Senate File 584 - Introduced

SENATE FILE 584

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 179)

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 a class
5 "D" felony if the other person is not at the time cohabiting
6 with the person as the person's spouse and the person is ten or
7 more years older than the other person.
8 Sec. 2. Section 903B.2, Code 2019, 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

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

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 a class "D" felony if the other person is not at the
9 time cohabiting with the person as the person's spouse and
10 the person is 10 or more years older than the other person.
11 Sexual activity is defined in Code section 702.17 as any sexual
12 contact between two or more persons by any of the following:
13 penetration of the penis into the vagina or anus; contact
14 between the mouth and genitalia or by contact between the
15 genitalia of one person and the genitalia or anus of another
16 person; contact between the finger or hand of one person and
17 the genitalia or anus of another person, except in the course
18 of examination or treatment by a licensed person; ejaculation
19 onto the person of another; or by use of artificial sexual
20 organs or substitutes therefor in contact with the genitalia
21 or anus.
22 A class "D" felony is punishable by confinement for no more
23 than five years and a fine of at least $750 but not more than
24 $7,500.
25 The bill provides that a person convicted of sexual activity
26 with an individual 16 or 17 years of age is not subject to a
27 special sentence committing the person into the custody of the
28 director of the Iowa department of corrections for a period of
29 10 years.