

Senate File 273 - Introduced

SENATE FILE 273
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1057)

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 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 Sec. 2. Section 709.16, subsection 2, paragraph a, Code
19 2019, is amended to read as follows:

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

24 Sec. 3. Section 709.16, subsection 3, Code 2019, is amended
25 to read as follows:

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

30 EXPLANATION

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

33 This bill relates to the criminal elements and penalties
34 for the commission of sexual misconduct with offenders and
35 juveniles.

1 The bill raises the criminal penalty from an aggravated
2 misdemeanor to a class "D" felony for a peace officer,
3 officer, employee, contractor, vendor, volunteer, or agent
4 of the department of corrections who engages in a sex act
5 with an inmate committed to the custody of the department of
6 corrections, if such a person has specific and actual knowledge
7 the inmate is committed to the custody of the department.

8 The bill raises the criminal penalty from an aggravated
9 misdemeanor to a class "D" felony for an officer, employee,
10 or agent of a judicial district department of correctional
11 services who engages in a sex act with an individual under
12 supervision of a judicial district department of correctional
13 services, if such a person has specific and actual knowledge
14 the person is under such supervision.

15 The bill raises the criminal penalty from an aggravated
16 misdemeanor to a class "D" felony for a peace officer, or an
17 officer, employee, contractor, vendor, volunteer, or agent of
18 a juvenile placement facility who engages in a sex act with
19 a juvenile placed at such facility. A "juvenile placement
20 facility" means a child foster care facility licensed under
21 Code section 237.4, institutions controlled by the department
22 of human services listed in Code section 218.1, juvenile
23 detention and juvenile shelter care homes approved under
24 Code section 232.142, psychiatric medical institutions for
25 children licensed under Code chapter 135H, and facilities for
26 the treatment of persons with substance-related disorders as
27 defined in Code section 125.2.

28 The bill raises the criminal penalty from an aggravated
29 misdemeanor to a class "D" felony for a peace officer, or an
30 officer, employee, contractor, vendor, volunteer, or agent of a
31 county who engages in a sex act with a prisoner incarcerated
32 in a county jail.

33 An aggravated misdemeanor is punishable by confinement for
34 no more than two years and a fine of at least \$625 but not more
35 than \$6,250. A class "D" felony is punishable by confinement

1 for no more than five years and a fine of at least \$750 but not
2 more than \$7,500.

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

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