

**House Study Bill 595 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOLT)

**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 commits continuous sexual abuse of a child when  
4 the person engages in any combination of three or more acts  
5 of sexual abuse in violation of section 709.2, 709.3, 709.4,  
6 709.8, or 709.12, with the same child, and at least thirty days  
7 have elapsed between the first and last acts of sexual abuse.

8 2. A person who commits continuous sexual abuse of a  
9 child is, upon conviction, guilty of a class "B" felony.  
10 Notwithstanding section 902.9, subsection 1, paragraph "b", a  
11 person convicted of a violation of this subsection shall be  
12 confined for no more than fifty years.

13 3. If a jury is the trier of fact, members of the jury must  
14 unanimously agree that three or more acts of sexual abuse in  
15 violation of section 709.2, 709.3, 709.4, 709.8, or 709.12  
16 were committed with the same child and at least thirty days  
17 have elapsed between the first and last acts of sexual abuse.  
18 The jury does not need to unanimously agree which specific  
19 acts were committed or the exact date when those acts were  
20 committed.

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

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

30 EXPLANATION

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

33 This bill creates a new criminal offense of continuous  
34 sexual abuse of a child.

35 Under the bill, a person commits continuous sexual abuse

1 of a child when the victim is a child, defined as a person  
2 under the age of 14 pursuant to Code section 702.5, at least  
3 30 days have elapsed between the first and last acts of sexual  
4 abuse, and the person engages in three or more acts of sexual  
5 abuse in violation of Code section 709.2 (sexual abuse in the  
6 first degree), 709.3 (sexual abuse in the second degree), 709.4  
7 (sexual abuse in the third degree), 709.8 (lascivious acts with  
8 a child), or 709.12 (indecent contact with a child). A person  
9 who commits a violation of the bill is, upon conviction, guilty  
10 of a class "B" felony. The bill allows a court to sentence  
11 a person to no more than 50 years, longer than the maximum  
12 sentence for a class "B" felony specified in Code section 902.9  
13 (25 years). If a jury is the trier of fact, members of the jury  
14 must unanimously agree that three or more acts in violation of  
15 the bill were committed with the same child and at least 30  
16 days have elapsed between the first and last acts of sexual  
17 abuse, but the jury does not need to unanimously agree which  
18 specific acts were committed or the exact date when those acts  
19 were committed.

20 The bill provides that a person charged with the offense  
21 of continuous sexual abuse of a child shall not be charged  
22 with any other sexual abuse offenses involving the same child  
23 in the same proceeding unless the other sexual abuse offense  
24 occurred outside of the time period charged or the other sexual  
25 abuse offense is charged in the alternative. A person shall  
26 be charged with only one count under the bill unless more than  
27 one child is involved in the offense. If more than one child is  
28 involved, a separate count may be charged for each child.