

House Study Bill 527 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to sexual exploitation by a counselor,
2 therapist, or school employee, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.15, subsection 1, paragraphs g and h,
2 Code 2022, are amended to read as follows:

3 *g.* (1) "School employee" means any of the following, except
4 as provided in subparagraph (2):

5 (a) A person who holds a license, certificate, or statement
6 of professional recognition issued under [chapter 272](#).

7 (b) A person who holds an authorization issued under chapter
8 272.

9 (c) A person employed by a school district, nonpublic
10 elementary or secondary school, or charter school full-time,
11 part-time, or as a substitute.

12 (d) A person who performs services as a volunteer for a
13 school district, nonpublic elementary or secondary school, or
14 charter school and who has direct supervisory authority over
15 the student with whom the person engages in conduct prohibited
16 under [subsection 3](#), paragraph "a".

17 (e) A person who provides services under a contract for such
18 services to a school district ~~and who has direct supervisory~~
19 ~~authority over the student with whom the person,~~ nonpublic
20 elementary or secondary school, or charter school engages in
21 conduct prohibited under [subsection 3](#), paragraph "a".

22 (f) A person employed by a community college full-time,
23 part-time, or as a substitute who provides instruction to
24 high school students under a sharing or concurrent enrollment
25 program offered in accordance with [section 257.11](#) or [261E.8](#).

26 (2) "School employee" does not include a student enrolled
27 in the school district.

28 *h.* "Student" means a person who is currently enrolled in
29 or attending a public or nonpublic elementary or secondary
30 school or charter school, or who was a student enrolled in or
31 who attended a public or nonpublic elementary or secondary
32 school or charter school within thirty days of any violation of
33 subsection 3.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to sexual exploitation by a counselor,
3 therapist, or school employee.

4 The bill adds a person employed by, performing volunteer
5 services for, or providing contract services to a nonpublic
6 elementary or secondary school or charter school to the
7 definition of "school employee".

8 The bill adds a person currently enrolled in or attending
9 a charter school, or a person who was a student enrolled in
10 or attending a charter school within 30 days of any sexual
11 exploitation by a school employee in violation of Code section
12 709.15(3) to the definition of "student".

13 A school employee who commits sexual exploitation commits
14 either a class "D" felony or an aggravated misdemeanor,
15 depending on the nature of the offense. A class "D" felony
16 is punishable by confinement for no more than five years
17 and a fine of at least \$1,025 but not more than \$10,245. An
18 aggravated misdemeanor is punishable by confinement for no more
19 than two years and a fine of at least \$855 but not more than
20 \$8,540.

21 A person who violates the bill is subject to a special
22 sentence under Code section 903B.2; is classified as a tier II
23 sex offender under Code section 692A.102(1)(b)(11) if the child
24 is 13 years of age or older, or a tier III sex offender under
25 Code section 692A.102(1)(c)(28) if the child is under 13 years
26 of age, and is required to register as a sex offender under
27 Code section 692A.103; and is subject to a no-contact order
28 upon release from jail or prison under Code section 709.19 and
29 hormonal intervention therapy under Code section 903B.10(3)(h).

30 A violation of the bill is a forcible felony under Code
31 section 702.11.