

House File 614 - Reprinted

HOUSE FILE 614

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 152)

(As Amended and Passed by the House March 21, 2011)

A BILL FOR

1 An Act relating to sexual misconduct with offenders and
2 juveniles, and providing a penalty.

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

1 Section 1. Section 709.16, Code 2011, is amended to read as
2 follows:

3 **709.16 Sexual misconduct with offenders and juveniles.**

4 1. a. An officer, employee, contractor, vendor, volunteer,
5 or agent of the department of corrections, ~~or an officer,~~
6 ~~employee, or agent of a judicial district department of~~
7 ~~correctional services,~~ who engages in a sex act with an
8 individual committed to the custody of the department of
9 corrections ~~or a judicial district department of correctional~~
10 ~~services~~ commits ~~an aggravated misdemeanor~~ a class "D" felony.

11 b. An officer, employee, or agent of a judicial district
12 department of correctional services, who engages in a sex act
13 with an individual under supervision of a judicial district
14 department of correctional services, with the knowledge the
15 person is under such supervision, commits a class "D" felony.

16 2. An officer, employee, contractor, vendor, volunteer, or
17 agent of a juvenile placement facility who engages in a sex act
18 with a juvenile placed at such facility commits ~~an aggravated~~
19 ~~misdemeanor~~ a class "D" felony.

20 For purposes of this subsection, a "*juvenile placement*
21 *facility*" means any of the following:

22 a. A child foster care facility licensed under section
23 237.4.

24 b. Institutions controlled by the department of human
25 services listed in section 218.1.

26 c. Juvenile detention and juvenile shelter care homes
27 approved under section 232.142.

28 d. Psychiatric medical institutions for children licensed
29 under chapter 135H.

30 e. Substance abuse facilities as defined in section 125.2.

31 3. An officer, employee, contractor, vendor, volunteer,
32 or agent of a county who engages in a sex act with a prisoner
33 incarcerated in a county jail commits ~~an aggravated misdemeanor~~
34 a class "D" felony.