

Senate File 201 - Reprinted

SENATE FILE 201
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 1070)

(As Amended and Passed by the Senate March 14, 2023)

A BILL FOR

1 An Act relating to the criminal offense of stalking committed
2 while utilizing a technological device and providing
3 penalties.

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

1 Section 1. Section 692A.102, subsection 1, paragraph a,
2 subparagraph (6), subparagraph division (b), Code 2023, is
3 amended to read as follows:

4 (b) Stalking in violation of [section 708.11](#), if a
5 determination is made that the offense was sexually motivated
6 pursuant to [section 692A.126](#), except a violation of section
7 708.11, subsection 3, paragraph ~~"b"~~ "a", subparagraph (3), shall
8 be classified a tier II offense as provided in paragraph ~~"b"~~.

9 Sec. 2. Section 692A.102, subsection 1, paragraph b,
10 subparagraph (8), Code 2023, is amended to read as follows:

11 (8) Stalking in violation of [section 708.11, subsection 3](#),
12 paragraph ~~"b"~~ "a", subparagraph (3), if a determination is made
13 that the offense was sexually motivated pursuant to section
14 692A.126.

15 Sec. 3. Section 708.11, subsection 1, paragraph b, Code
16 2023, is amended to read as follows:

17 *b. "Course of conduct"* means repeatedly maintaining a visual
18 or physical proximity to a person without legitimate purpose,
19 repeatedly utilizing a technological device to locate, listen
20 to, or watch a person without authorization or legitimate
21 purpose, or repeatedly conveying oral or written threats,
22 threats implied by conduct, or a combination thereof, directed
23 at or toward a person.

24 Sec. 4. Section 708.11, subsection 1, Code 2023, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *e. "Technological device"* means any
27 computer, cellular phone, smartphone, digital camera, video
28 camera, audio recording device, global positioning device, or
29 other electronic device that can be used for creating, storing,
30 or transmitting information in the form of electronic data.

31 Sec. 5. Section 708.11, subsection 3, Code 2023, is amended
32 to read as follows:

33 3. *a.* A person who commits stalking in violation of this
34 section commits a class "C" felony ~~for a third or subsequent~~
35 ~~offense.~~ if any of the following apply:

1 (1) The person commits stalking while subject to
2 restrictions contained in a criminal or civil protective
3 order or injunction, or any other court order which prohibits
4 contact between the person and the victim, or while subject to
5 restrictions contained in a criminal or civil protective order
6 or injunction, or any other court order which prohibits contact
7 between the person and another person against whom the person
8 has committed a public offense.

9 (2) The person commits stalking while in possession of a
10 dangerous weapon, as defined in section 702.7.

11 (3) The person commits stalking by directing a course of
12 conduct at a specific person who is under eighteen years of
13 age.

14 (4) The person utilizes a technological device while
15 committing stalking.

16 (5) For a third or subsequent offense.

17 ~~b. A person who commits stalking in violation of this~~
18 ~~section commits a class "D" felony if any of the following~~
19 ~~apply:~~

20 ~~(1) The person commits stalking while subject to~~
21 ~~restrictions contained in a criminal or civil protective~~
22 ~~order or injunction, or any other court order which prohibits~~
23 ~~contact between the person and the victim, or while subject to~~
24 ~~restrictions contained in a criminal or civil protective order~~
25 ~~or injunction or other court order which prohibits contact~~
26 ~~between the person and another person against whom the person~~
27 ~~has committed a public offense.~~

28 ~~(2) The person commits stalking while in possession of a~~
29 ~~dangerous weapon, as defined in [section 702.7](#).~~

30 ~~(3) The person commits stalking by directing a course of~~
31 ~~conduct at a specific person who is under eighteen years of~~
32 ~~age.~~

33 ~~(4) The offense is a second offense.~~

34 b. A person who commits stalking in violation of this
35 section commits a class "D" felony if the offense is a second

1 offense which is not included in paragraph "a".

2 *c.* A person who commits stalking in violation of this
3 section commits an aggravated misdemeanor if the offense is a
4 first offense which is not included in paragraph ~~"b"~~ "a".