

Senate File 380 - Introduced

SENATE FILE 380
BY R. SMITH

A BILL FOR

- 1 An Act relating to sexual exploitation by a youth athletics
- 2 coach and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 12, Code 2019, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, or school employee, or youth athletics coach.* An
5 action for damages for injury suffered as a result of sexual
6 abuse, as defined in **section 709.1**, by a counselor, therapist,
7 *or school employee, or youth athletics coach*, as defined in
8 section 709.15, or as a result of sexual exploitation by a
9 counselor, therapist, *or school employee, or youth athletics*
10 *coach* shall be brought within five years of the date the victim
11 was last treated by the counselor or therapist, or within five
12 years of the date the victim was last enrolled in or attended
13 the school.

14 Sec. 2. Section 692A.102, subsection 1, paragraph b,
15 subparagraph (11), Code 2019, is amended to read as follows:

16 (11) Sexual exploitation by a counselor, therapist, *or*
17 *school employee, or youth athletics coach* in violation of
18 section 709.15, if the victim is thirteen years of age or
19 older.

20 Sec. 3. Section 692A.102, subsection 1, paragraph c,
21 subparagraph (27), Code 2019, is amended to read as follows:

22 (27) Sexual exploitation by a counselor, therapist, *or*
23 *school employee, or youth athletics coach* in violation of
24 section 709.15, if the child is under thirteen years of age.

25 Sec. 4. Section 702.11, subsection 2, paragraph d, Code
26 2019, is amended to read as follows:

27 d. Sexual exploitation by a counselor, therapist, *or* school
28 *employee, or youth athletics coach* in violation of section
29 709.15.

30 Sec. 5. Section 709.15, subsection 1, Code 2019, is amended
31 by adding the following new paragraph:

32 **NEW PARAGRAPH.** h. "*Youth athletics coach*" means a person
33 who is not a school employee, whether paid or unpaid, who
34 coaches, or is an assistant coach of, a youth athletics team
35 comprised of students, or an individual student athlete,

1 whether informal or formal.

2 Sec. 6. Section 709.15, Code 2019, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 3A. a. Sexual exploitation by a youth
5 athletics coach occurs when any of the following are found:

6 (1) A pattern or practice or scheme of conduct to engage in
7 any of the conduct described in subparagraph (2).

8 (2) Any sexual conduct with a student for the purpose
9 of arousing or satisfying the sexual desires of the youth
10 athletics coach or the student. Sexual conduct includes but is
11 not limited to the following:

12 (a) Kissing.

13 (b) Touching of the clothed or unclothed inner thigh,
14 breast, groin, buttock, anus, pubes, or genitals.

15 (c) A sex act as defined in section 702.17.

16 b. Sexual exploitation by a youth athletics coach does not
17 include touching that is necessary in the performance of the
18 youth athletics coach's duties including caring for an injured
19 athlete.

20 Sec. 7. Section 709.15, Code 2019, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 6. a. A youth athletics coach who commits
23 sexual exploitation in violation of subsection 3A, paragraph
24 "a", subparagraph (1), commits a class "D" felony.

25 b. A youth athletics coach who commits sexual exploitation
26 in violation of subsection 3A, paragraph "a", subparagraph (2),
27 commits an aggravated misdemeanor.

28 Sec. 8. Section 802.2A, subsection 2, Code 2019, is amended
29 to read as follows:

30 2. An indictment or information for sexual exploitation by
31 a counselor, therapist, or school employee, or youth athletics
32 coach under section 709.15 committed on or with a person who is
33 under the age of eighteen shall be found within ten years after
34 the person upon whom the offense is committed attains eighteen
35 years of age. An information or indictment for any other

1 sexual exploitation shall be found within ten years of the date
2 the victim was last treated by the counselor or therapist, or
3 within ten years of the date the victim was enrolled in or
4 attended the school.

5 EXPLANATION

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

8 This bill relates to sexual exploitation by a youth
9 athletics coach and provides penalties.

10 The bill amends Code section 709.15 (sexual exploitation by
11 a counselor, therapist, or school employee) to include youth
12 athletics coaches. The bill defines "youth athletics coach"
13 to mean a person who is not a school employee, whether paid
14 or unpaid, who coaches, or is an assistant coach of, a youth
15 athletics team comprised of students, or an individual student
16 athlete, whether informal or formal.

17 The bill provides that there are two alternative means
18 of committing the offense of sexual exploitation by a youth
19 athletics coach. Sexual exploitation by a youth athletics
20 coach occurs when the youth athletics coach engages in a
21 pattern or practice or scheme of conduct to engage in any
22 sexual conduct with a student for the purpose of arousing or
23 satisfying the sexual desires of the youth athletics coach or
24 the student, or engages in any sexual conduct with a student
25 for the purpose of arousing or satisfying the sexual desires of
26 the youth athletics coach or the student. "Sexual conduct" is
27 defined to include but is not limited to kissing; touching of
28 the clothed or unclothed inner thigh, breast, groin, buttock,
29 anus, pubes, or genitals; or a sex act as defined in Code
30 section 702.17. The bill provides that sexual exploitation
31 by a youth athletics coach does not include touching that is
32 necessary in the performance of the youth athletics coach's
33 duties including caring for an injured athlete.

34 The bill provides that a youth athletics coach who engages
35 in a pattern or practice or scheme of conduct to engage in such

1 sexual conduct with a student commits a class "D" felony. A
2 youth athletics coach commits an aggravated misdemeanor if the
3 youth athletics coach engages in such sexual conduct with a
4 student. A class "D" felony is punishable by confinement for
5 no more than five years and a fine of at least \$750 but not
6 more than \$7,500. An aggravated misdemeanor is punishable by
7 confinement for no more than two years and a fine of at least
8 \$625 but not more than \$6,250.

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

19 A person who violates the bill is classified as a tier II sex
20 offender under Code section 692A.102(1)(b)(11) if the child is
21 13 years of age or older, or a tier III sex offender under Code
22 section 692A.102(1)(c)(27) if the child is under 13 years of
23 age, and is required to register as a sex offender under Code
24 section 692A.103.

25 A person who violates the bill is also subject to a
26 no-contact order upon release from jail or prison under Code
27 section 709.19, and hormonal intervention therapy under Code
28 section 903B.10(3)(h).

29 The bill makes conforming Code changes to Code sections
30 614.1 and 802.2A (statute of limitations periods) and 702.11
31 (definition of forcible felony).