

Senate File 460 - Introduced

SENATE FILE 460
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1144)

A BILL FOR

1 An Act relating to the dissemination and exhibition of obscene
2 material to a minor by the parent or guardian of the minor,
3 and providing penalties.

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

1 Section 1. Section 728.2, Code 2019, is amended to read as
2 follows:

3 **728.2 Dissemination and exhibition of obscene material to**
4 **minors.**

5 Any person, ~~other than the parent or guardian of the minor,~~
6 who knowingly disseminates or exhibits obscene material to a
7 minor, including the exhibition of obscene material so that
8 it can be observed by a minor on or off the premises where it
9 is displayed, is guilty of a public offense and shall upon
10 conviction be guilty of a serious misdemeanor.

11 EXPLANATION

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

14 This bill relates to the dissemination and exhibition of
15 obscene material to a minor by the parent or guardian of the
16 minor, and provides penalties.

17 The bill provides that any person who knowingly disseminates
18 or exhibits obscene material to a minor, including the
19 exhibition of obscene material so that it can be observed by a
20 minor on or off the premises where it is displayed, is guilty
21 of a public offense and shall upon conviction be guilty of a
22 serious misdemeanor. A serious misdemeanor is punishable by
23 confinement for no more than one year and a fine of at least
24 \$315 but not more than \$1,875. Current law exempts parents
25 and guardians from prosecution for knowingly disseminating or
26 exhibiting obscene material to their minor child or ward.

27 A violation of Code section 728.2 is a tier I sex offense
28 under Code section 692A.102 requiring registration as a sex
29 offender. A person who commits a violation of Code section
30 728.2 is also subject to license suspension or revocation
31 provisions under Code sections 272.2(14) (education) and 728.8
32 (business).