

Senate File 577 - Reprinted

SENATE FILE 577
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1233)

(As Amended and Passed by the Senate April 1, 2019)

A BILL FOR

1 An Act establishing the criminal offense of sexual exploitation
2 of a student with a disability by an employee of a community
3 college and providing penalties.

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

1 Section 1. Section 614.1, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 15. *Sexual exploitation of a student with*
4 *a disability by an employee of a community college.* An action
5 for damages for injury suffered as a result sexual exploitation
6 of a student with a disability by an employee of a community
7 college, as defined in section 709.15A, shall be brought within
8 five years of the date the victim last received 4+ services
9 from an employee of a community college.

10 Sec. 2. Section 692A.102, subsection 1, paragraph b,
11 subparagraph (11), Code 2019, is amended to read as follows:

12 (11) Sexual exploitation by a counselor, therapist, or
13 school employee in violation of section 709.15, or sexual
14 exploitation of a student with a disability by an employee of
15 a community college in violation of section 709.15A, if the
16 victim is thirteen years of age or older.

17 Sec. 3. Section 702.11, subsection 2, paragraph d, Code
18 2019, is amended to read as follows:

19 *d.* Sexual exploitation by a counselor, therapist, or school
20 employee in violation of section 709.15, or sexual exploitation
21 of a student with a disability by an employee of a community
22 college in violation of section 709.15A.

23 Sec. 4. NEW SECTION. 709.15A **Sexual exploitation of a**
24 **student with a disability by an employee of a community college.**

25 1. As used in this section:

26 *a.* "4+ services" means secondary planning and transition
27 services intended to give students vocational and life skills
28 to increase independence in adulthood which are part of
29 a student with a disability's secondary schooling and are
30 included in the student's individualized education program.

31 *b.* "Employee of a community college" means a person employed
32 by a community college who, pursuant to a contract between
33 a school district and the community college, provides 4+
34 services to a child with a disability who is between the ages
35 of eighteen and twenty-one, and includes any of the following:

1 (1) A person who holds a license, certificate, or statement
2 of professional recognition issued under chapter 272.

3 (2) A person who holds an authorization issued under chapter
4 272.

5 (3) A person employed by the community college full-time,
6 part-time, or as a substitute.

7 (4) A person who performs services as a volunteer for a
8 community college and who has direct contact with the student
9 receiving 4+ services.

10 (5) A person who provides services under a contract for such
11 services to a community college and who has direct contact with
12 the student receiving 4+ services.

13 *c. "Individualized education program"* means a written
14 statement for each student with a disability identified under
15 the law who is attending a secondary educational institution,
16 that is developed, reviewed, and revised to ensure that the
17 student with a disability receives specialized instruction and
18 related services.

19 *d. "Student with a disability"* means a person between
20 the ages of eighteen and twenty-one who has a disability in
21 obtaining an education because of a head injury, autism,
22 behavioral disorder, or physical, mental, communication, or
23 learning disability, as defined by the rules of the department
24 of education.

25 2. *a.* Sexual exploitation of a student with a disability
26 by an employee of a community college occurs when any of the
27 following are found:

28 (1) A pattern or practice or scheme of conduct to engage in
29 any of the conduct described in subparagraph (2).

30 (2) Any sexual conduct with a student with a disability for
31 the purpose of arousing or satisfying the sexual desires of
32 the school employee or the student with a disability. Sexual
33 conduct includes but is not limited to the following:

34 (a) Kissing.

35 (b) Touching of the clothed or unclothed inner thigh,

1 breast, groin, buttock, anus, pubes, or genitals.

2 (c) A sex act as defined in section 702.17.

3 b. Sexual exploitation of a student with a disability by
4 an employee of a community college does not include touching
5 that is necessary in the performance of the community college
6 employee's duties while acting within the scope of employment.

7 3. a. A community college employee who commits sexual
8 exploitation of a student with a disability in violation of
9 subsection 2, paragraph "a", subparagraph (1), commits a class
10 "D" felony.

11 b. A community college employee who commits sexual
12 exploitation of a student with a disability in violation of
13 subsection 2, paragraph "a", subparagraph (2), commits an
14 aggravated misdemeanor.

15 Sec. 5. Section 709.19, subsection 1, Code 2019, is amended
16 to read as follows:

17 1. Upon the filing of an affidavit by a victim, or a parent
18 or guardian on behalf of a minor who is a victim, of a crime
19 that is a sexual offense in violation of [section 709.2](#), [709.3](#),
20 [709.4](#), [709.8](#), [709.9](#), [709.11](#), [709.12](#), [709.14](#), [709.15](#), [709.15A](#),
21 or [709.16](#), that states that the presence of or contact with
22 the defendant whose release from jail or prison is imminent or
23 who has been released from jail or prison continues to pose a
24 threat to the safety of the victim, persons residing with the
25 victim, or members of the victim's immediate family, the court
26 shall enter a temporary no-contact order which shall require
27 the defendant to have no contact with the victim, persons
28 residing with the victim, or members of the victim's immediate
29 family.