

Senate Study Bill 1048 - Introduced

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

A BILL FOR

1 An Act relating to continuous sexual abuse of a child, and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.23, subsections 1, 2, 3, and 6, Code
2 2023, are amended to read as follows:

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 or 709.4,~~ with the same child, and
7 at least thirty days have elapsed between the first and last
8 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 section](#) ~~involving any~~
13 ~~combination of three or more acts of sexual abuse that includes~~
14 ~~a violation of section 709.3 or 709.4~~ shall be confined for no
15 more than fifty years.

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

23 6. Each act of sexual abuse committed under [section 709.3](#)
24 ~~or 709.4~~ shall be considered a lesser included offense to the
25 crime of continuous sexual abuse of a child under [this section](#).

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

28 NEW PARAGRAPH. *g.* Continuous sexual abuse of a child in
29 violation of section 709.23.

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 relates to continuous sexual abuse of a child and
34 makes penalties applicable.

35 Current law provides that a person 18 years of age or older

1 commits continuous sexual abuse of a child when the person
2 engages in any combination of three or more acts of sexual
3 abuse in violation of section 709.3 (sexual abuse in the second
4 degree) or 709.4 (sexual abuse in the third degree), with the
5 same child, and at least 30 days have elapsed between the first
6 and last acts of sexual abuse. The bill removes specific
7 references to Code sections 709.3 and 709.4 and provides that a
8 person 18 years of age or older commits continuous sexual abuse
9 of a child when the person engages in any combination of three
10 or more acts of sexual abuse with the same child, and at least
11 30 days have elapsed between the first and last acts of sexual
12 abuse.

13 A person who commits continuous sexual abuse of a child is
14 guilty of a class "B" felony and shall be confined for not more
15 than 50 years. If a jury is the trier of fact, the jury must
16 unanimously agree that three or more acts of sexual abuse were
17 committed with the same child and that at least 30 days have
18 elapsed between the first act and the last act, but the jury
19 need not unanimously agree which specific acts were committed,
20 and on which exact dates the acts occurred. Each act of sexual
21 abuse is a lesser included offense of continuous sexual abuse
22 of a child. "Sexual abuse" is defined in Code section 709.1 to
23 include any sex act between persons when the act is performed
24 with a child. "Child" is defined in Code section 702.5 as any
25 person under the age of 14.

26 The bill provides that a person serving a sentence for a
27 conviction of continuous sexual abuse of a child shall be
28 denied parole or work release unless the person has served
29 at least seven-tenths of the maximum term of the person's
30 sentence.