

**House File 17 - Introduced**

HOUSE FILE 17  
BY COLLINS

**A BILL FOR**

- 1 An Act relating to surgical castration for certain sex offenses.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **903B.11 Surgical castration —**  
2 **certain sex offenses.**

3 1. Notwithstanding any other provision of law to the contrary  
4 and in addition to any other punishment provided by law, a person  
5 who has been convicted of a serious sex offense, as defined  
6 in section 903B.10, subsection 3, occurring on or after the  
7 effective date of this section, in which the victim was under the  
8 age of twelve at the time of the offense, may be ordered by the  
9 court to undergo surgical castration as part of any conditions  
10 of release imposed by the court or the board of parole. This  
11 section shall not apply if the person voluntarily undergoes a  
12 permanent surgical alternative approved by the court or the board  
13 of parole.

14 2. If a person is placed on probation and is not  
15 in confinement at the time of sentencing, the presentence  
16 investigation shall include a plan for surgical castration to  
17 be performed as soon as is reasonably possible after the person  
18 is sentenced. If the person is in confinement prior to release  
19 on probation or parole, surgical castration shall be performed  
20 not later than one week prior to the defendant's release  
21 from confinement. Conviction of a serious sex offense shall  
22 constitute exceptional circumstances warranting a presentence  
23 investigation under section 901.2.

24 3. An order of the court requiring a person to undergo  
25 surgical castration shall be contingent upon a determination by a  
26 court-appointed medical expert that the person is an appropriate  
27 candidate for the procedure and that the procedure is medically  
28 appropriate. This determination shall be made not later than  
29 sixty days from the imposition of sentence.

30 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
31 importance, takes effect upon enactment.

32 EXPLANATION

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

35 This bill relates to surgical castration for certain sex

1 offenses.

2 The bill provides that in addition to any other punishment  
3 provided by law, a person who has been convicted of a serious sex  
4 offense occurring on or after the effective date of the bill,  
5 in which the victim was under the age of 12 at the time of  
6 the offense, may be ordered by the court to undergo surgical  
7 castration as part of any conditions of release imposed by  
8 the court or the board of parole. If a person is placed on  
9 probation and is not in confinement at the time of sentencing,  
10 the presentence investigation shall include a plan for surgical  
11 castration to be performed as soon as is reasonably possible. If  
12 the person is in confinement prior to release on probation or  
13 parole, surgical castration shall be performed not later than one  
14 week prior to the defendant's release from confinement. An order  
15 of the court requiring a person to undergo surgical castration  
16 shall be contingent upon a determination by a court-appointed  
17 medical expert that the defendant is an appropriate candidate for  
18 the procedure and that the procedure is medically appropriate.

19 The bill refers to the definition of "serious sex offense"  
20 in Code section 903B.10(3) which provides that a "serious sex  
21 offense" means any of the following offenses in which the victim  
22 was a child who was, at the time the offense was committed, 12  
23 years of age or younger: sexual abuse in the first degree,  
24 in violation of Code section 709.2; sexual abuse in the second  
25 degree, in violation of Code section 709.3; sexual abuse in the  
26 third degree, in violation of Code section 709.4; lascivious acts  
27 with a child, in violation of Code section 709.8; assault with  
28 intent, in violation of Code section 709.11; indecent contact  
29 with a minor, in violation of Code section 709.12; lascivious  
30 conduct with a minor, in violation of Code section 709.14;  
31 sexual exploitation, in violation of Code section 709.15; sexual  
32 exploitation of a minor, in violation of Code section 728.12(1)  
33 and (2); and continuous sexual abuse of a child, in violation of  
34 Code section 709.23.