

House File 2396 - Introduced

HOUSE FILE 2396

BY BENNETT

A BILL FOR

1 An Act establishing the criminal offense of nonconsensual
2 condom removal and providing penalties.

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

1 Section 1. Section 692A.102, subsection 1, paragraph a,
2 Code 2022, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4A) Nonconsensual condom removal in
4 violation of section 709.6A.

5 Sec. 2. NEW SECTION. **709.6A Nonconsensual condom removal**
6 **during sexual activity.**

7 1. It is unlawful for a person to induce another person to
8 engage in sexual activity where consent to the sexual activity
9 is based on an express verbal agreement between both persons
10 that a condom will be worn by the person while engaged in
11 sexual activity with the other person and the person purposely
12 removes the condom during the sexual activity without the
13 knowledge or consent of the other person.

14 2. A person who violates this section is guilty of a serious
15 misdemeanor.

16 EXPLANATION

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

19 This bill establishes the criminal offense of nonconsensual
20 condom removal and provides penalties.

21 The bill provides that it is unlawful for a person to induce
22 another person to engage in sexual activity where consent to
23 the sexual activity is based on an express verbal agreement
24 between both persons that a condom will be worn by the person
25 while engaged in sexual activity with the other person, and the
26 person purposely removes the condom during the sexual activity
27 without the knowledge or consent of the other person. A person
28 who violates the bill is guilty of a serious misdemeanor,
29 punishable by confinement for no more than one year and a fine
30 of at least \$430 but not more than \$2,560.

31 The bill provides that a person who commits the offense
32 of nonconsensual condom removal is classified as a tier 1
33 sex offender under Code section 692A.102 and is required to
34 register as a sex offender under Code section 692A.103.

35 A person who violates the bill is subject to a special

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1 sentence committing the person to the custody of the director
2 of the Iowa department of corrections for a period of 10 years,
3 with eligibility for parole as provided in Code section 903B.2
4 (special sentencing for sex offenders).