

House File 2554 - Introduced

HOUSE FILE 2554
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 595)

A BILL FOR

1 An Act creating the offense of continuous sexual abuse of a
2 child and providing penalties.

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

1 Section 1. NEW SECTION. 709.23 Continuous sexual abuse of a
2 child.

3 1. A person eighteen years of age or older commits
4 continuous sexual abuse of a child when the person engages
5 in any combination of three or more acts of sexual abuse in
6 violation of section 709.3, 709.4, 709.8, or 709.12, with the
7 same child, and at least thirty days have elapsed between the
8 first and last acts of sexual abuse.

9 2. A person who commits continuous sexual abuse of a
10 child is, upon conviction, guilty of a class "B" felony.
11 Notwithstanding section 902.9, subsection 1, paragraph "b", a
12 person convicted of a violation of this subsection involving
13 any combination of three or more acts of sexual abuse that
14 includes a violation of section 709.3 or 709.4 shall be
15 confined for no more than fifty years.

16 3. If a jury is the trier of fact, members of the jury
17 must unanimously agree that three or more acts of sexual
18 abuse in violation of section 709.3, 709.4, 709.8, or 709.12
19 were committed with the same child and at least thirty days
20 have elapsed between the first and last acts of sexual abuse.
21 The jury does not need to unanimously agree which specific
22 acts were committed or the exact date when those acts were
23 committed.

24 4. Any other sexual abuse offense involving the same child
25 shall not be charged in the same proceeding as a charge under
26 this section unless the other sexual abuse offense occurred
27 outside of the time period charged under this section or the
28 other sexual abuse offense is charged in the alternative.

29 5. A person shall be charged with only one count under this
30 section unless more than one child is involved in the offense.
31 If more than one child is involved, a separate count may be
32 charged for each child.

33 6. Each act of sexual abuse committed under section 709.3,
34 709.4, 709.8, or 709.12 shall be considered a lesser included
35 offense to the crime of continuous sexual abuse of a child

1 under this section.

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 creates a new criminal offense of continuous
6 sexual abuse of a child.

7 Under the bill, a person 18 years of age or older commits
8 continuous sexual abuse of a child when the victim is a child,
9 defined as a person under the age of 14 pursuant to Code
10 section 702.5, at least 30 days have elapsed between the first
11 and last acts of sexual abuse, and the person engages in three
12 or more acts of sexual abuse in violation of Code section 709.3
13 (sexual abuse in the second degree), 709.4 (sexual abuse in
14 the third degree), 709.8 (lascivious acts with a child), or
15 709.12 (indecent contact with a child). A person who commits a
16 violation of the bill is, upon conviction, guilty of a class
17 "B" felony. The bill allows a court to sentence a person to
18 no more than 50 years, longer than the maximum sentence for a
19 class "B" felony specified in Code section 902.9 (25 years) if
20 the combination of three acts includes Code section 709.3 or
21 709.4. If a jury is the trier of fact, members of the jury
22 must unanimously agree that three or more acts in violation of
23 the bill were committed with the same child and at least 30
24 days have elapsed between the first and last acts of sexual
25 abuse, but the jury does not need to unanimously agree which
26 specific acts were committed or the exact date when those acts
27 were committed.

28 The bill provides that a person charged with the offense
29 of continuous sexual abuse of a child shall not be charged
30 with any other sexual abuse offenses involving the same child
31 in the same proceeding unless the other sexual abuse offense
32 occurred outside of the time period charged or the other sexual
33 abuse offense is charged in the alternative. A person shall
34 be charged with only one count under the bill unless more than
35 one child is involved in the offense. If more than one child is

H.F. 2554

1 involved, a separate count may be charged for each child. Each
2 act of sexual abuse committed under Code section 709.3, 709.4,
3 709.8, or 709.12 shall be considered a lesser included offense
4 to the crime of continuous sexual abuse of a child under the
5 bill.