

Senate File 372 - Introduced

SENATE FILE 372

BY DAWSON

A BILL FOR

1 An Act relating to sexual exploitation by an adult providing
2 training or instruction, and providing penalties.

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

1 Section 1. Section 614.1, subsection 12, Code 2021, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, ~~or school employee, or adult providing training or~~*
5 *instruction*. An action for damages for injury suffered as
6 a result of sexual abuse, as defined in [section 709.1](#), by a
7 counselor, therapist, ~~or school employee, or adult providing~~
8 ~~training or instruction~~, as defined in [section 709.15](#), or as
9 a result of sexual exploitation by a counselor, therapist, ~~or~~
10 ~~school employee, or adult providing training or instruction~~
11 shall be brought within five years of the date the victim was
12 last treated by the counselor or therapist, or within five
13 years of the date the victim was last enrolled in or attended
14 the school.

15 Sec. 2. Section 692A.102, subsection 1, paragraph b,
16 subparagraph (11), Code 2021, is amended to read as follows:

17 (11) Sexual exploitation by a counselor, therapist, ~~or~~
18 ~~school employee, or adult providing training or instruction~~ in
19 violation of [section 709.15](#), if the victim is thirteen years of
20 age or older.

21 Sec. 3. Section 692A.102, subsection 1, paragraph c,
22 subparagraph (28), Code 2021, is amended to read as follows:

23 (28) Sexual exploitation by a counselor, therapist, ~~or~~
24 ~~school employee, or adult providing training or instruction~~ in
25 violation of [section 709.15](#), if the child is under thirteen
26 years of age.

27 Sec. 4. Section 702.11, subsection 2, paragraph d, Code
28 2021, is amended to read as follows:

29 *d.* Sexual exploitation by a counselor, therapist, ~~or~~
30 ~~school employee, or adult providing training or instruction~~ in
31 violation of [section 709.15](#).

32 Sec. 5. Section 709.15, subsection 1, Code 2021, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *0a.* "Adult providing training or instruction"
35 means a person age eighteen or older, whether paid or unpaid,

1 who is not a school employee, who provides training or
2 instruction to a minor outside of a school setting. "*Adult*
3 *providing training or instruction*" includes but is not limited
4 to a person age eighteen or older providing training or
5 instruction related to the use of firearms, athletics outside
6 of a school setting, or any other activities which result in a
7 minor receiving a certificate or license.

8 Sec. 6. Section 709.15, Code 2021, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 3A. *a.* Sexual exploitation by an adult
11 providing training or instruction occurs when any of the
12 following are found:

13 (1) A pattern or practice or scheme of conduct to engage in
14 any of the conduct described in subparagraph (2).

15 (2) Any sexual conduct with a minor for the purpose
16 of arousing or satisfying the sexual desires of the adult
17 providing training or instruction or the minor. Sexual conduct
18 includes but is not limited to the following:

19 (a) Kissing.

20 (b) Touching of the clothed or unclothed inner thigh,
21 breast, groin, buttock, anus, pubes, or genitals.

22 (c) A sex act as defined in section 702.17.

23 *b.* Sexual exploitation by an adult providing training or
24 instruction does not include touching that is necessary in the
25 performance of the adult's duties while providing training or
26 instruction.

27 Sec. 7. Section 709.15, Code 2021, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 6. *a.* An adult providing training or
30 instruction who commits sexual exploitation in violation of
31 subsection 3A, paragraph "*a*", subparagraph (1), commits a class
32 "D" felony.

33 *b.* An adult providing training or instruction who commits
34 sexual exploitation in violation of subsection 3A, paragraph
35 "*a*", subparagraph (2), commits an aggravated misdemeanor.

1 Sec. 8. Section 802.2A, subsection 2, Code 2021, is amended
2 to read as follows:

3 2. An indictment or information for sexual exploitation by a
4 counselor, therapist, ~~or~~ school employee, or an adult providing
5 training or instruction under section 709.15 committed on or
6 with a person who is under the age of eighteen shall be found
7 within fifteen years after the person upon whom the offense is
8 committed attains eighteen years of age. An information or
9 indictment for any other sexual exploitation shall be found
10 within ten years of the date the victim was last treated by the
11 counselor or therapist, or within ten years of the date the
12 victim was enrolled in or attended the school.

13 EXPLANATION

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

16 This bill relates to sexual exploitation by an adult
17 providing training or instruction and provides penalties.

18 The bill amends Code section 709.15 (sexual exploitation by
19 a counselor, therapist, or school employee) to include an adult
20 providing training or instruction. The bill defines "adult
21 providing training or instruction" as a person age 18 or older,
22 whether paid or unpaid, who is not a school employee, who
23 provides training or instruction to a minor outside of a school
24 setting. "Adult providing training or instruction" includes
25 but is not limited to a person 18 or older providing training
26 or instruction related to the use of firearms, athletics
27 outside of a school setting, or activities which result in a
28 minor receiving a certificate or license.

29 The bill provides that there are two alternative means
30 of committing the offense of sexual exploitation by an adult
31 providing training or instruction. Sexual exploitation by
32 an adult providing training or instruction occurs when the
33 person engages in a pattern or practice or scheme of conduct
34 to engage in any sexual conduct with a minor for the purpose
35 of arousing or satisfying the sexual desires of the adult

1 providing training or instruction or the minor, or engages in
2 any sexual conduct with a minor for the purpose of arousing or
3 satisfying the sexual desires of the adult providing training
4 or instruction or the minor. "Sexual conduct" is defined
5 to include but is not limited to kissing; touching of the
6 clothed or unclothed inner thigh, breast, groin, buttock, anus,
7 pubes, or genitals; or a sex act as defined in Code section
8 702.17. The bill provides that sexual exploitation by an adult
9 providing training or instruction does not include touching
10 that is necessary in the performance of the adult's duties
11 while providing training or instruction.

12 The bill provides that an adult providing training or
13 instruction who engages in a pattern or practice or scheme of
14 conduct to engage in such sexual conduct with a minor commits a
15 class "D" felony. An adult providing training or instruction
16 commits an aggravated misdemeanor if the adult providing
17 training or instruction engages in such sexual conduct with a
18 minor. A class "D" felony is punishable by confinement for
19 no more than five years and a fine of at least \$1,025 but not
20 more than \$10,245. An aggravated misdemeanor is punishable by
21 confinement for no more than two years and a fine of at least
22 \$855 but not more than \$8,540.

23 A person who violates the bill is also subject to a special
24 sentence under Code section 903B.2. A special sentence is a
25 punishment in addition to the punishment for the underlying
26 criminal offense committing the person into the custody of the
27 director of the Iowa department of corrections for a period
28 of 10 years. A person serving a special sentence begins the
29 sentence as if on parole or work release but the sentence is
30 subject to a revocation of release for up to two years for a
31 first revocation and five years for any second or subsequent
32 revocation.

33 A person who violates the bill is classified as a tier II sex
34 offender under Code section 692A.102(1)(b)(11) if the child is
35 13 years of age or older, or a tier III sex offender under Code

1 section 692A.102(1)(c)(28) if the child is under 13 years of
2 age, and is required to register as a sex offender under Code
3 section 692A.103.

4 A person who violates the bill is also subject to a
5 no-contact order upon release from jail or prison under Code
6 section 709.19 and hormonal intervention therapy under Code
7 section 903B.10(3)(h).

8 The bill makes conforming Code changes to Code sections
9 614.1 and 802.2A (statute of limitations periods) and 702.11
10 (definition of forcible felony).