

House File 2605 - Introduced

HOUSE FILE 2605
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2289)

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:

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
6 of the person so as to interfere with that person's liberty,
7 without 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
19 or 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
24 or 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
28 be subjected to death, serious bodily injury, or the
29 administration or application of mind-altering substances
30 or other procedures calculated to disrupt the senses or
31 personality.

32 2. A person who, with the intent to cause cruel or extreme
33 physical or mental pain and suffering, inflicts serious bodily
34 injury or severe mental pain or suffering upon another person
35 within the person's custody or physical control commits torture

1 and is guilty of a class "B" felony. Notwithstanding section
2 902.9, subsection 1, paragraph "b", a person convicted of a
3 violation of this section shall be confined for no more than
4 fifty years.

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

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

10

EXPLANATION

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

12

13 This bill establishes the criminal offense of torture.

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

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