

**Senate File 201 - Introduced**

SENATE FILE 201  
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 1070)

**A BILL FOR**

1 An Act relating to the criminal offense of stalking committed  
2 while utilizing a technological device and providing  
3 penalties.

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

1 Section 1. Section 708.11, subsection 1, Code 2023, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. "Technological device" means any  
4 computer, cellular phone, smartphone, digital camera, video  
5 camera, audio recording device, or other electronic device that  
6 can be used for creating, storing, or transmitting information  
7 in the form of electronic data.

8 Sec. 2. Section 708.11, subsection 3, Code 2023, is amended  
9 to read as follows:

10 3. a. A person who commits stalking in violation of this  
11 section commits a class "C" felony ~~for a third or subsequent~~  
12 ~~offense.~~ if any of the following apply:

13 (1) The person commits stalking while subject to  
14 restrictions contained in a criminal or civil protective  
15 order or injunction, or any other court order which prohibits  
16 contact between the person and the victim, or while subject to  
17 restrictions contained in a criminal or civil protective order  
18 or injunction, or any other court order which prohibits contact  
19 between the person and another person against whom the person  
20 has committed a public offense.

21 (2) The person commits stalking while in possession of a  
22 dangerous weapon, as defined in section 702.7.

23 (3) The person commits stalking by directing a course of  
24 conduct at a specific person who is under eighteen years of  
25 age.

26 (4) The person utilizes a technological device while  
27 committing stalking.

28 (5) For a third or subsequent offense.

29 ~~b. A person who commits stalking in violation of this~~  
30 ~~section commits a class "D" felony if any of the following~~  
31 ~~apply:~~

32 ~~(1) The person commits stalking while subject to~~  
33 ~~restrictions contained in a criminal or civil protective~~  
34 ~~order or injunction, or any other court order which prohibits~~  
35 ~~contact between the person and the victim, or while subject to~~

1 ~~restrictions contained in a criminal or civil protective order~~  
2 ~~or injunction or other court order which prohibits contact~~  
3 ~~between the person and another person against whom the person~~  
4 ~~has committed a public offense.~~

5 ~~(2) The person commits stalking while in possession of a~~  
6 ~~dangerous weapon, as defined in [section 702.7](#).~~

7 ~~(3) The person commits stalking by directing a course of~~  
8 ~~conduct at a specific person who is under eighteen years of~~  
9 ~~age.~~

10 ~~(4) The offense is a second offense.~~

11 b. A person who commits stalking in violation of this  
12 section commits a class "D" felony if the offense is a second  
13 offense which is not included in paragraph "a".

14 c. A person who commits stalking in violation of this  
15 section commits an aggravated misdemeanor if the offense is a  
16 first offense which is not included in paragraph "b" "a".

17 EXPLANATION

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

20 This bill relates to the criminal offense of stalking  
21 committed while utilizing a technological device.

22 Current law provides that a person who commits stalking  
23 in violation of Code section 708.11 is subject to criminal  
24 penalties ranging from an aggravated misdemeanor (confinement  
25 for no more than two years and a fine of at least \$855 but not  
26 more than \$8,540) to a class "C" felony (confinement for no  
27 more than 10 years and a fine of at least \$1,370 but no more  
28 than \$13,660), dependent upon the circumstances of the offense  
29 including the number of times the person has committed the  
30 offense.

31 The bill provides that a person who commits stalking  
32 commits a class "C" felony if any of the following apply:  
33 the person commits stalking while subject to a criminal or  
34 civil protective order or injunction, or any other court order  
35 which prohibits contact between the person and the victim or

1 between the person and another person against whom the person  
2 has committed a public offense; the person commits stalking  
3 while in possession of a dangerous weapon; the person commits  
4 stalking by directing a course of conduct at a specific  
5 person who is under 18 years of age; the person utilizes a  
6 technological device while committing stalking; or for a third  
7 or subsequent stalking offense.

8 The bill provides that a person who commits stalking commits  
9 a class "D" felony if the offense is a second offense and if  
10 none of the elements making the offense a class "C" felony are  
11 present. A person who commits stalking commits an aggravated  
12 misdemeanor if the offense is a first offense and if none of  
13 the elements making the offense a class "C" felony are present.

14 The bill provides a definition of "technological device".