 another; or by use of artificial sexual organs or substitutes
20 therefor in contact with the genitalia or anus.

21 An aggravated misdemeanor is punishable by confinement for
22 no more than two years and a fine of at least \$625 but not more
23 than \$6,250.

24 The bill provides that a person convicted of sexual activity
25 with an individual 16 or 17 years of age is not subject to a
26 special sentence committing the person into the custody of the
27 director of the Iowa department of corrections for a period of
28 10 years.