

House Study Bill 203 - Introduced

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

A BILL FOR

1 An Act relating to the enticement and sexual exploitation of
2 minors and the dissemination of obscene material to minors
3 and the utilization of undercover law enforcement officers
4 or agents posing as minors, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.10, subsections 1, 2, 3, and 4, Code
2 2023, are amended to read as follows:

3 1. A person commits a class "C" felony when, without
4 authority and with the intent to commit sexual abuse or sexual
5 exploitation upon a minor under the age of thirteen, the person
6 entices or attempts to entice a person reasonably believed
7 to be under the age of thirteen including a law enforcement
8 officer or agent posing as a minor under the age of thirteen.

9 2. A person commits a class "D" felony when, without
10 authority and with the intent to commit an illegal sex act upon
11 or sexual exploitation of a minor under the age of sixteen,
12 the person entices or attempts to entice a person reasonably
13 believed to be under the age of sixteen including a law
14 enforcement officer or agent posing as a minor under the age
15 of sixteen.

16 3. A person commits a class "D" felony when, without
17 authority and with the intent to commit an illegal act upon a
18 minor under the age of sixteen, the person entices a person
19 reasonably believed to be under the age of sixteen including a
20 law enforcement officer or agent posing as a minor under the
21 age of sixteen.

22 4. A person commits an aggravated misdemeanor when, without
23 authority and with the intent to commit an illegal act upon
24 a minor under the age of sixteen, the person attempts to
25 entice a person reasonably believed to be under the age of
26 sixteen including a law enforcement officer or agent posing as
27 a minor under the age of sixteen. A person convicted under
28 this subsection shall not be subject to the registration
29 requirements under [chapter 692A](#) unless the finder of fact
30 determines that the illegal act was sexually motivated.

31 Sec. 2. Section 728.12, subsection 1, Code 2023, is amended
32 to read as follows:

33 1. It shall be unlawful to employ, use, persuade, induce,
34 entice, coerce, solicit, knowingly permit, or otherwise cause
35 or attempt to cause a minor or a law enforcement officer or

1 agent posing as a minor to engage in a prohibited sexual act
2 or in the simulation of a prohibited sexual act. A person
3 must know, or have reason to know, or intend that the act
4 or simulated act may be photographed, filmed, or otherwise
5 preserved in a visual depiction. A person who commits a
6 violation of this subsection commits a class "C" felony.
7 Notwithstanding section 902.9, the court may assess a fine of
8 not more than fifty thousand dollars for each offense under
9 this subsection in addition to imposing any other authorized
10 sentence.

11 Sec. 3. Section 728.15, subsection 1, paragraph b, Code
12 2023, is amended to read as follows:

13 b. A person shall not knowingly disseminate obscene material
14 by the use of telephones or telephone facilities to a minor or
15 a law enforcement officer or agent posing as a minor.

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 relates to the enticement and sexual exploitation
20 of minors and the dissemination of obscene material to minors
21 and the utilization of undercover law enforcement officers or
22 agents posing as minors.

23 The bill provides that a person commits a class "C" felony
24 when, without authority and with the intent to commit sexual
25 abuse or sexual exploitation upon a minor under the age of 13,
26 the person entices or attempts to entice a person reasonably
27 believed to be under the age of 13 including a law enforcement
28 officer or agent posing as a minor under the age of 13. A
29 person commits a class "D" felony when, without authority and
30 with the intent to commit an illegal sex act upon or sexual
31 exploitation of a minor under the age of 16, the person entices
32 or attempts to entice a person reasonably believed to be under
33 the age of 16 including a law enforcement officer or agent
34 posing as a minor under the age of 16. A person commits a
35 class "D" felony when, without authority and with the intent

1 to commit an illegal act upon a minor under the age of 16, the
2 person entices a person reasonably believed to be under the age
3 of 16 including a law enforcement officer or agent posing as
4 a minor under the age of 16. A person commits an aggravated
5 misdemeanor when, without authority and with the intent to
6 commit an illegal act upon a minor under the age of 16, the
7 person attempts to entice a person reasonably believed to be
8 under the age of 16 including a law enforcement officer or
9 agent posing as a minor under the age of 16.

10 The bill provides that it is unlawful to employ, use,
11 persuade, induce, entice, coerce, solicit, knowingly permit,
12 or otherwise cause or attempt to cause a minor under the age
13 of 18 or a law enforcement officer or agent posing as a minor
14 under the age of 18 to engage in a prohibited sexual act or in
15 the simulation of a prohibited sexual act. A violation of this
16 provision is a class "C" felony. Notwithstanding Code section
17 902.9 (maximum sentence for felons), the court may assess a
18 fine of not more than \$50,000 for each offense in addition to
19 imposing any other authorized sentence.

20 The bill provides that a person shall not knowingly
21 disseminate obscene material by the use of telephones or
22 telephone facilities to a minor under the age of 18 or a law
23 enforcement officer or agent posing as a minor under the age
24 of 18. A first violation of this provision is an aggravated
25 misdemeanor, and any subsequent violation is a class "D"
26 felony.