SENATE FILE 562
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 372)

(As Amended and Passed by the Senate March 17, 2021)

[= New Language by the Senate

A BILL FOR

An Act relating to sexual exploitation by an adult providing training or instruction, and providing penalties.

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

Section 1. Section 614.1, subsection 12, Code 2021, is amended to read as follows:

12. *Sexual abuse or sexual exploitation by a counselor, therapist, ~~or~~ school employee, or adult providing training or instruction.* 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 adult providing training or instruction, as defined in section 709.15, or as a result of sexual exploitation by a counselor, therapist, ~~or~~ school employee, or adult providing training or instruction shall be brought within five 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.

Sec. 2. Section 692A.102, subsection 1, paragraph b, subparagraph (11), Code 2021, is amended to read as follows:

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

Sec. 3. Section 692A.102, subsection 1, paragraph c, subparagraph (28), Code 2021, is amended to read as follows:

(28) Sexual exploitation by a counselor, therapist, ~~or~~ school employee, or adult providing training or instruction in violation of section 709.15, if the child is under thirteen years of age.

Sec. 4. Section 702.11, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. Sexual exploitation by a counselor, therapist, ~~or~~ school employee, or adult providing training or instruction in violation of section 709.15.

Sec. 5. Section 709.15, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a. "Adult providing training or instruction"* means an adult who is not a school employee who provides

paid training or instruction to a minor outside of a school setting. *"Adult providing training or instruction"* includes but is not limited to an adult who provides paid training or instruction related to the use of firearms, athletics outside of a school setting, or any other activities which result in a minor receiving a certificate or license. For purposes of this paragraph, *"adult"* is a person age eighteen years or older who is four or more years older than the minor receiving training or instruction.

Sec. 6. Section 709.15, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a.* Sexual exploitation by an adult providing training or instruction 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 minor for the purpose of arousing or satisfying the sexual desires of the adult providing training or instruction or the minor. 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 an adult providing training or instruction does not include touching that is necessary in the performance of the adult's duties while providing training or instruction.

c. This subsection only applies to an offense which occurs within the period of time the adult providing training or instruction was receiving payment for the training or instruction.

Sec. 7. Section 709.15, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *a.* An adult providing training or

instruction who commits sexual exploitation in violation of subsection 3A, paragraph *"a"*, subparagraph (1), commits a class "D" felony.

b. An adult providing training or instruction who commits sexual exploitation in violation of subsection 3A, paragraph *"a"*, subparagraph (2), commits an aggravated misdemeanor.

Sec. 8. Section 802.2A, subsection 2, Code 2021, is amended to read as follows:

2. An indictment or information for sexual exploitation by a counselor, therapist, ~~or~~ school employee, or an adult providing training or instruction under section 709.15 committed on or with a person who is under the age of eighteen shall be found within 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.