

Senate File 2322 - Introduced

SENATE FILE 2322
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3064)

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

EXPLANATION

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

1 This bill creates a new criminal offense of continuous
2 sexual abuse of a child.

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

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