

Senate Study Bill 3064 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

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.