SENATE FILE 201
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 1070)

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

_____ and [= New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) For a third or subsequent offense.

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

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

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

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

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

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

offense which is not included in paragraph "a".

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