

Senate File 2217 - Introduced

SENATE FILE 2217

BY WESTRICH, ROZENBOOM, and
ZAUN

A BILL FOR

1 An Act relating to sexual exploitation of a minor, and making
2 penalties applicable.

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

1 Section 1. Section 728.12, subsection 3, Code 2024, is
2 amended to read as follows:

3 3. a. It shall be unlawful to knowingly purchase or possess
4 a visual depiction containing a pictorial representation of a
5 minor engaging in a prohibited sexual act or the simulation of
6 a prohibited sexual act.

7 b. A visual depiction containing pictorial representations
8 of different minors shall be prosecuted and punished as
9 separate offenses for each pictorial representation of a
10 different minor in the visual depiction. ~~However, violations~~
11 ~~of this subsection involving multiple visual depictions~~

12 c. A visual depiction containing pictorial representations
13 of the same minor shall be prosecuted and punished as ~~one~~
14 ~~offense~~ separate offenses for each pictorial representation of
15 the same minor.

16 d. A person who commits a violation of this subsection
17 commits a class "D" felony for a first offense and a class "C"
18 felony for a second or subsequent offense.

19 e. For purposes of this subsection, an offense is considered
20 a second or subsequent offense if, prior to the person's having
21 been convicted under this subsection, the any of the following
22 apply:

23 (1) The person has a prior conviction or deferred judgment
24 under this subsection ~~or.~~

25 (2) The person has a prior conviction or deferred judgment
26 in another jurisdiction for a substantially similar offense.
27 The court shall judicially notice the statutes of other states
28 that define offenses substantially similar to the offenses
29 defined in this subsection and that therefore can be considered
30 corresponding statutes.

31

EXPLANATION

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

34 This bill relates to sexual exploitation of a minor, and
35 makes penalties applicable.

1 Current law provides that it is unlawful to knowingly
2 purchase or possess a visual depiction of a minor engaging in a
3 prohibited sexual act or the simulation of a prohibited sexual
4 act. A visual depiction containing pictorial representations
5 of different minors shall be prosecuted and punished as
6 separate offenses for each pictorial representation of a
7 different minor in the visual depiction. However, violations
8 involving multiple visual depictions containing pictorial
9 representations of the same minor shall be prosecuted and
10 punished as one offense.

11 The bill provides that a person who knowingly purchases
12 or possesses multiple visual depictions containing pictorial
13 representations of the same minor engaging in prohibited sexual
14 acts or the simulation of prohibited sexual acts shall be
15 prosecuted and punished as separate offenses.

16 A person who commits a violation of this subsection commits
17 a class "D" felony for a first offense and a class "C" felony
18 for a second or subsequent offense. A class "D" felony is
19 punishable by confinement for no more than five years and a
20 fine of at least \$1,025 but not more than \$10,245. A class "C"
21 felony is punishable by confinement for no more than 10 years
22 and a fine of at least \$1,370 but not more than \$13,660.

23 A violation of Code section 728.12(3) is a tier II sex
24 offense and a person convicted of the offense is required to
25 register as a sex offender. A person convicted of the offense
26 is also subject to a 10-year special sentence imposed in
27 addition to any other sentence.