

Senate File 2328

S-5054

1 Amend the amendment, S-5048, to Senate File 2328, as
2 follows:

3 1. Page 3, after line 23 by inserting:

4 <DIVISION ____
5 COURT PROCEDURE IN CIVIL CASES — STATUTES OF LIMITATIONS FOR
6 CERTAIN CIVIL ACTIONS

7 Sec. ____ . Section 602.1205, Code 2022, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. *a.* The district court shall try civil
10 cases in the order in which cases are initiated by the filing
11 of a petition, provided that the following cases shall be
12 entitled to a preference:

13 (1) Actions that have been revived pursuant to section
14 614.1, subsection 12, paragraph "b", or section 614.8A,
15 subsection 2.

16 (2) An action in which the interests of justice, as
17 determined by the supreme court, will be served by early trial.

18 *b.* The court shall adopt rules to implement this subsection.

19 *c.* Unless the court otherwise orders, notice of a motion
20 for preference shall be served with the petition by the party
21 serving the petition, or ten days after such service by any
22 other party.

23 Sec. ____ . Section 614.1, subsection 12, Code 2022, is
24 amended to read as follows:

25 12. *a.* (1) *Sexual abuse or sexual exploitation by a*
26 *counselor, therapist, school employee, or adult providing*
27 *training or instruction. An If the victim was eighteen years*
28 *of age or older, an action for damages for injury suffered*
29 *as a result of sexual abuse, as defined in [section 709.1](#), by*
30 *a counselor, therapist, school employee, or adult providing*
31 *training or instruction, as defined in [section 709.15](#), or as a*
32 *result of sexual exploitation by a counselor, therapist, school*
33 *employee, or adult providing training or instruction shall*
34 *be brought within five years of the date the victim was last*
35 *treated by the counselor or therapist, or within five years*

1 of the date the victim was last enrolled in or attended the
2 school.

3 (2) If the victim was a minor, an action for damages for
4 injury suffered as a result of sexual abuse, as defined in
5 section 709.1, by a counselor, therapist, or school employee,
6 as defined in section 709.15, or as a result of sexual
7 exploitation by a counselor, therapist, or school employee may
8 be brought at any time.

9 b. (1) Notwithstanding paragraph "a", subparagraph (2),
10 every claim or cause of action brought against any party
11 alleging intentional or negligent acts or omissions by a person
12 for physical, psychological, or other injury or condition
13 suffered as a result of conduct which would constitute sexual
14 abuse as defined in section 709.1, by a counselor, therapist,
15 or school employee as defined in section 709.15, or as a
16 result of sexual exploitation by a counselor, therapist, or
17 school, which is barred as of the effective date of this Act
18 because the applicable period of limitation has expired or
19 the plaintiff previously failed to file a petition, is hereby
20 revived, and action thereon may be commenced not later than
21 three years after the effective date of this Act.

22 (2) Dismissal of a previous action, ordered before the
23 effective date of this Act, on grounds that such previous
24 action was time-barred, or of failure of a party to file a
25 petition, shall not be grounds for dismissal of a revival
26 action pursuant to this paragraph.

27 Sec. ____ . Section 614.8, Code 2022, is amended to read as
28 follows:

29 **614.8 Minors and persons with mental illness.**

30 1. The Except as provided in section 614.1, subsection
31 12, or section 614.8A, the times limited for actions in this
32 chapter, or for complaints or claims in [chapter 216](#), [669](#), or
33 670, except those brought for penalties and forfeitures, are
34 extended in favor of persons with mental illness, so that they
35 shall have one year from and after the termination of the

1 disability within which to file a complaint pursuant to chapter
2 216, to make a claim pursuant to chapter 669 or 670, or to
3 otherwise commence an action.

4 2. Except as provided in section 614.1, subsection 9 or
5 12, or section 614.8A, the times limited for actions in this
6 chapter, or for complaints or claims in chapter 216, 659A, 669,
7 or 670, except those brought for penalties and forfeitures, are
8 extended in favor of minors, so that they shall have one year
9 from and after attainment of majority within which to file a
10 complaint pursuant to chapter 216, to make a claim pursuant to
11 chapter 669, or to otherwise commence an action.

12 Sec. _____. Section 614.8A, Code 2022, is amended to read as
13 follows:

14 **614.8A Damages Commencement of action for minor or child**
15 **sexual abuse and other sexual offenses — no time limitation.**

16 ~~An action for damages for injury suffered as a result of~~
17 ~~sexual abuse which occurred when the injured person was a~~
18 ~~child, but not discovered until after the injured person is of~~
19 ~~the age of majority, shall be brought within four years from~~
20 ~~the time of discovery by the injured party of both the injury~~
21 ~~and the causal relationship between the injury and the sexual~~
22 ~~abuse.~~

23 1. Notwithstanding the times limited for actions in this
24 chapter, an action relating to injuries suffered as a result of
25 sexual abuse as defined in section 802.2, and injuries suffered
26 as a result of other sexual offenses including lascivious acts
27 with a child in violation of section 709.8, assault with intent
28 to commit sexual abuse in violation of section 709.11, indecent
29 contact with a child in violation of section 709.12, lascivious
30 conduct with a minor in violation of section 709.14, sexual
31 misconduct with a juvenile in violation of section 709.16,
32 subsection 2, child endangerment in violation of section 726.6,
33 or sexual exploitation of a minor in violation of section
34 728.12, which occurred when the injured party was a minor may
35 be brought at any time.

1 2. a. Notwithstanding subsection 1, every claim or cause
2 of action brought against any party alleging intentional
3 or negligent acts or omissions by a person for physical,
4 psychological, or other injury or condition suffered as a
5 result of conduct which would constitute sexual abuse as
6 defined in section 709.1, by a counselor, therapist, or school
7 employee as defined in section 709.15, subsection 1, or as a
8 result of sexual exploitation by a counselor, therapist, or
9 school, which is barred as of the effective date of this Act
10 because the applicable period of limitation has expired or
11 the plaintiff previously failed to file a petition, is hereby
12 revived, and action thereon may be commenced not later than
13 three years after the effective date of this Act.

14 b. Dismissal of a previous action, ordered before the
15 effective date of this Act, on grounds that such previous
16 action was time-barred, or of failure of a party to file a
17 petition, shall not be grounds for dismissal of a revival
18 action pursuant to this section.>

19 2. Page 3, line 29, after <conditional guilty pleas,>
20 by inserting <court procedure in civil cases, statutes of
21 limitations in civil actions,>

JANET PETERSEN