

Senate File 2431 - Enrolled

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AN ACT

RELATING TO THE PERIODS OF TIME TO BRING CIVIL ACTIONS FOR INJURIES THAT RESULT FROM SEX OFFENSES AGAINST MINORS FOR THE PURPOSE OF FILING CLAIMS AGAINST THE BANKRUPTCY ESTATE OF A CONGRESSIONALLY CHARTERED ORGANIZATION, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. STATUTE OF LIMITATION MODIFICATION —
LEGISLATIVE FINDINGS. It is the finding of the general assembly that the following facts and circumstances are conditions precedent to this modification of an existing Iowa statute of limitation:

1. That legislatively created, after-the-fact exceptions to the operation of civil statutes of limitation are, in general, poor public policy.

2. Such exceptions tend to erode the rule of law, respect for the doctrine of equal protection, and due regard for the sanctity of contracts.

3. Notwithstanding such principles, various parties have represented to the general assembly that a defined and discreet group of Iowa sexual abuse victims face a grotesque miscarriage of justice if the operation of sections 614.1 and 614.8 is not suspended for their benefit.

4. These parties have also represented to the general assembly that the circumstances surrounding the lawsuits are unlikely to reoccur, and that the proposed retroactive

enlargement of the statute of limitation will not injure any third party who has not already consented to settlement of their interests.

5. But for the unusual and exceptionally rare circumstances represented to be present, an after-the-fact enlargement of a statute of limitation would not be considered.

6. The action taken by the general assembly in this matter is not to be considered or offered in the future as creating a precedent for future legislative action by the general assembly.

Sec. 2. CHILD SEXUAL ABUSE CIVIL ACTIONS AGAINST A
BANKRUPTCY ESTATE OF A CONGRESSIONALLY CHARTERED ORGANIZATION
— EXCEPTION TO TIME LIMITATION.

1. Notwithstanding section 614.8, subsection 2, and section 614.8A, if an individual entitled to commence any of the actions enumerated in chapter 614 was a child at the time the right accrued, an action for injury may be commenced by or on behalf of the injured individual at any time, notwithstanding any then applicable statute of limitation, if all of the following are true:

a. The injury upon which the action is based arises from a sex offense enumerated in section 692A.102, regardless of whether a criminal complaint was filed or a criminal conviction was obtained.

b. The action is barred due to the expiration of the statute of limitations period described in section 614.8, subsection 2, or section 614.8A.

c. The action is for purposes of making a claim in a bankruptcy proceeding that was initiated on February 18, 2020.

d. The claim is against the bankruptcy estate of a congressionally chartered organization.

2. An action brought under subsection 1 may only be commenced against an entity seeking bankruptcy protection as provided in subsection 1 and not against any other person or entity.

3. For purposes of this section, "child" means any person under the age of eighteen years.

Sec. 3. FUTURE REPEAL. This Act is repealed December 31, 2026.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. RETROACTIVE APPLICABILITY. This Act applies retroactively to injuries resulting from sex offenses that occurred prior to the effective date of this Act, irrespective of any statute of limitation in effect at the time the offense occurred.

AMY SINCLAIR
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2431, Ninetieth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2024

KIM REYNOLDS
Governor