

Senate Study Bill 1070 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON TECHNOLOGY BILL BY
CHAIRPERSON COURNOYER)

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, Code 2023, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 3A. *a.* Notwithstanding subsection 3, a
11 person commits a class "C" felony if the person utilizes a
12 technological device in committing the offense.

13 *b.* This subsection applies regardless of whether the offense
14 is a first, second, or third or subsequent offense.

15 Sec. 3. Section 811.1, subsection 3, Code 2023, is amended
16 to read as follows:

17 3. Notwithstanding [subsections 1 and 2](#), a defendant
18 awaiting judgment of conviction and sentencing following either
19 a plea or verdict of guilty of, or appealing a conviction of,
20 any felony offense included in section 708.11, subsection 3
21 or 3A, or a felony offense under [chapter 124](#) not provided
22 for in [subsection 1 or 2](#) is presumed to be ineligible to be
23 admitted to bail unless the court determines that such release
24 reasonably will not result in the person failing to appear as
25 required and will not jeopardize the personal safety of another
26 person or persons.

27 EXPLANATION

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

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

32 Current law provides that a person who commits stalking
33 in violation of Code section 708.11 is subject to criminal
34 penalties ranging from an aggravated misdemeanor (confinement
35 for no more than two years and a fine of at least \$855 but not

1 more than \$8,540) to a class "C" felony (confinement for no
2 more than 10 years and a fine of at least \$1,370 but no more
3 than \$13,660), dependent upon the circumstances of the offense
4 including the number of times the person has committed the
5 offense.

6 The bill provides that a person who commits stalking commits
7 a class "C" felony if the person utilizes a technological
8 device in committing the offense, regardless of whether the
9 offense is a first, second, or third or subsequent offense.

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

11 The bill provides that a person convicted of stalking
12 utilizing a technological device who is awaiting judgment of
13 conviction and sentencing is presumed to be ineligible to be
14 admitted to bail unless the court determines that release
15 reasonably will not result in the person failing to appear and
16 will not jeopardize the personal safety of another person.