SENATE FILE 589
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 405)

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

_____ and [= New Language by the Senate

* = Language Stricken by the Senate

A BILL FOR

An Act relating to criminal law and procedure including certain related administrative proceedings, providing penalties, and including effective date and applicability provisions.

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

DIVISION I

EXPUNGEMENTS

Section 1. Section 123.46, subsection 6, Code 2019, is amended to read as follows:

6. Upon the expiration of two years following conviction for a violation of this section ~~and a violation~~ or of a similar local ordinance ~~that arose from the same transaction or occurrence~~, a person may petition the court to expunge the conviction ~~including the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ shall be expunged as a matter of law. The court shall enter an order that the record of the conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ has been expunged, the record of conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

Sec. 2. NEW SECTION. **901C.3 Misdemeanor — expungement.**

1. Upon application of a defendant convicted of a misdemeanor offense in the county where the conviction occurred, the court shall enter an order expunging the record of such a criminal case, as a matter of law, if the defendant has proven all of the following:

a. More than eight years have passed since the date of the

conviction.

b. The defendant has no pending criminal charges.

c. The defendant has not previously been granted two deferred judgments.

d. The defendant has paid all court costs, fees, fines, restitution, and any other financial obligations ordered by the court or assessed by the clerk of the district court.

2. The following misdemeanors shall not be expunged:

a. A conviction under section 123.46.

b. A simple misdemeanor conviction under section 123.47, subsection 3, or similar local ordinance.

c. A conviction for dependent adult abuse under section 235B.20.

d. A conviction under section 321.218, 321A.32, or 321J.21.

e. A conviction under section 321J.2.

f. A conviction for a sex offense as defined in section 692A.101.

g. A conviction for involuntary manslaughter under section 707.5.

h. A conviction for assault under section 708.2, subsection 3.

i. A conviction under section 708.2A.

j. A conviction for harassment under section 708.7.

k. A conviction for stalking under section 708.11.

l. A conviction for removal of an officer's communication or control device under section 708.12.

m. A conviction for trespass under section 716.8, subsection 3 or 4.

n. A conviction under chapter 717C.

o. A conviction under chapter 719.

p. A conviction under chapter 720.

q. A conviction under section 721.2.

r. A conviction under section 721.10.

s. A conviction under section 723.1.

t. A conviction under chapter 724.

u. A conviction under chapter 726.

v. A conviction under chapter 728.

w. A conviction under chapter 901A.

x. A conviction for a comparable offense listed in 49 C.F.R. §383.51(b) (table 1) or 49 C.F.R. §383.51(e) (table 4).

y. A conviction under prior law of an offense comparable to an offense enumerated in this subsection.

* 3. A person shall be granted an expungement of a record under this section one time in the person's lifetime. However, the one application may request the expungement of records relating to more than one misdemeanor offense if the misdemeanor offenses arose from the same transaction or occurrence, and the application contains the misdemeanor offenses to be expunged.

4. The expunged record under this section is a confidential record exempt from public access under section 22.7 but shall be made available by the clerk of the district court upon court order.

5. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged under subsection 1, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

6. The supreme court may prescribe rules governing the procedures applicable to the expungement of a criminal case under this section.

7. This section applies to a misdemeanor conviction that occurred prior to, on, or after July 1, 2019.

DIVISION II

ROBBERY— AGGRAVATED THEFT

Sec. 3. Section 711.3, Code 2019, is amended to read as follows:

711.3 Robbery in the second degree.

All robbery which is not robbery in the first degree is

robbery in the second degree~~, except as provided in section 711.3A~~. Robbery in the second degree is a class "C" felony.

Sec. 4. NEW SECTION. 711.3B Aggravated theft.

1. A person commits aggravated theft when the person commits an assault as defined in section 708.1, subsection 2, paragraph *"a"*, that is punishable as a simple misdemeanor under section 708.2, subsection 6, after the person has removed or attempted to remove property not exceeding three hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

2. *a.* A person who commits aggravated theft is guilty of an aggravated misdemeanor.

b. A person who commits aggravated theft, and who has previously been convicted of an aggravated theft, robbery in the first degree in violation of section 711.2, robbery in the second degree in violation of section 711.3, or extortion in violation of section 711.4, is guilty of a class "D" felony.

3. In determining if a violation is a class "D" felony offense the following shall apply:

a. A deferred judgment entered pursuant to section 907.3 for a violation of any offense specified in subsection 2 shall be counted as a previous offense.

b. A conviction or the equivalent of a deferred judgment for a violation in any other states under statutes substantially corresponding to an offense specified in subsection 2 shall be counted as a previous offense. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses specified in this section and can therefore be considered corresponding statutes.

4. Aggravated theft is not an included offense of robbery in the first or second degree.

Sec. 5. Section 808.12, subsections 1 and 3, Code 2019, are amended to read as follows:

1. Persons concealing property as set forth in section ~~714.3A~~ 711.3B or 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in section ~~714.3A~~ 711.3B or 714.5.

Sec. 6. Section 901.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. At the time of sentencing, the court shall determine when a person convicted of robbery in the first degree as described in section 902.12, subsection 2A, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 2A, based upon all pertinent information including the person's criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 7. Section 902.12, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. Robbery in the ~~first or~~ second degree in violation of section ~~711.2 or~~ 711.3, except as determined in subsection 3.

Sec. 8. Section 902.12, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A person serving a sentence for a conviction for robbery in the first degree in violation of section 711.2 for a conviction that occurs on or after July 1, 2018, shall be denied parole or work release until the person

has served between one-half and seven-tenths of the maximum term of the person's sentence as determined under section 901.11, subsection 2A.

Sec. 9. REPEAL. Sections 711.3A, 711.5, and 714.3A, Code 2019, are repealed.

DIVISION III

PROPERTY CRIMES — VALUE

Sec. 10. Section 712.3, Code 2019, is amended to read as follows:

712.3 Arson in the second degree.

Arson which is not arson in the first degree is arson in the second degree when the property which is the subject of the arson is a building or a structure, or real property of any kind, or standing crops, or is personal property the value of which exceeds ~~five~~ seven hundred fifty dollars. Arson in the second degree is a class "C" felony.

Sec. 11. Section 714.2, Code 2019, is amended to read as follows:

714.2 Degrees of theft.

1. The theft of property exceeding ten thousand dollars in value, or the theft of property from the person of another, or from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing, or the proximity of battle, or the theft of property which has been removed from a building because of a physical disaster, riot, bombing, or the proximity of battle, is theft in the first degree. Theft in the first degree is a class "C" felony.

2. The theft of property exceeding one thousand five hundred dollars but not exceeding ten thousand dollars in value or theft of a motor vehicle as defined in chapter 321 not exceeding ten thousand dollars in value, is theft in the second degree. Theft in the second degree is a class "D" felony. However, for purposes of this subsection, *"motor vehicle"* does not include a motorized bicycle as defined in section 321.1, subsection 40, paragraph *"b"*.

3. The theft of property exceeding ~~five~~ seven hundred fifty dollars but not exceeding one thousand five hundred dollars in value, or the theft of any property not exceeding five hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

4. The theft of property exceeding ~~two~~ three hundred dollars in value but not exceeding ~~five~~ seven hundred fifty dollars in value is theft in the fourth degree. Theft in the fourth degree is a serious misdemeanor.

5. The theft of property not exceeding ~~two~~ three hundred dollars in value is theft in the fifth degree. Theft in the fifth degree is a simple misdemeanor.

Sec. 12. Section 714.7B, subsection 6, paragraphs a and b, Code 2019, are amended to read as follows:

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a. A simple misdemeanor if the value of the goods, wares, or merchandise does not exceed ~~two~~ three hundred dollars.

b. A serious misdemeanor if the value of the goods, wares, or merchandise exceeds ~~two~~ three hundred dollars.

Sec. 13. Section 714.10, subsection 1, Code 2019, is amended to read as follows:

1. Fraudulent practice in the second degree is the following:

a. A fraudulent practice where the amount of money or value of property or services involved exceeds one thousand five hundred dollars but does not exceed ten thousand dollars.

b. A fraudulent practice where the amount of money or value of property or services involved does not exceed one thousand five hundred dollars by one who has been convicted of a fraudulent practice twice before.

Sec. 14. Section 714.11, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. A fraudulent practice where the amount of money or value of property or services involved exceeds ~~five~~ seven hundred fifty dollars but does not exceed one thousand five hundred

dollars.

Sec. 15. Section 714.12, Code 2019, is amended to read as follows:

714.12 Fraudulent practice in the fourth degree.

1. Fraudulent practice in the fourth degree is a fraudulent practice where the amount of money or value of property or services involved exceeds ~~two~~ three hundred dollars but does not exceed ~~five~~ seven hundred fifty dollars.

2. Fraudulent practice in the fourth degree is a serious misdemeanor.

Sec. 16. Section 714.13, Code 2019, is amended to read as follows:

714.13 Fraudulent practice in the fifth degree.

1. Fraudulent practice in the fifth degree is a fraudulent practice where the amount of money or value of property or services involved does not exceed ~~two~~ three hundred dollars.

2. Fraudulent practice in the fifth degree is a simple misdemeanor.

Sec. 17. Section 715A.6, subsection 2, paragraphs b and c, Code 2019, are amended to read as follows:

b. If the value of the property or services secured or sought to be secured by means of the credit card is greater than one thousand five hundred dollars but not more than ten thousand dollars, an offense under this section is a class "D" felony.

c. If the value of the property or services secured or sought to be secured by means of the credit card is one thousand five hundred dollars or less, an offense under this section is an aggravated misdemeanor.

Sec. 18. Section 715A.8, subsection 3, paragraphs b and c, Code 2019, are amended to read as follows:

b. If the value of the credit, property, services, or other benefit exceeds one thousand five hundred dollars but does not exceed ten thousand dollars, the person commits a class "D" felony.

c. If the value of the credit, property, services, or other benefit does not exceed one thousand five hundred dollars, the person commits an aggravated misdemeanor.

Sec. 19. Section 716.4, subsection 1, Code 2019, is amended to read as follows:

1. Criminal mischief is criminal mischief in the second degree if the cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds one thousand five hundred dollars but does not exceed ten thousand dollars.

Sec. 20. Section 716.5, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. The cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds ~~five~~ seven hundred fifty dollars, but does not exceed one thousand five hundred dollars.

Sec. 21. Section 716.6, subsection 1, paragraph a, subparagraph (1), Code 2019, is amended to read as follows:

(1) The cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds ~~two~~ three hundred dollars, but does not exceed ~~five~~ seven hundred fifty dollars.

Sec. 22. Section 716.8, subsections 2 and 4, Code 2019, are amended to read as follows:

2. Any person committing a trespass as defined in section 716.7, other than a trespass as defined in section 716.7, subsection 2, paragraph "*a*", subparagraph (6), which results in injury to any person or damage in an amount more than ~~two~~ three hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

4. A person committing a trespass as defined in section 716.7 with the intent to commit a hate crime which results in injury to any person or damage in an amount more than ~~two~~ three hundred dollars to anything, animate or inanimate, located thereon or therein commits an aggravated misdemeanor.

Sec. 23. Section 716.10, subsection 2, paragraphs d, e, f, and g, Code 2019, are amended to read as follows:

d. A person commits railroad vandalism in the fourth degree if the person intentionally commits railroad vandalism which results in property damage which costs ten thousand dollars or less but more than one thousand five hundred dollars to replace, repair, or restore. Railroad vandalism in the fourth degree is a class "D" felony.

e. A person commits railroad vandalism in the fifth degree if the person intentionally commits railroad vandalism which results in property damage which costs more than ~~five~~ seven hundred fifty dollars but does not exceed one thousand five hundred dollars to replace, repair, or restore. Railroad vandalism in the fifth degree is an aggravated misdemeanor.

f. A person commits railroad vandalism in the sixth degree if the person intentionally commits railroad vandalism which results in property damage which costs more than ~~one~~ three hundred dollars but does not exceed ~~five~~ seven hundred fifty dollars to replace, repair, or restore. Railroad vandalism in the sixth degree is a serious misdemeanor.

g. A person commits railroad vandalism in the seventh degree if the person intentionally commits railroad vandalism which results in property damage which costs ~~one~~ three hundred dollars or less to replace, repair, or restore. Railroad vandalism in the seventh degree is a simple misdemeanor.

Sec. 24. Section 716A.2, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. The revenue generated from a specific unsolicited bulk electronic mail transmission exceeds one thousand five hundred dollars or the total revenue generated from all unsolicited bulk electronic mail transmitted to any electronic mail service provider by the person exceeds fifty thousand dollars.

DIVISION IV

FRAUD AND FORGERY REVISIONS

Sec. 25. Section 715A.2, subsection 2, paragraph a, Code

2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) A driver's license, nonoperator's identification card, birth certificate, or occupational license or certificate in support of an occupational license issued by a department, agency, board, or commission in this state.

Sec. 26. Section 715A.2A, subsection 1, paragraphs a and b, Code 2019, are amended to read as follows:

a. Hires a person when the employer or an agent or employee of the employer knows that the document evidencing the person's authorized stay or employment in the United States is in violation of section 715A.2, subsection 2, paragraph *"a"*, subparagraph (4) or (5), or knows that the person is not authorized to be employed in the United States.

b. Continues to employ a person when the employer or an agent or employee of the employer knows that the document evidencing the person's authorized stay or employment in the United States is in violation of section 715A.2, subsection 2, paragraph *"a"*, subparagraph (4) or (5), or knows that the person is not authorized to be employed in the United States.

Sec. 27. Section 802.5, Code 2019, is amended to read as follows:

802.5 Extension for fraud, fiduciary breach.

1. If the periods prescribed in sections 802.3 and 802.4 have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than ~~three~~ five years.

2. A prosecution may be commenced under this section as long as the appropriate law enforcement agency has not delayed the investigation in bad faith. This subsection shall not be construed to require a law enforcement agency to pursue an

unknown offender with due diligence.

DIVISION V

CRIMINAL PROCEEDINGS

Sec. 28. Section 814.6, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. A final judgment of sentence, except in ~~case of~~ the following cases:

(1) A simple misdemeanor ~~and ordinance violation convictions~~ conviction.

(2) An ordinance violation.

(3) A conviction where the defendant has pled guilty. This subparagraph does not apply to a guilty plea for a class "A" felony.

Sec. 29. Section 814.6, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* An order denying a motion in arrest of judgment on grounds other than an ineffective assistance of counsel claim.

Sec. 30. NEW SECTION. **814.6A Pro se filings by defendant currently represented by counsel.**

1. A defendant who is currently represented by counsel shall not file any pro se document, including a brief, reply brief, or motion, in any Iowa court. The court shall not consider, and opposing counsel shall not respond to, such pro se filings.

2. This section does not prohibit a defendant from proceeding without the assistance of counsel.

3. A defendant currently represented by counsel may file a pro se motion seeking disqualification of the counsel, which a court may grant upon a showing of good cause.

Sec. 31. Section 814.7, Code 2019, is amended to read as follows:

814.7 Ineffective assistance claim on appeal in a criminal case.

~~1.~~ An ineffective assistance of counsel claim in a criminal case shall be determined by filing an application

for postconviction relief pursuant to chapter 822~~, except as otherwise provided in this section~~. The claim need not be raised on direct appeal from the criminal proceedings in order to preserve the claim for postconviction relief purposes, and the claim shall not be decided on direct appeal from the criminal proceedings.

~~2. A party may, but is not required to, raise an ineffective assistance claim on direct appeal from the criminal proceedings if the party has reasonable grounds to believe that the record is adequate to address the claim on direct appeal.~~

~~3. If an ineffective assistance of counsel claim is raised on direct appeal from the criminal proceedings, the court may decide the record is adequate to decide the claim or may choose to preserve the claim for determination under chapter 822.~~

Sec. 32. NEW SECTION. **814.28 General verdicts.**

When the prosecution relies on multiple or alternative theories to prove the commission of a public offense, a jury may return a general verdict. If the jury returns a general verdict, an appellate court shall not set aside or reverse such a verdict on the basis of a defective or insufficient theory if one or more of the theories presented and described in the complaint, information, indictment, or jury instruction is sufficient to sustain the verdict on at least one count.

Sec. 33. NEW SECTION. **814.29 Guilty pleas — challenges.**

If a defendant challenges a guilty plea based on an alleged defect in the plea proceedings, the plea shall not be vacated unless the defendant demonstrates that the defendant more likely than not would not have pled guilty if the defect had not occurred. The burden applies whether the challenge is made through a motion in arrest of judgment or on appeal. Any provision in the Iowa rules of criminal procedure that are inconsistent with this section shall have no legal effect.

Sec. 34. Section 822.3, Code 2019, is amended to read as follows:

822.3 How to commence proceeding — limitation.

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 1, paragraph "f", the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. An allegation of ineffective assistance of counsel in a prior case under this chapter shall not toll or extend the limitation periods in this section nor shall such claim relate back to a prior filing to avoid the application of the limitation periods. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

Sec. 35. NEW SECTION. **822.3B Pro se filings by applicants currently represented by counsel.**

1. An applicant seeking relief under section 822.2 who is currently represented by counsel shall not file any pro se document, including an application, brief, reply brief, or motion, in any Iowa court. The court shall not consider, and opposing counsel shall not respond to, such pro se filings.

2. This section does not prohibit an applicant for postconviction relief from proceeding without the assistance of counsel.

3. A represented applicant for postconviction relief may

file a pro se motion seeking disqualification of counsel, which a court may grant upon a showing of good cause.

Sec. 36. Section 822.6, subsection 1, Code 2019, is amended to read as follows:

1. Within thirty days after the docketing of the application, or within any further time the court may fix, the state shall respond by answer or by motion which may be supported by affidavits. At any time prior to entry of judgment the court may grant leave to withdraw the application. The court may make appropriate orders for amendment of the application or any pleading or motion, for pleading over, for filing further pleadings or motions, or for extending the time of the filing of any pleading. In considering the application the court shall take account of substance regardless of defects of form. ~~If the application is not accompanied by the record of the proceedings challenged therein, the respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application.~~

Sec. 37. NEW SECTION. **901.4B Presentence determinations and statements.**

1. Before imposing sentence, the court shall do all of the following:

a. Verify that the defendant and the defendant's attorney have read and discussed the presentence investigation report and any addendum to the report.

b. Provide the defendant's attorney an opportunity to speak on the defendant's behalf.

c. Address the defendant personally in order to permit the defendant to make a statement or present any information to mitigate the defendant's sentence.

d. Provide the prosecuting attorney an opportunity to speak.

2. After hearing any statements presented pursuant to subsection 1, and before imposing sentence, the court shall address any victim of the crime who is present at the sentencing and shall allow any victim to be reasonably heard,

including, but not limited to, by presenting a victim impact statement in the manner described in section 915.21.

3. For purposes of this section "*victim*" means the same as defined in section 915.10.

DIVISION VI

ARSON

Sec. 38. Section 901.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. At the time of sentencing, the court shall determine when a person convicted of arson in the first degree as described in section 902.12, subsection 4, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 3, based upon all pertinent information including the person's criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 39. Section 902.12, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person serving a sentence for a conviction for arson in the first degree in violation of section 712.2 that occurs on or after July 1, 2019, shall be denied parole or work release until the person has served between one-half and seven-tenths of the maximum term of the person's sentence as determined under section 901.11, subsection 4.

DIVISION VII

LIMITATION OF CRIMINAL ACTIONS

Sec. 40. Section 802.2, subsection 1, Code 2019, is amended to read as follows:

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ~~ten~~ fifteen years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is

identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

Sec. 41. Section 802.2A, Code 2019, is amended to read as follows:

802.2A Incest — sexual exploitation by a counselor, therapist, or school employee.

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 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 years of the date the victim was last treated by the counselor or therapist, or within ten years of the date the victim was enrolled in or attended the school.