

Crime	Sent	Level	Code	Exemptible 702.11	70% 902.12	Length 692A.06	Special Sentence 908B.12	Exclusion 692A.13	DNA 81.1.10	Sentence if SOTP 903A.1	210(a)(5)	Civ. Commit 229A.3	Chemical Castration 908B.10	Sexually Predatory 901A.1	Bondable 811.1	2000 Excl. 692A.14	DS, DJ, SS eligibility 902.3
Kidnapping in the First Degree (Sex Abuse Alternative) ①	Life	A	710.1(3), 710.2	Y	100%	Life	No	②	Y	100%	④	①	N	⑤	N	N	N
Sexual Abuse in the First Degree ②	Life	A	709.2	Y	100%	Life	No	②	Y	100%	④	Y	Y	③	Y	N	②
Burglary in the First Degree (Sex Abuse Alternative) ③	25	B	713.1, 713.3(1)(d)	Y	N	10	No	②	Y	100%	④	①	N	⑤	N	N	N
Criminal Transmission of disease with intent resulting in infection ④	25	B	709D.3(1)	?	N	n/a	n/a	n/a	Y	100%	④	①	N	⑤	?	N	⑥
Sex 2nd - weapon or uses or threatens serious injury ⑤ ⑥	25	B	709.3(1)(a)	Y	Y	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 2nd - V under 12 ⑦ ⑧	25	B	709.3(1)(b)	Y	Y	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	Y
Sex 2nd - Force or against the will & multiple actors ⑨ ⑩	25	B	709.3(1)(c)	Y	Y	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Assault With Intent to Commit Sexual Abuse with serious injury ⑪	10	C	709.11(1)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	N
Enticing Away a Minor (Believed) Under 13 ⑫	10	C	710.10(1)	N	N	① - 10	No	Y	Y	100%	④	①	N	Y	Y	N	Y
F.T.Register -- During Specified Other Crime ⑬	10	C	692A.111	N	N	+ 10 Yrs	No	N	Y	100%	④	①	N	N	Y	N	No DJ, DS
Lascivious Acts With a Child - Touching Pubes or Genitals of a Child ⑭ ⑮	10	C	709.8(1)(a)	N	N	Life	Life	Y	Y	100%	④	Y	Y	③	Y	Y	N
Lascivious Acts With a Child - Pubes or Genitals Touched by a Child ⑯ ⑰	10	C	709.8(1)(b)	N	N	Life	Life	Y	Y	100%	④	Y	Y	③	Y	Y	N
Lascivious Acts With a Child - Touching Genitals to a Child ⑱ ⑲	10	C	709.8(1)(c)	N	N	Life	Life	Y	Y	100%	④	Y	Y	③	Y	Y	N
Sex 3rd -- Rape ⑳ ㉑	10	C	709.4(1)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- Spousal Rape ㉒ ㉓	10	C	709.4(1)(a)	N	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V has Mentally Defect ㉔	10	C	709.4(1)(b)(1)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V 12 or 13 ㉕	10	C	709.4(1)(b)(2)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V 14 or 15 -- Same household ㉖	10	C	709.4(1)(b)(3)(a)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V 14 or 15 -- Related w/4 Degrees ㉗	10	C	709.4(1)(b)(3)(b)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V 14 or 15 -- D in authority, uses it ㉘	10	C	709.4(1)(b)(3)(c)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V 14 or 15 -- D -- 4 more "Statutory Rape" ㉙ ㉚	10	C	709.4(1)(b)(3)(d)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V under the influence of drugs ㉛	10	C	709.4(1)(c)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sex 3rd -- V is mentally or physically incapacitated ㉜	10	C	709.4(1)(d)	Y	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	N	②
Sexual Exploitation of a Minor (Using a Minor in Child Pornography) ㉝	10	C	728.12(1)	N	N	Life	Life	②	Y	100%	④	Y	Y	③	Y	Y	N
Assault With Intent to Commit Sexual Abuse with bodily injury ㉞	5	D	709.11(2)	Y	N	Life	10	②	Y	100%	④	Y	Y	③	Y	N	N
Criminal Transmission of disease, knowingly but no infection ㉟	5	D	709D.3(2)	?	N	n/a	n/a	n/a	Y	100%	④	①	N	⑤	?	N	⑥
Criminal Transmission of disease, recklessly resulting in infection ㊱	5	D	709D.3(3)	?	N	n/a	n/a	n/a	Y	100%	④	①	N	⑤	?	N	⑥
Solicitation of a Commercial Sexual Activity ㊲	5	D	710A.2A	N	N	10	10	Y	Y	100%	④	①	N	⑤	Y	N	Y
Enticing Away a Minor (Believed) Under 16 ㊳	5	D	710.10(2)	N	N	① - 10	No	Y	Y	100%	④	①	N	⑤	Y	N	Y
Failure to Register -- Second or Subsequent Offense ㊴	5	D	692A.111	N	N	+ 10 Yrs	No	N	Y	100%	④	①	N	⑤	Y	N	No DJ, DS
Incest (against a minor or dependent adult) 692A.102(1)(b)(17), (18) ㊵	5	D	726.2	N	N	10	10	②	Y	100%	④	①	N	⑤	Y	N	Y
Lascivious Acts With a Child -- Inflicting Pain ㊶	5	D	709.8(1)(e)	N	N	10	10	Y	Y	100%	④	Y	Y	③	Y	Y	N
Lascivious Acts With a Child -- Solicitation ㊷	5	D	709.8(1)(d)	N	N	10	10	Y	Y	100%	④	Y	Y	③	Y	Y	N
Sexual Exploitation by a Counselor/Therapist - Pattern or Practice ㊸	5	D	709.15(2)(a)(1), (4)(a)	N	N	③ - 10	10	②	Y	100%	④	Y	Y	③	Y	N	⑥
Sexual Exploitation by a School Employee - Pattern or Practice ㊹	5	D	709.15(3)(a)(1), (5)(a)	N	N	③ - 10	10	②	Y	100%	④	Y	Y	③	Y	N	⑥
Sexual Exploitation of a Minor (Promotion of Child Pornography) ㊺	5	D	728.12(2)	N	N	10	10	Y	Y	100%	④	①	Y	③	⑤	Y	N
Sexual Exploitation of a Minor (Possession of Child Porn 2nd Offense) ㊻	5	D	728.12(3)	N	N	10	10	Y	Y	100%	④	①	N	⑤	Y	N	Y
Sexual Abuse of a Corpse ㊼	5	D	709.18	Y	N	10	10	②	Y	100%	④	Y	N	Y	Y	N	⑥
Admitting Child to Premises with Obscene Materials	2	Ag	728.3(2)	N	N	10	No	Y	Y	100%	④	①	N	⑤	Y	N	Y
Assault With Intent to Commit Sexual Abuse without injury	2	Ag	709.11(3)	N	N	Life	10	②	Y	100%	④	Y	Y	③	Y	Y	N
Attempted Enticing Away a Minor Under 16	2	Ag	710.10(3)	N	N	① - 10	No	Y	Y	100%	④	①	N	⑤	Y	N	Y
Dissemination of Obscene Materials to a Minor by Telephone	2	Ag	728.15	N	N	Y	No	Y	Y	100%	④	①	N	⑤	Y	N	Y
Failure to Register -- First Offense	2	Ag	692A.111	N	N	+ 10 Yrs	No	N	Y	100%	④	①	N	⑤	Y	N	No DJ, DS
Indecent Contact With a Child	2	Ag	709.12	N	N	10	10	Y	Y	100%	④	Y	Y	③	Y	Y	N
Rental or Sale of Hard-core Porn	2	Ag	728.4	N	N	② - 10	No	②	Y	100%	④	①	N	⑤	Y	N	Y
Sexual Exploitation by a Counselor/Therapist - Emotionally Dependent	2	Ag	709.15(2)(a)(2), (4)(b)	N	N	③ - 10	10	②	Y	100%	④	Y	Y	③	Y	Y	N
Sexual Exploitation by a School Employee - Sexual Conduct	2	Ag	709.15(3)(a)(2), (5)(b)	N	N	③ - 10	10	Y	Y	100%	④	Y	Y	③	Y	Y	N
Sexual Exploitation of a Minor (Possession of Child Porn 1st Offense)	2	Ag	728.12(3)	N	N	10	10	Y	Y	100%	④	①	N	⑤	Y	N	Y
Sexual Misconduct With Offenders	2	Ag	709.16	N	N	10	10	②	Y	100%	④	Y	N	Y	Y	N	⑥
Invasion of Privacy ㊽	2	Ag	709.21	N	N	10	10	②	Y	100%	④	Y	N	Y	Y	N	⑥
Criminal Transmission of Disease, recklessly but no infection	1	Sr	709D.3(4)	N	N	n/a	n/a	n/a	N	100%	④	①	N	⑤	Y	N	⑥
Admitting Minors to Premise with Obscene Materials	1	Sr	728.3(1)	N	N	10	No	Y	Y	100%	④	①	N	⑤	Y	N	Y
Dissemination of Obscene Materials to a Minor	1	Sr	728.2	N	N	10	No	Y	Y	100%	④	①	N	⑤	Y	N	Y
Indecent Exposure	1	Sr	709.9	N	N	10	10	②	Y	100%	④	Y	N	Y	Y	N	⑥
Lascivious Conduct With a Minor	1	Sr	709.14	N	N	10	10	Y	Y	100%	④	Y	Y	③	Y	Y	N
Sexual Exploitation by a Counselor/Therapist - w/ a year of services	1	Sr	709.15(2)(c), (4)(c)	N	N	③ - 10	10	②	Y	100%	④	Y	N	Y	Y	N	⑥

① If sexually motivated; ② If V was a minor (or a minor was involved); ③ If V was under 13; ④ If SOTP is required by DCS; ⑤ If the crime involves an attempt to commit a violation of chapter 709 or other designated offense
 ⑥ N if D was a mandatory reporter of child abuse AND V was under 18; ⑦ N DJ if V was 12 or under; ⑧ Class "A" felony if 2nd or subsequent offense; ⑨ No Fine for Class "A", Class "B" or habitual offenders
 ⑩ This is not the same offense as Invasion of Privacy (Harassment) in I.C. 708.7.

A underlying criminal "conviction" for purposes of a civil commitment means means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, whether or not the juvenile court records have been sealed under section 232-150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Convicted" includes the conviction of a juvenile prosecuted as an adult. "Convicted" also includes a conviction for an attempt or conspiracy to commit an offense. "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

All offenses that require placement on the sex offender registry require an imposition of a civil penalty at the time of sentencing: if crime occurred on or after July 1, 1995 but before July 1, 2009, the penalty is \$200. If it occurs on July 1, 2009 or after, the penalty is \$250. I.C. 692A.110(2)

NOTE ON MULTIPLE SPECIAL SENTENCES: DOC believes that if a defendant receives consecutive sentences on sex offenses, then the special sentences should also run consecutively. This has not yet been resolved definitively by the Iowa Supreme Court but there is an unpublished opinion to the contrary found [here](#). Defendants should be warned of the possibility of consecutive special sentences until we have a published opinion.

NOTE ON JUVENILE DEFENDANTS: Except for Class A offenses, sentencing court can suspend (in whole or in part) the sentence or grant a deferred judgment. I.C. 901.5(14). If a minimum sentence is possible, juvenile defendants are entitled to an individual sentencing hearing. At this point, an ISH is not required to impose other penalties, such as consecutive sentences, sex offender registry, special sentences, etc.

Sexually motivated offenses - if the Court determines a specified crime is sexually motivated, defendant shall be required to register. You can find the list of specific offenses in I.C. 692A.126.



2017 Sex Offense Sentencing Chart

A courtesy of the
Polk County Attorney

Note: All denoted code sections are
hyper-linked to the actual code.