

**House File 2289 - Introduced**

HOUSE FILE 2289

BY THOMSON

**A BILL FOR**

1 An Act establishing the criminal offense of torture, and  
2 providing penalties.

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

unofficial

1 Section 1. NEW SECTION. **726.6B Torture — penalty.**

2 1. As used in this section:

3 a. "*Cruel*" means brutal, inhumane, sadistic, or tormenting.

4 b. "*Custody or physical control*" means the forcible  
5 restriction of a person's movements or forcible confinement of  
6 the person so as to interfere with that person's liberty, without  
7 that person's consent or without lawful authority.

8 c. "*Serious bodily injury*" means either of the following:

9 (1) Bodily injury that involves a substantial risk of death,  
10 unconsciousness, extreme physical pain, protracted and obvious  
11 disfigurement, or protracted loss or impairment of the function  
12 of a bodily member, organ, or mental faculty.

13 (2) One or more of the following conditions: internal  
14 injury, poisoning, serious burns or scalding, severe cuts, or  
15 multiple puncture wounds.

16 d. "*Severe mental pain or suffering*" means a mental injury  
17 that results in a substantial alteration of mental functioning  
18 that is manifested in a visibly demonstrable manner caused by or  
19 resulting from any of the following:

20 (1) The intentional infliction or threatened infliction of  
21 serious bodily injury.

22 (2) The administration or application, or threatened  
23 administration or application, of mind-altering substances or  
24 other procedures calculated to disrupt the senses or the  
25 personality.

26 (3) The threat of imminent death.

27 (4) The threat that another person will imminently be  
28 subjected to death, serious bodily injury, or the administration  
29 or application of mind-altering substances or other procedures  
30 calculated to disrupt the senses or personality.

31 2. A person who, with the intent to cause cruel or extreme  
32 physical or mental pain and suffering, inflicts serious bodily  
33 injury or severe mental pain or suffering upon another person  
34 within the person's custody or physical control commits torture  
35 and is guilty of a class "B" felony. Notwithstanding section

1 902.9, subsection 1, paragraph "b", a person convicted of a  
2 violation of this section shall be confined for no more than  
3 fifty years.

4 3. Proof that a victim suffered pain is not an element of the  
5 crime under this section.

6 4. A conviction or sentence under this section does not  
7 preclude a conviction or sentence for a violation of any other  
8 law of this state arising from the same transaction.

9 EXPLANATION

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

12 This bill establishes the criminal offense of torture.

13 The bill provides that a person who, with the intent to  
14 cause cruel or extreme physical or mental pain and suffering,  
15 inflicts serious bodily injury or severe mental pain or suffering  
16 upon another person within the person's custody or physical  
17 control commits torture and is guilty of a class "B" felony.  
18 Notwithstanding Code section 902.9, subsection 1, paragraph "b",  
19 a person convicted of a violation of the bill shall be confined  
20 for no more than 50 years.

21 The bill provides definitions of "cruel", "custody or physical  
22 control", "serious bodily injury", and "severe mental pain or  
23 suffering".