

**House File 81 - Introduced**

HOUSE FILE 81  
BY HAYES

**A BILL FOR**

- 1 An Act relating to obscene materials involving minors, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 692A.102, subsection 1, paragraph a,  
2 subparagraph (10), Code 2025, is amended by adding the following  
3 new subparagraph division:

4 NEW SUBPARAGRAPH DIVISION. (c) Production, distribution,  
5 receipt, or possession of, or attempt to produce, distribute,  
6 receive, or possess, obscene material involving a minor, in  
7 violation of section 728.13.

8 Sec. 2. Section 728.1, Code 2025, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 5A. "*Obscene material involving a minor*"  
11 means any visual depiction that is all of the following:

12 a. A depiction or apparent depiction of a minor engaging in a  
13 prohibited sexual act, as defined in section 728.1.

14 b. Appealing to the prurient interest as would be found by  
15 the average person, taking the visual depiction as a whole and  
16 applying contemporary adult community standards.

17 c. Patently offensive as would be found by the average  
18 person, taking the visual depiction as a whole and applying  
19 contemporary adult community standards.

20 d. Lacking of serious literary, scientific, political, or  
21 artistic value when taken as a whole.

22 Sec. 3. NEW SECTION. **728.13 Production or distribution of**  
23 **obscene material involving a minor.**

24 1. A person shall not knowingly produce, distribute, receive,  
25 or possess with the intent to distribute, or attempt to produce,  
26 distribute, receive, or possess with the intent to distribute,  
27 any obscene material involving a minor.

28 2. A person who violates this section commits an aggravated  
29 misdemeanor for a first offense and a class "D" felony for a  
30 second or subsequent offense. For purposes of this section, an  
31 offense is considered a second or subsequent offense if, prior to  
32 the person's having been convicted under this section, the person  
33 has a prior conviction or deferred judgment for a violation  
34 of this section, section 728.2, 728.3, 728.12, or 728.15, any  
35 provision under chapter 709 involving a minor, or any sex offense

1 against a minor that requires a person to register as a sex  
2 offender under chapter 692A, or a prior conviction or deferred  
3 judgment in another jurisdiction for a substantially similar  
4 offense. The court shall judicially notice the statutes of other  
5 states that define offenses substantially similar to the offense  
6 defined in this section and that therefore can be considered  
7 corresponding statutes.

8 3. This section does not require that the minor depicted  
9 actually exists.

10 4. This section shall not apply to any bona fide law  
11 enforcement or judicial activity, or to any material used for  
12 educational purposes in any accredited school or public library,  
13 or in any educational program.

14 EXPLANATION

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

17 This bill relates to obscene materials involving minors.

18 The bill defines "obscene material involving a minor" as  
19 any visual depiction that depicts or appears to depict a minor  
20 engaging in a prohibited sexual act that the average person,  
21 taking the visual depiction as a whole and applying contemporary  
22 adult community standards, would find appeals to the prurient  
23 interest and is patently offensive, and, when taken as a whole,  
24 lacks serious literary, scientific, political, or artistic value.

25 The bill prohibits a person from knowingly producing,  
26 distributing, receiving, or possessing with the intent to  
27 distribute any obscene material involving a minor, or attempting  
28 any such conduct. A person who commits a violation of the  
29 bill commits an aggravated misdemeanor for a first offense and  
30 a class "D" felony for a second or subsequent offense. An  
31 aggravated misdemeanor is punishable by confinement for no more  
32 than two years and a fine of at least \$855 but not more than  
33 \$8,540. A class "D" felony is punishable by confinement for  
34 no more than five years and a fine of at least \$1,025 but not  
35 more than \$10,245. The bill provides that a person convicted

1 of production, distribution, receipt, or possession of obscene  
2 materials involving minors, or attempting any such conduct, must  
3 register as a tier I sex offender.

4 The bill does not require that the minor depicted actually  
5 exists.

6 The bill does not apply to any bona fide law enforcement  
7 or judicial activity, or to any material used for educational  
8 purposes in any accredited school or any public library, or in  
9 any educational program.

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