SENATE FILE 524
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 380)

(As Amended and Passed by the Senate March 28, 2019)
[= New Language by the Senate

A BILL FOR

An Act relating to sexual exploitation by a youth athletics coach and providing penalties.

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

Section 1. Section 272.2, subsection 14, paragraph b, subparagraph (1), subparagraph division (b), Code 2019, is amended by adding the following new subparagraph subdivision:

NEW SUBPARAGRAPH SUBDIVISION. (viii) Sexual exploitation by a youth athletics coach.

Sec. 2. Section 614.1, subsection 12, Code 2019, is amended to read as follows:

12. *Sexual abuse or sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach.* An action for damages for injury suffered as a result of sexual abuse, as defined in section 709.1, by a counselor, therapist, ~~or~~ school employee, or youth athletics coach, as defined in section 709.15, or as a result of sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach shall be brought within ~~five~~ fifteen years ~~of the date the victim was last treated by the counselor or therapist, or within five years of the date the victim was last enrolled in or attended the school~~ after the victim attains eighteen years of age.

Sec. 3. Section 692A.102, subsection 1, paragraph b, subparagraph (11), Code 2019, is amended to read as follows:

(11) Sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach in violation of section 709.15, if the victim is thirteen years of age or older.

Sec. 4. Section 692A.102, subsection 1, paragraph c, subparagraph (27), Code 2019, is amended to read as follows:

(27) Sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach in violation of section 709.15, if the child is under thirteen years of age.

Sec. 5. Section 702.11, subsection 2, paragraph d, Code 2019, is amended to read as follows:

d. Sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach in violation of section 709.15.

Sec. 6. Section 709.15, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h. "Youth athletics coach"* means a person who is not a school employee, whether paid or unpaid, who coaches, or is an assistant coach of, a youth athletics team comprised of students, or an individual student athlete, whether informal or formal.

Sec. 7. Section 709.15, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a.* Sexual exploitation by a youth athletics coach occurs when any of the following are found:

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

(2) Any sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of the youth athletics coach or the student. Sexual conduct includes but is not limited to the following:

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals.

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

b. Sexual exploitation by a youth athletics coach does not include any of the following:

(1) Touching that is necessary in the performance of the youth athletics coach's duties including caring for an injured athlete.

(2) Engaging in conduct in violation of subsection 3A, paragraph *"a"*, subparagraph (2), with a student who is not more than four years younger than the youth athletics coach and over whom the youth athletics coach does not have direct authority.

Sec. 8. Section 709.15, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *a.* A youth athletics coach who commits sexual exploitation in violation of subsection 3A, paragraph *"a"*, subparagraph (1), commits a class "D" felony.

b. A youth athletics coach who commits sexual exploitation in violation of subsection 3A, paragraph "*a*", subparagraph (2), commits an aggravated misdemeanor.

Sec. 9. Section 802.2A, Code 2019, is amended to read as follows:

802.2A Incest — sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach.

1. An information or indictment for incest under section 726.2 committed on or with a person who is under the age of eighteen shall be found within ~~ten~~ fifteen years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other incest shall be found within ten years after its commission.

2. An indictment or information for sexual exploitation by a counselor, therapist, ~~or~~ school employee, or youth athletics coach under section 709.15 committed on or with a person who is under the age of eighteen shall be found within ~~ten~~ fifteen years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other sexual exploitation shall be found within ~~ten~~ fifteen years of the date the victim was last treated by the counselor or therapist, or within ~~ten~~ fifteen years of the date the victim was enrolled in or attended the school.