House File 176 - Enrolled

House File 176

AN ACT

RELATING TO CONTINUOUS SEXUAL ABUSE OF A CHILD, AND MAKING
   PENALTIES APPLICABLE.

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

   Section 1. Section 709.23, subsections 1, 2, 3, and 6, Code
2023, are amended to read as follows:
   1. A person eighteen years of age or older commits
continuous sexual abuse of a child when the person engages
in any combination of three or more acts of sexual abuse ~~in
violation of section 709.3 or 709.4,~~ with the same child, and
at least thirty days have elapsed between the first and last
acts of sexual abuse.
   2. A person who commits continuous sexual abuse of a
child is, upon conviction, guilty of a class "B" felony.
Notwithstanding section 902.9, subsection 1, paragraph "b", a
person convicted of a violation of this section ~~involving any
combination of three or more acts of sexual abuse that includes
a violation of section 709.3 or 709.4~~ shall be confined for no
more than fifty years.
   3. If a jury is the trier of fact, members of the jury must
unanimously agree that three or more acts of sexual abuse ~~in
violation of section 709.3 or 709.4~~ were committed with the
same child and at least thirty days have elapsed between the
first and last acts of sexual abuse. The jury does not need
to unanimously agree which specific acts were committed or the
exact date when those acts were committed.

6. Each act of sexual abuse committed under section 709.3 or ~~709.4~~ shall be considered a lesser included offense to the crime of continuous sexual abuse of a child under this section.

Sec. 2. Section 902.12, subsection 1, Code 2023, is amended by adding the following new paragraph:

<u>NEW PARAGRAPH</u>. *g.* Continuous sexual abuse of a child in violation of section 709.23.

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PAT GRASSLEY
Speaker of the House

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AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 176, Ninetieth General Assembly.

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MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

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KIM REYNOLDS
Governor