

Senate File 2101 - Introduced

SENATE FILE 2101

BY ROZENBOOM

A BILL FOR

1 An Act relating to the crimes of indecent exposure and public
2 masturbation, and making penalties applicable.

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

1 Section 1. Section 659A.2, subsection 9, paragraph a, Code
2 2022, is amended to read as follows:

3 a. Masturbation, which means the same as "masturbate" as
4 defined in section ~~709.9~~ 709.9A, subsection ~~2~~, paragraph ~~"c"~~ 3.

5 Sec. 2. Section 692A.102, subsection 1, paragraph a, Code
6 2022, is amended by adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (06) Public masturbation in violation of
8 section 709.9A.

9 Sec. 3. Section 709.9, Code 2022, is amended to read as
10 follows:

11 **709.9 Indecent exposure — masturbation.**

12 ~~1.~~ A person who exposes the person's genitals or pubic
13 area, or who exposes the person's female breast with less than
14 a fully opaque covering of any part of the nipple, to another
15 person who is not the person's spouse, or who commits a sex act
16 in the presence of or view of a third person, commits a serious
17 misdemeanor if all of the following apply:

18 ~~a.~~ 1. The person does so to arouse or satisfy the sexual
19 desires of either party.

20 ~~b.~~ 2. The person knows or reasonably should know that the
21 act is offensive to the viewer.

22 ~~2. a.~~ A person who masturbates in public in the presence of
23 another, not a child, commits a serious misdemeanor.

24 ~~b.~~ A person who masturbates in public in the presence of a
25 child commits an aggravated misdemeanor.

26 ~~c.~~ For the purpose of ~~this subsection~~, "masturbate" means
27 physical stimulation of a person's own genitals or pubic area
28 for the purpose of sexual gratification or arousal of the
29 person, regardless of whether the genitals or pubic area is
30 exposed or covered.

31 Sec. 4. NEW SECTION. **709.9A Public masturbation.**

32 1. A person who masturbates in public in the presence of
33 another, not a child, commits a serious misdemeanor.

34 2. A person who masturbates in public in the presence of a
35 child commits an aggravated misdemeanor.

1 3. For the purpose of this section, "masturbate" means
2 physical stimulation of a person's own genitals or pubic area
3 for the purpose of sexual gratification or arousal of the
4 person, regardless of whether the genitals or pubic area is
5 exposed or covered.

6 Sec. 5. Section 709.19, subsection 1, Code 2022, is amended
7 to read as follows:

8 1. Upon the filing of an affidavit by a victim, or a parent
9 or guardian on behalf of a minor who is a victim, of a crime
10 that is a sexual offense in violation of [section 709.2](#), [709.3](#),
11 [709.4](#), [709.8](#), [709.9](#), [709.9A](#), [709.11](#), [709.12](#), [709.14](#), [709.15](#),
12 or [709.16](#), that states that the presence of or contact with
13 the defendant whose release from jail or prison is imminent or
14 who has been released from jail or prison continues to pose a
15 threat to the safety of the victim, persons residing with the
16 victim, or members of the victim's immediate family, the court
17 shall enter a temporary no-contact order which shall require
18 the defendant to have no contact with the victim, persons
19 residing with the victim, or members of the victim's immediate
20 family.

21

EXPLANATION

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

24 This bill relates to the crimes of indecent exposure and
25 public masturbation.

26 Current law provides that a person who exposes the person's
27 genitals or pubic area to another not the person's spouse, or
28 who commits a sex act in the presence of or view of a third
29 person, if the person does so to arouse or satisfy the sexual
30 desires of either party and the person knows or reasonably
31 should know that the act is offensive to the viewer, commits
32 the crime of indecent exposure, a serious misdemeanor.

33 The bill expands current law to provide that a person who
34 exposes the person's female breast with less than a fully
35 opaque covering of any part of the nipple to another person

1 not the person's spouse, if the exposure is done to arouse
2 or satisfy the sexual desires of either party and the person
3 knows or reasonably should know that the act is offensive to
4 the viewer, commits the crime of indecent exposure, a serious
5 misdemeanor.

6 Current law includes the crimes of indecent exposure, an
7 aggravated misdemeanor, and public masturbation, a serious
8 misdemeanor, in Code section 709.9. The bill removes the crime
9 of public masturbation from Code section 709.9 and creates new
10 Code section 709.9A, maintaining current law. The bill makes
11 conforming Code changes.

12 A serious misdemeanor is punishable by confinement for no
13 more than one year and a fine of at least \$430 but not more
14 than \$2,560. An aggravated misdemeanor is punishable by
15 confinement for no more than two years and a fine of at least
16 \$855 but no more than \$8,540. In addition, a person convicted
17 of either the crime of indecent exposure or public masturbation
18 is required to register as a sex offender under Code section
19 692A.102 and is subject to a no-contact order upon release from
20 prison or jail under Code section 709.19.