

CHAPTER 1015

SEXUAL EXPLOITATION OF A MINOR — CREATION, ADAPTATION, OR MODIFICATION OF A VISUAL DEPICTION

S.F. 2243

AN ACT relating to sexual exploitation of a minor by the creation, adaptation, or modification of a visual depiction to give the appearance that an identifiable minor is engaged in a prohibited sexual act or the simulation of a prohibited sexual act, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 728.12, subsection 3](#), Code 2024, is amended to read as follows:

3. *a.* It shall be unlawful to knowingly purchase or possess a visual depiction of a minor engaging in a prohibited sexual act or the simulation of a prohibited sexual act.

b. A visual depiction containing pictorial representations of different minors shall be prosecuted and punished as separate offenses for each pictorial representation of a different minor in the visual depiction. However, violations of [this subsection](#) involving multiple visual depictions of the same minor shall be prosecuted and punished as one offense.

c. A person who commits a violation of [this subsection](#) commits a class “D” felony for a first offense and a class “C” felony for a second or subsequent offense.

d. For purposes of [this subsection](#), an offense is considered a second or subsequent offense if, prior to the person’s having been convicted under [this subsection](#), the person has a prior conviction or deferred judgment under [this subsection](#) or has a prior conviction or deferred judgment in another jurisdiction for a substantially similar offense. The court shall judicially notice the statutes of other states that define offenses substantially similar to the offenses defined in [this subsection](#) and that therefore can be considered corresponding statutes.

e. Nothing in [this subsection](#) shall be construed to require proof of the actual identity of the identifiable minor.

f. For purposes of [this subsection](#), “visual depiction of a minor” includes any visual depiction that has been created, adapted, or modified to give the appearance that an identifiable minor is engaged in a prohibited sexual act or the simulation of a prohibited sexual act. An “identifiable minor” is a person who was a minor at the time the visual depiction was created, adapted, or modified, or whose image as a minor was used in creating, adapting, or modifying the visual depiction and is recognizable as an actual person by the person’s face, likeness, or other distinguishing features.

Approved April 10, 2024