

Senate File 2012 - Introduced

SENATE FILE 2012
BY McCLINTOCK

A BILL FOR

- 1 An Act establishing the offense of assault by criminal groping,
- 2 and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 692A.102, subsection 1, paragraph a, Code
2 2026, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (20) Assault by criminal groping in
4 violation of section 709.11A, if a determination is made that the
5 offense was sexually motivated pursuant to section 692A.126 and
6 the victim is fourteen years of age or older.

7 Sec. 2. Section 692A.102, subsection 1, paragraph b, Code
8 2026, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (07) Assault by criminal groping in
10 violation of section 709.11A, if a determination is made that the
11 offense was sexually motivated pursuant to section 692A.126 and
12 the victim is under fourteen years of age.

13 Sec. 3. Section 692A.126, subsection 1, Code 2026, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. x. Assault by criminal groping in violation
16 of section 709.11A.

17 Sec. 4. NEW SECTION. **709.11A Assault by criminal groping.**

18 1. As used in this section:

19 a. "*Assault by criminal groping*" means an assault, as defined
20 in section 708.1, that involves intentional physical contact with
21 an intimate body part of another person, without the intent to
22 commit sexual abuse, as defined in section 709.1.

23 b. "*Intimate body part*" means the clothed or unclothed inner
24 thigh, groin, buttock, genitals, anus, or breast.

25 2. A person who commits assault by criminal groping commits a
26 serious misdemeanor.

27 3. A person who commits a second violation of this section
28 commits an aggravated misdemeanor.

29 4. A person who commits a third or subsequent violation of
30 this section commits a class "D" felony.

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 establishes the criminal offense of assault by
35 criminal groping.

1 The bill defines "assault by criminal groping" as an assault
2 that involves intentional physical contact with an intimate body
3 part of another person, without the intent to commit sexual
4 abuse. "Intimate body part" is defined as the clothed or
5 unclothed inner thigh, groin, buttock, genitals, anus, or breast.

6 The bill provides that a first violation of assault by
7 criminal groping is a serious misdemeanor. A second violation
8 is an aggravated misdemeanor. A person who commits a third
9 or subsequent violation commits a class "D" felony. A serious
10 misdemeanor is punishable by confinement for no more than one
11 year and a fine of at least \$430 but not more than \$2,560. An
12 aggravated misdemeanor is punishable by confinement for no more
13 than two years and a fine of at least \$855 but not more than
14 \$8,540. A class "D" felony is punishable by confinement for no
15 more than five years and a fine of at least \$1,025 but not more
16 than \$10,245.

17 If a determination is made by the court that a person
18 convicted of assault by criminal groping was sexually motivated
19 and the victim is 14 years of age or older, the person will
20 be required to register as a tier I sex offender. If a
21 determination is made by the court that a person convicted of
22 assault by criminal groping was sexually motivated and the victim
23 is under 14 years of age, the person will be required to register
24 as a tier II sex offender.