

MAR 14 2001  
JUDICIARY

HOUSE FILE 601  
BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act making changes to the elements needed to prove the  
2 criminal offenses of lascivious acts with a child and indecent  
3 contact with a child.

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

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HF 601

1 Section 1. Section 709.8, Code 2001, is amended to read as  
2 follows:

3 709.8 LASCIVIOUS ACTS WITH A CHILD.

4 It is unlawful for any person eighteen years of age or  
5 older to perform any of the following acts with a child with  
6 or without the child's consent unless the person and the child  
7 are married to each other, for-the-purpose-of-arousing-or  
8 satisfying-the-sexual-desires-of-either-of-them unless the  
9 acts are related to parental responsibilities, or unless the  
10 acts occur in the course of examination or treatment by a  
11 person licensed pursuant to chapter 148, 148C, 150, 150A, 151,  
12 or 152:

- 13 1. Fondle ~~or-touch~~ the pubes or genitals of a child.
- 14 2. Permit or cause a child to fondle ~~or-touch~~ the person's  
15 genitals or pubes.
- 16 3. Solicit a child to engage in a sex act or solicit a  
17 person to arrange a sex act with a child.
- 18 4. Inflict pain or discomfort upon a child or permit a  
19 child to inflict pain or discomfort on the person.

20 Any person who violates a provision of this section shall,  
21 upon conviction, be guilty of a class "D" felony. A person  
22 who violates a provision of this section and who is sentenced  
23 to a term of confinement shall also be sentenced to an  
24 additional term of parole or work release not to exceed two  
25 years. The board of parole shall determine whether the person  
26 should be released on parole or placed in a work release  
27 program. The sentence of an additional term of parole or work  
28 release supervision shall commence immediately upon the  
29 expiration of the preceding sentence and shall be under the  
30 terms and conditions as set out in chapter 906. Violations of  
31 parole or work release shall be subject to the procedures set  
32 out in chapter 905 or 908 or rules adopted under those  
33 chapters. The sentence of an additional term of parole or  
34 work release shall be consecutive to the original term of  
35 confinement.

1 Sec. 2. Section 709.12, Code 2001, is amended to read as  
2 follows:

3 709.12 INDECENT CONTACT WITH A CHILD.

4 A person eighteen years of age or older is upon conviction  
5 guilty of an aggravated misdemeanor if the person commits any  
6 of the following acts with a child, not the person's spouse,  
7 with or without the child's consent, ~~for-the-purpose-of~~  
8 ~~arousing-or-satisfying-the-sexual-desires-of-either-of-them~~  
9 and the acts are not related to parental responsibilities or  
10 are not performed in the course of examination or treatment by  
11 a person licensed pursuant to chapter 148, 148C, 150, 150A,  
12 151, or 152:

13 1. Fondle ~~or-touch~~ the inner thigh, groin, buttock, anus,  
14 or breast of the child.

15 2. ~~Touch~~ Fondle the clothing covering the immediate area  
16 of the inner thigh, groin, buttock, anus, or breast of the  
17 child.

18 3. Solicit or permit a child to fondle ~~or-touch~~ the inner  
19 thigh, groin, buttock, anus, or breast of the person.

20 4. Solicit a child to engage in any act prohibited under  
21 section 709.8, subsection 1, 2, or 4.

22 The provisions of this section shall also apply to a person  
23 sixteen or seventeen years of age who commits any of the  
24 enumerated acts with a child who is at least five years the  
25 person's junior, in which case the juvenile court shall have  
26 jurisdiction under chapter 232.

27 EXPLANATION

28 This bill relates to the criminal offenses of lascivious  
29 acts with a child and indecent contact with a child.

30 The bill eliminates "arousing or satisfying sexual desires  
31 of either party" as an element of both criminal offenses but  
32 adds that a person does not commit indecent contact with a  
33 child or lascivious acts, if the act is related to parental  
34 responsibilities or occurs in the course of examination or  
35 treatment by a person licensed pursuant to chapter 148, 148C,

1 150, 150A, 151, or 152.

2 Current law provides that to be convicted of the criminal  
3 offense of lascivious acts with a child, the person must  
4 perform or solicit an illegal act such as fondling or touching  
5 the pubes or genitals of a child or inflict pain or discomfort  
6 and do so with the purpose of arousing or satisfying the  
7 sexual desires of either party. Lascivious acts with a child  
8 is a class "D" felony. A class "D" felony is punishable by  
9 confinement for no more than five years and a fine of at least  
10 \$750 but not more than \$7,500.

11 Current law provides that to be convicted of the criminal  
12 offense of indecent contact with a child, a person 18 years of  
13 age or older must perform or solicit an illegal act with a  
14 child such as fondling or touching the inner thigh, groin,  
15 buttock, or breast, or touching the clothing covering the  
16 immediate area of the inner thigh, groin, buttock, or breast,  
17 for the purposes of arousing or satisfying the sexual desires  
18 of either party. Indecent contact with a child is an  
19 aggravated misdemeanor. An aggravated misdemeanor is  
20 punishable by confinement for no more than two years and a  
21 fine of at least \$500 but not more than \$5,000.

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