HOUSE FILE 2554
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 595)

(As Amended and Passed by the House March 11, 2020)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act [relating to] the offense of continuous sexual abuse of a child and providing penalties.

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

[Section 1. Section 692A.101, subsection 1, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Continuous sexual abuse of a child in violation of section 709.23.

Sec. 2. Section 692A.101, subsection 2, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Continuous sexual abuse of a child in violation of section 709.23.

Sec. 3. Section 692A.102, subsection 1, paragraph c, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (013) Continuous sexual abuse of a child in violation of section 709.23.]

Sec. 4. NEW SECTION. **709.23 Continuous sexual abuse of a child.**

1. A person eighteen years of age or older commits continuous sexual abuse of a child when the person engages in any combination of three or more acts of sexual abuse in violation of section 709.3 or 709.4, with the same child, and at least thirty days have elapsed between the first and last acts of sexual abuse.

2. A person who commits continuous sexual abuse of a child is, upon conviction, guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, paragraph "*b*", a person convicted of a violation of this subsection involving any combination of three or more acts of sexual abuse that includes a violation of section 709.3 or 709.4 shall be confined for no more than fifty years.

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

4. Any other sexual abuse offense involving the same child

shall not be charged in the same proceeding as a charge under this section unless the other sexual abuse offense occurred outside of the time period charged under this section or the other sexual abuse offense is charged in the alternative.

5. A person shall be charged with only one count under this section unless more than one child is involved in the offense. If more than one child is involved, a separate count may be charged for each child.

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

[Sec. 5. Section 902.14, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Continuous sexual abuse of a child in violation of section 709.23.

Sec. 6. Section 903B.10, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* Continuous sexual abuse of a child in violation of section 709.23.]