

Senate File 447 - Introduced

SENATE FILE 447
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 107)

A BILL FOR

1 An Act modifying the periods of time to bring civil and
2 criminal actions, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 12, Code 2015, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, or school employee.* An action for damages for
5 injury suffered as a result of sexual abuse, as defined in
6 section 709.1, by a counselor, therapist, or school employee,
7 as defined in section 709.15, or as a result of sexual
8 exploitation by a counselor, therapist, or school employee
9 shall be brought within ~~five~~ ten years of the date the victim
10 was last treated by the counselor or therapist, or within
11 ~~five~~ ten years of the date the victim was last enrolled in or
12 attended the school.

13 Sec. 2. Section 614.8, Code 2015, is amended to read as
14 follows:

15 **614.8 Minors and persons with mental illness.**

16 1. The times limited for actions in this chapter, or for
17 complaints or claims in chapter 216, 669, or 670, except those
18 brought for penalties and forfeitures, are extended in favor
19 of persons with mental illness, so that they shall have one
20 year from and after the termination of the disability within
21 which to file a complaint pursuant to chapter 216, to make a
22 claim pursuant to chapter 669 or 670, or to otherwise commence
23 an action.

24 2. Except as provided in section 614.1, subsection 9, or
25 section 614.8A, the times limited for actions in this chapter,
26 or for complaints or claims in chapter 216, 669, or 670, except
27 those brought for penalties and forfeitures, are extended in
28 favor of minors, so that they shall have one year from and
29 after attainment of majority within which to file a complaint
30 pursuant to chapter 216, to make a claim pursuant to chapter
31 669, or to otherwise commence an action.

32 Sec. 3. Section 614.8A, Code 2015, is amended to read as
33 follows:

34 **614.8A Damages Commencement of action for minor or child**
35 **sexual abuse — time limitation.**

1 1. Notwithstanding section 614.8, subsection 2, and the
2 times limited for actions in this chapter, the time to file an
3 action relating to sexual abuse which occurred when the injured
4 person was a minor is extended twenty-five years beyond the
5 minor's attainment of eighteen years of age.

6 2. An In addition to the extension of time provided in
7 subsection 1, an action for damages for injury suffered as
8 a result of sexual abuse which occurred when the injured
9 person was a child, but not discovered until after the injured
10 person is of the age of majority, shall be brought within ~~four~~
11 twenty-five years from the time of discovery by the injured
12 party of both the injury and the causal relationship between
13 the injury and the sexual abuse.

14 Sec. 4. Section 802.2, subsection 1, Code 2015, is amended
15 to read as follows:

16 1. An information or indictment for sexual abuse in the
17 first, second, or third degree committed on or with a person
18 who is under the age of eighteen years ~~shall be found within~~
19 ~~ten years after the person upon whom the offense is committed~~
20 ~~attains eighteen years of age, or if the person against whom~~
21 ~~the information or indictment is sought is identified through~~
22 ~~the use of a DNA profile, an information or indictment shall~~
23 ~~be found within three years from the date the person is~~
24 ~~identified by the person's DNA profile, whichever is later~~ may
25 be commenced at any time after the commission of the offense.

26 Sec. 5. Section 802.10, subsection 3, Code 2015, is amended
27 to read as follows:

28 3. However, notwithstanding subsection 2, an indictment
29 or information shall be found against a person within three
30 years from the date the person is identified by the person's
31 DNA profile. If the action involves sexual abuse of a person
32 eighteen years of age or older or another sexual offense, the
33 indictment or information shall be found as provided in section
34 802.2, subsection 2, or 802.2B, if the person is identified by
35 the person's DNA profile.

1 the time for filing a civil action relating to sexual abuse
2 which occurred when the injured person was a minor from one
3 year after the attainment of majority to 25 years after the
4 attainment of majority.

5 The amendment to Code section 614.8A in the bill also
6 provides that a civil action for damages relating to sexual
7 abuse which occurred when the injured party was a child shall
8 be brought within 25 years from the time of the discovery of
9 both the injury and the causal relationship between the injury
10 and the sexual abuse. Current law specifies such an action
11 shall be brought within four years from the time of discovery
12 of both the injury and the causal relationship between the
13 injury and the sexual abuse.

14 The amendment to Code section 802.2 in the bill provides
15 that a criminal information or indictment for sexual abuse
16 in the first, second, or third degree committed on or with
17 a person under the age of 18 may be commenced at any time
18 after the commission of the offense. Current law specifies
19 the indictment or information for such sexual abuse be found
20 within 10 years of the sexually abused person attaining 18
21 years of age or within three years after being identified by
22 DNA evidence, whichever is later.

23 The bill takes effect upon enactment.