

**Senate File 2243 - Introduced**

SENATE FILE 2243  
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SF 2136)

**A BILL FOR**

1 An Act relating to sexual exploitation of a minor by the  
2 creation, adaptation, or modification of a visual depiction  
3 to give the appearance that an identifiable minor is engaged  
4 in a prohibited sexual act or the simulation of a prohibited  
5 sexual act, and making penalties applicable.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 728.12, subsection 3, Code 2024, is  
2 amended to read as follows:

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

6 b. A visual depiction containing pictorial representations  
7 of different minors shall be prosecuted and punished as  
8 separate offenses for each pictorial representation of a  
9 different minor in the visual depiction. However, violations  
10 of this subsection involving multiple visual depictions of the  
11 same minor shall be prosecuted and punished as one offense.

12 c. A person who commits a violation of this subsection  
13 commits a class "D" felony for a first offense and a class "C"  
14 felony for a second or subsequent offense.

15 d. For purposes of this subsection, an offense is considered  
16 a second or subsequent offense if, prior to the person's having  
17 been convicted under this subsection, the person has a prior  
18 conviction or deferred judgment under this subsection or has a  
19 prior conviction or deferred judgment in another jurisdiction  
20 for a substantially similar offense. The court shall  
21 judicially notice the statutes of other states that define  
22 offenses substantially similar to the offenses defined in this  
23 subsection and that therefore can be considered corresponding  
24 statutes.

25 e. Nothing in this subsection shall be construed to require  
26 proof of the actual identity of the identifiable minor.

27 f. For purposes of this subsection, "visual depiction  
28 of a minor" includes any visual depiction that has been  
29 created, adapted, or modified to give the appearance that an  
30 identifiable minor is engaged in a prohibited sexual act or the  
31 simulation of a prohibited sexual act. An "identifiable minor"  
32 is a person who was a minor at the time the visual depiction was  
33 created, adapted, or modified, or whose image as a minor was  
34 used in creating, adapting, or modifying the visual depiction  
35 and is recognizable as an actual person by the person's face,

1 likeness, or other distinguishing features.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill relates to sexual exploitation of a minor by the  
6 knowing use of a visual depiction of a minor to create, adapt,  
7 or modify a photograph or film with the intent to falsely  
8 depict the minor engaging in a prohibited sexual act or the  
9 simulation of a prohibited sexual act.

10 Current law provides that it is unlawful to knowingly  
11 purchase or possess a visual depiction of a minor engaging in a  
12 prohibited sexual act or the simulation of a prohibited sexual  
13 act.

14 The bill does not require proof of the actual identity of the  
15 identifiable minor.

16 The bill provides that "visual depiction of a minor"  
17 includes any visual depiction that has been created, adapted,  
18 or modified to give the appearance that an identifiable minor  
19 is engaged in a prohibited sexual act or the simulation of a  
20 prohibited sexual act. An "identifiable minor" is a person  
21 who was a minor at the time the visual depiction was created,  
22 adapted, or modified, or whose image as a minor was used in  
23 creating, adapting, or modifying the visual depiction and  
24 is recognizable as an actual person by the person's face,  
25 likeness, or other distinguishing features. "Visual depiction"  
26 is defined in Code chapter 728 (obscenity) to include any  
27 picture, slide, photograph, digital or electronic image,  
28 negative image, undeveloped film, motion picture, videotape,  
29 digital or electronic recording, live transmission, or other  
30 pictorial or three-dimensional representation.

31 A violation of Code section 728.12(3) is a class "D" felony  
32 for a first offense and a class "C" felony for a second or  
33 subsequent offense. A class "D" felony is punishable by  
34 confinement for no more than five years and a fine of at least  
35 \$1,025 but not more than \$10,245. A class "C" felony is

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1 punishable by confinement for no more than 10 years and a fine  
2 of at least \$1,370 but not more than \$13,660.