

Senate File 45 - Introduced

SENATE FILE 45
BY KINNEY

A BILL FOR

1 An Act relating to the dissemination and exhibition of obscene
2 material to a minor by the parent or guardian of the minor,
3 and providing penalties.

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

1 Section 1. Section 728.2, Code 2021, is amended to read as
2 follows:

3 **728.2 Dissemination and exhibition of obscene material to**
4 **minors.**

5 1. Any person, other than the parent or guardian of the
6 minor not subject to subsection 2, who knowingly disseminates
7 or exhibits obscene material to a minor, including the
8 exhibition of obscene material so that it can be observed by a
9 minor on or off the premises where it is displayed, is guilty
10 of a public offense and shall upon conviction be guilty of a
11 serious misdemeanor.

12 2. A parent or guardian who has been convicted of or
13 adjudicated delinquent for any sex offense committed against
14 a minor classified as a tier I, tier II, or tier III offense
15 under chapter 692A requiring registration as a sex offender, or
16 who is required to register in another jurisdiction under the
17 other jurisdiction's sex offender registry for a sex offense
18 committed against a minor, is subject to conviction for a
19 violation of subsection 1.

20 EXPLANATION

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

23 This bill relates to the dissemination and exhibition of
24 obscene material to a minor by the parent or guardian of the
25 minor, and provides penalties.

26 The bill provides that any parent or guardian who has
27 been convicted of or adjudicated delinquent for any sex
28 offense committed against a minor classified as a tier I,
29 tier II, or tier III offense requiring registration as a sex
30 offender under Code chapter 692A (sex offender registry), or
31 who is required to register in another jurisdiction under
32 the other jurisdiction's sex offender registry for a sex
33 offense committed against a minor, is subject to conviction
34 for knowingly disseminating or exhibiting obscene material
35 to their minor child or ward under Code section 728.2, a

1 serious misdemeanor. A serious misdemeanor is punishable by
2 confinement for no more than one year and a fine of at least
3 \$315 but not more than \$1,875. Current law exempts parents
4 and guardians from prosecution for knowingly disseminating or
5 exhibiting obscene material to their minor child or ward.

6 A violation of Code section 728.2 is a tier I sex offense
7 under Code section 692A.102 requiring registration as a sex
8 offender. A person who commits a violation of Code section
9 728.2 is also subject to license suspension or revocation
10 provisions under Code sections 272.2(14) (education) and 728.8
11 (business).