

See House Report to Pass 51 p. 83
FEB 2 1990

Place On Calendar

HOUSE FILE 2268
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 504)

Passed House, Date 2-8-90 (p. 343) Passed Senate, Date 4/7/90 (p. 1701)
Vote: Ayes 88 Nays 0 Vote: Ayes 45 Nays 1

Approved May 6 1990

*Repassed House per 6188 4/7/90 (p. 2305)
90-0*

A BILL FOR

1 An Act relating to discovery and the statute of limitations in a
2 civil action involving sexual abuse, sexual assault, or sexual
3 harassment and providing for the Act's applicability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2268

H-5104

- 1 Amend House File 2268 as follows:
- 2 1. Page 1, line 21, by striking the figure
- 3 "709.15" and inserting the following: "614.8A".
By TRENT of Muscatine

H-5104 FILED FEBRUARY 7, 1990

Adopted 2/8 (p. 343)

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HF 2268

TLSB 7094HV 73

mj/sc/14

1 Section 1. Section 668.15, Code Supplement 1989, is
2 amended to read as follows:

3 668.15 DAMAGES RESULTING FROM SEXUAL ABUSE -- EVIDENCE.

4 1. In a civil action alleging conduct which constitutes
5 sexual abuse, as defined in section 709.1, sexual assault, or
6 sexual harassment, a party seeking discovery of information
7 concerning the plaintiff's sexual conduct with persons other
8 than the person who committed the alleged act of sexual abuse,
9 as defined in section 709.1, sexual assault, or sexual
10 harassment, must establish specific facts showing good cause
11 for that discovery, and that the information sought is
12 relevant to the subject matter of the action and reasonably
13 calculated to lead to the discovery of admissible evidence.

14 2. In an action against a person accused of sexual abuse,
15 as defined in section 709.1, sexual assault, or sexual
16 harassment, by an alleged victim of the sexual abuse, sexual
17 assault, or sexual harassment, for damages arising from an
18 injury resulting from the ~~act-of-sexual-abuse~~ alleged conduct,
19 evidence concerning the past sexual behavior of the alleged
20 victim is not admissible.

5104 21 Sec. 2. NEW SECTION. 709.15 DAMAGES FOR CHILD SEXUAL
22 ABUSE -- TIME LIMITATION.

23 An action for damages for injury suffered as a result of
24 sexual abuse which occurred when the injured person was a
25 child shall be brought within four years from the time of
26 discovery by the injured party of both the injury and the
27 causal relationship between the injury and the sexual abuse.

28 Sec. 3.

29 This Act is applicable to all actions filed on or after the
30 effective date of the Act.

31 EXPLANATION

32 This bill provides that in a civil action for damages
33 resulting from an act of sexual abuse, sexual assault, or
34 sexual harassment, any party seeking discovery of information
35 concerning the plaintiff's sexual conduct must establish

1 specific facts showing good cause and that the information to
2 be discovered is relevant to the action and that it is
3 reasonably calculated to lead to the discovery of admissible
4 evidence. The bill also provides that an action for damages
5 resulting from sexual abuse which occurred when the injured
6 person was a child must be brought within four years of the
7 time of discovery by the person of the injury and the causal
8 relationship between the injury and the act of sexual abuse.
9 The bill is applicable to all actions filed on or after the
10 effective date of the bill.

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HOUSE FILE 2268

S-5920

1 Amend House File 2268, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after 27 the following:
4 "Sec. ____ . Section 702.11, Code Supplement 1989,
5 is amended to read as follows:
6 702.11 FORCIBLE FELONY.
7 A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse other than
9 sexual abuse in the third degree committed between
10 spouses or in violation of section 709.4, subsection
11 2, paragraph "c", subparagraph (4), sexual
12 exploitation by a counselor or therapist in violation
13 of section 709.15, kidnapping, robbery, arson in the
14 first degree, or burglary in the first degree.
15 Sec. ____ . NEW SECTION. 709.15 SEXUAL
16 EXPLOITATION BY A COUNSELOR OR THERAPIST.
17 1. As used in this section:
18 a. "Counselor or therapist" means a physician,
19 psychotherapist, psychologist, nurse, social worker,
20 chemical dependency counselor, member of the clergy,
21 or other person whether or not licensed by the state,
22 who renders or purports to render psychotherapy,
23 counseling, or other assessment or treatment involving
24 any mental illness, symptom, or condition or emotional
25 illness, symptom, or condition.
26 b. "Emotionally dependent" means impaired in the
27 ability to withhold consent to a sexual act by the
28 counselor or therapist, based upon the nature of the
29 former patient's or former client's emotional
30 condition and the nature of the assessment or
31 treatment provided by the counselor or therapist,
32 which impairment is known or should be known to the
33 counselor or therapist.
34 c. "Former patient or former client" means a
35 person who received psychotherapy, counseling, or
36 other assessment or treatment involving any mental
37 illness, symptom, or condition or emotional illness,
38 symptom, or condition from a counselor or therapist
39 within two years of the violation or who after two
40 years from the termination of treatment remains
41 emotionally dependent on the counselor or therapist.
42 d. "Patient or client" means any person who
43 receives psychotherapy, counseling, or other
44 assessment or treatment concerning any mental illness,
45 symptom, or condition or emotional illness, symptom,
46 or condition from a counselor or therapist.
47 e. "Sexual exploitation" means any sexual contact
48 by a counselor or therapist with a patient or client
49 or former patient or former client for the purpose of
50 arousing or satisfying the sexual desires of a

1 counselor or therapist or the patient, client, former
2 patient, or former client, which shall include but is
3 not limited to kissing; touching of the inner thigh,
4 breast, groin, buttock, anus, pubes, or genitals or
5 the touching of the clothing covering the inner thigh,
6 breast, groin, buttock, anus, pubes, or genitals, a
7 sex act as defined in section 702.17; or verbal
8 suggestions of sexual involvement.

9 2. It is unlawful for a counselor or therapist to
10 engage in conduct which constitutes sexual
11 exploitation as defined in subsection 1, with or
12 without the consent of the patient or client or former
13 patient or former client.

14 3. A person who violates this section commits a
15 class "D" felony, except that any person who violates
16 this section by conduct defined as a sex act under
17 section 702.17 commits a class "C" felony."

18 2. Page 1, line 29, by striking the word "This"
19 and inserting the following: "Sections 1 and 2 of
20 this".

21 3. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5920 FILED APRIL 5, 1990

w/ls 4/7 (p. 1701)

HOUSE FILE 2268

S-5882

1 Amend the amendment, S-5837, to House File 2268, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking line 29, and inserting the
5 following: "patient's or client's emotional".

6 2. Page 1, by striking lines 34 through 41.

7 3. Page 1, line 49, by striking the words "or
8 former patient or former client".

9 4. Page 2, lines 1 and 2, by striking the words
10 "former patient, or former client,".

11 5. Page 2, lines 12 and 13, by striking the words
12 "or former patient or former client".

By TOM MANN, Jr.

S-5882 FILED APRIL 4, 1990

o/o 4/8 (p. 1570)

HOUSE FILE 2268

S-5887

1 Amend the amendment, S-5837, to House File 2268, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 40, by inserting after the word
5 "years" the following: ", but not more than six
6 years,".

7 2. Page 2, by striking lines 6 through 8 and
8 inserting the following: "breast, groin, buttock,
9 anus, pubes, or genitals; or a sex act as defined in
10 section 702.17. "Sexual exploitation" does not
11 include conduct which is part of a standard medical
12 treatment of a patient."

By JEAN LLOYD-JONES

S-5887 FILED APRIL 4, 1990

o/o 4/8 (p. 1570)

HOUSE FILE 2268

S-5966

1 Amend the amendment, S-5920, to House File 2268, as
2 amended and passed by the House, as follows:

3 1. Page 1, by inserting after line 2, the
4 following:

5 "_____. Page 1, by inserting before line 1, the
6 following:

7 "Section 1. NEW SECTION. 147A.14B SEXUAL
8 EXPLOITATION OF A PATIENT OR CLIENT.

9 The examining boards which provide for the
10 examination of applicants for licenses to practice the
11 professions for which licenses are required pursuant
12 to chapter 154B or 154D, shall adopt rules providing
13 for the suspension or revocation of the license of a
14 licensee found to have engaged in the sexual ex-
15 ploitation of a client or patient."

16 _____. Page 1, by inserting after line 20 the
17 following:

18 "Sec. _____. NEW SECTION. 668.16 DAMAGES RESULTING
19 FROM SEXUAL EXPLOITATION.

20 In a civil action alleging conduct which
21 constitutes sexual exploitation, as defined in section
22 709.15, and upon a showing by a preponderance of the
23 evidence that an act of sexual exploitation has
24 occurred involving the plaintiff, the defendant shall
25 have the burden of proof to show that the plaintiff
26 was not emotionally dependent.""

27 2. Page 1, by striking lines 4 through 15 and
28 inserting the following:

29 "Sec. _____. NEW SECTION. 709.15 SEXUAL".

30 3. Page 1, by striking lines 39 and 40, and
31 inserting the following: "within six months of the
32 violation or who after six months from the termination
33 of treatment remains".

34 4. Page 2, line 15, by striking the words "class
35 "D" felony" and inserting the following: "serious
36 misdemeanor".

37 5. Page 2, line 17, by striking the words "a
38 class "C" felony" and inserting the following: "an
39 aggravated misdemeanor".

40 6. Renumber as necessary.

By TOM MANN, Jr.

S-5966 FILED APRIL 6, 1990

w/d 4/7 (p. 1701)

HOUSE FILE 2268

S-5921

1 Amend the amendment, S-5920, to House File 2268, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 40, by inserting after the word
5 "years" the following: ", but not more than six
6 years,".
7 2. Page 2, by striking lines 6 through 8 and
8 inserting the following: "breast, groin, buttock,
9 anus, pubes, or genitals; or a sex act as defined in
10 section 702.17. "Sexual exploitation" does not
11 include conduct which is part of a standard medical
12 treatment of a patient."

By JEAN LLOYD-JONES

S-5921 FILED APRIL 5, 1990

w/b 4/7 (p. 1701)

HOUSE FILE 2268

S-5922

1 Amend the amendment, S-5920, to House File 2268, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking line 29, and inserting the
5 following: "patient's or client's emotional".
6 2. Page 1, by striking lines 34 through 41.
7 3. Page 1, line 49, by striking the words "or
8 former patient or former client".
9 4. Page 2, lines 1 and 2, by striking the words
10 "former patient, or former client,".
11 5. Page 2, lines 12 and 13, by striking the words
12 "or former patient or former client".

By TOM MANN, Jr.

S-5922 FILED APRIL 5, 1990

w/b 4/7 (p. 1701)

HOUSE FILE 2268

S-6004

1 Amend the amendment, S-5920, to House File 2268, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 17, through page 2,
5 line 17, and inserting the following:
6 "1. A person who practices a profession for which
7 a license is required pursuant to chapter 154B or
8 154D, whether or not the person is currently licensed
9 or is exempt from licensure, and who sexually exploits
10 a client or patient, is subject to a civil penalty of
11 not more than ten thousand dollars.
12 2. A person who practices a profession for which a
13 license is required pursuant to chapter 154B or 154D,
14 whether or not the person is currently licensed or is
15 exempt from licensure, may be restrained by permanent
16 injunction from practicing these professions upon a
17 finding that the person has sexually exploited a
18 patient or client."

By RICHARD VARN

S-6004 FILED APRIL 7, 1990

w/b (p. 1701)

HOUSE FILE 2268

S-5837

1 Amend House File 2268, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after 27 the following:
4 "Sec. ____ . Section 702.11, Code Supplement 1989,
5 is amended to read as follows:
6 702.11 FORCIBLE FELONY.
7 A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse other than
9 sexual abuse in the third degree committed between
10 spouses or in violation of section 709.4, subsection
11 2, paragraph "c", subparagraph (4), sexual
12 exploitation by a counselor or therapist in violation
13 of section 709.15, kidnapping, robbery, arson in the
14 first degree, or burglary in the first degree.
15 Sec. ____ . NEW SECTION. 709.15 SEXUAL
16 EXPLOITATION BY A COUNSELOR OR THERAPIST.
17 1. As used in this section:
18 a. "Counselor or therapist" means a physician,
19 psychotherapist, psychologist, nurse, social worker,
20 chemical dependency counselor, member of the clergy,
21 or other person whether or not licensed by the state,
22 who renders or purports to render psychotherapy,
23 counseling, or other assessment or treatment involving
24 any mental illness, symptom, or condition or emotional
25 illness, symptom, or condition.
26 b. "Emotionally dependent" means impaired in the
27 ability to withhold consent to a sexual act by the
28 counselor or therapist, based upon the nature of the
29 former patient's or former client's emotional
30 condition and the nature of the assessment or
31 treatment provided by the counselor or therapist,
32 which impairment is known or should be known to the
33 counselor or therapist.
34 c. "Former patient or former client" means a
35 person who received psychotherapy, counseling, or
36 other assessment or treatment involving any mental
37 illness, symptom, or condition or emotional illness,
38 symptom, or condition from a counselor or therapist
39 within two years of the violation or who after two
40 years from the termination of treatment remains
41 emotionally dependent on the counselor or therapist.
42 d. "Patient or client" means any person who
43 receives psychotherapy, counseling, or other
44 assessment or treatment concerning any mental illness,
45 symptom, or condition or emotional illness, symptom,
46 or condition from a counselor or therapist.
47 e. "Sexual exploitation" means any sexual contact
48 by a counselor or therapist with a patient or client
49 or former patient or former client for the purpose of
50 arousing or satisfying the sexual desires of a

S-5837

Page 2

1 counselor or therapist or the patient, client, former
2 patient, or former client, which shall include but is
3 not limited to kissing; touching of the inner thigh,
4 breast, groin, buttock, anus, pubes, or genitals or
5 the touching of the clothing covering the inner thigh,
6 breast, groin, buttock, anus, pubes, or genitals, a
7 sex act as defined in section 702.17; or verbal
8 suggestions of sexual involvement.

9 2. It is unlawful for a counselor or therapist to
10 engage in conduct which constitutes sexual
11 exploitation as defined in subsection 1, with or
12 without the consent of the patient or client or former
13 patient or former client.

14 3. A person who violates this section commits a
15 class "D" felony, except that any person who violates
16 this section by conduct defined as a sex act under
17 section 702.17 commits a class "C" felony."

18 2. Page 1, line 29, by striking the word "This"
19 and inserting the following: "Sections 1 and 2 of
20 this".

21 3. Title page, by striking lines 1 through 3 and
22 inserting the following: "An Act relating to the
23 sexual abuse law, providing penalties, and providing
24 for the Act's applicability."

25 4. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5837 FILED APRIL 2, 1990

o/o 4/5 (7.1569)

HOUSE FILE 2268

S-5833

1 Amend House File 2268, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after 27 the following:
4 "Sec. ____ . Section 702.11, Code Supplement 1989,
5 is amended to read as follows:
6 702.11 FORCIBLE FELONY.
7 A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse other than
9 sexual abuse in the third degree committed between
10 spouses or in violation of section 709.4, subsection
11 2, paragraph "c", subparagraph (4), sexual
12 exploitation by a counselor or therapist in violation
13 of section 709.15, kidnapping, robbery, arson in the
14 first degree, or burglary in the first degree.
15 Sec. ____ . NEW SECTION. 709.15 SEXUAL
16 EXPLOITATION BY A COUNSELOR OR THERAPIST.
17 1. As used in this section:
18 a. "Counselor or therapist" means a physician,
19 psychotherapist, psychologist, nurse, social worker,
20 chemical dependency counselor, member of the clergy,
21 or other person whether or not licensed by the state,
22 who renders or purports to render psychotherapy,
23 counseling, or other assessment or treatment involving
24 any mental illness, symptom, or condition or emotional
25 illness, symptom, or condition.
26 b. "Former patient or former client" means a
27 person who received psychotherapy, counseling, or
28 other assessment or treatment involving any mental
29 illness, symptom, or condition or emotional illness,
30 symptom, or condition from a counselor or therapist
31 within two years of the violation or who after two
32 years from the termination of treatment remains
33 emotionally dependent on the counselor or therapist.
34 c. "Patient or client" means any person who
35 receives psychotherapy, counseling, or other
36 assessment or treatment concerning any mental illness,
37 symptom, or condition or emotional illness, symptom,
38 or condition from a counselor or therapist.
39 d. "Sexual exploitation" means any sexual contact
40 by a counselor or therapist with a patient or client
41 or former patient or former client for the purpose of
42 arousing or satisfying the sexual desires of a
43 counselor or therapist or the patient, client, former
44 patient, or former client, which shall include but is
45 not limited to kissing; touching of the inner thigh,
46 breast, groin, buttock, anus, pubes, or genitals or
47 the touching of the clothing covering the inner thigh,
48 breast, groin, buttock, anus, pubes, or genitals, a
49 sex act as defined in section 702.17; or verbal
50 suggestions of sexual involvement.

S-5833

Page 2

1 2. It is unlawful for a counselor or therapist to
2 engage in conduct which constitutes sexual
3 exploitation as defined in subsection 1, with or
4 without the consent of the patient or client or former
5 patient or former client.

6 3. A person who violates this section commits a
7 class "D" felony, except that any person who violates
8 this section by conduct defined as a sex act under
9 section 702.17 commits a class "C" felony."

10 2. Page 1, line 29, by striking the word "This"
11 and inserting the following: "Sections 1 and 2 of
12 this".

13 3. Title page, by striking lines 1 through 3 and
14 inserting the following: "An Act relating to the
15 sexual abuse law, providing penalties, and providing
16 for the Act's applicability."

17 4. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5833 FILED APRIL 2, 1990

o/o 4/5 (p. 1569)

HOUSE FILE 2268

S-5822

1 Amend House File 2268, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 232.68, subsection 2, Code
6 Supplement 1989, is amended by adding the following
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. This subsection shall
9 not be construed to prohibit the use of reasonable,
10 limited corporal punishment of a child by a person
11 responsible for the care of the child.

12 Sec. 2. Section 232.71, subsection 10, Code
13 Supplement 1989, is amended to read as follows:

14 10. Based on the investigation conducted pursuant
15 to this section, the department shall offer to the
16 family of any child believed to be the victim of abuse
17 such services as appear appropriate for either the
18 child, the family, or both, if it is explained that
19 the department has no legal authority to compel such
20 family to receive such services. However, such
21 services shall not discourage the use of reasonable,
22 limited corporal punishment of a child by a person
23 responsible for the care of the child.

24 Sec. 3. NEW SECTION. 232.77A DEPARTMENT POLICY -
25 - DISCIPLINE OF EMPLOYEES AND INVESTIGATIVE AND
26 TREATMENT SERVICES AND TECHNIQUES.

27 1. The director shall establish a discipline
28 policy for departmental child abuse investigators and
29 treatment personnel. The discipline policy shall
30 include administrative strategies for receipt and
31 disposition of formal complaints regarding department
32 employees engaged in child abuse prevention,
33 identification, investigation, reporting, treatment,
34 or any other aspect of child abuse intervention. The
35 policy shall provide penalties for employees who
36 violate departmental guidelines, administrative rules,
37 or statutory law, regarding child abuse prevention,
38 identification, investigation, reporting, treatment,
39 or other aspects of child abuse intervention. The
40 penalties may include reprimand, suspension without
41 pay, reassignment, and dismissal. The policy shall be
42 posted with supplemental updates in a prominent,
43 easily visible location.

44 The director shall issue an annual public report
45 detailing the nature of complaints and organizing the
46 complaints by supervisor and county.

47 2. When investigative and treatment services are
48 recommended by department employees in cases of child
49 abuse, the recommendation shall include a description
50 of problematic behaviors or symptoms and the result to

S-5822

Page 2

1 be derived from the services recommended. The
2 recommendation shall include a statement indicating
3 whether the denial of the recommended services would
4 measurably detract from a plan for reasonable
5 protection of a child.

6 Investigative and treatment techniques used by
7 department employees shall be scientific principles
8 accepted by the professional community within which
9 the technique is used."

10 2. Title page, line 3, by inserting after the
11 word "harassment" the following: ", the department of
12 human services' procedures regarding child abuse
13 investigations and treatment,".

14 3. By renumbering as necessary.

By TOM MANN, Jr.

S-5822 FILED MARCH 30, 1990

*Adopted 4/5 (p. 1569) motion to reconsider (p. 1575)
By consensus, ruled o/o 4/7 (p. 1700)*

HOUSE FILE 2268

S-5821

1 Amend House File 2268 as passed by the House, as
2 follows:

3 1. Page 1, line 25, by inserting after the word
4 "child" the following: ", but not discovered until
5 after the injured person is of the age of majority,".

By TOM MANN, Jr.

S-5821 FILED MARCH 30, 1990

Adopted 4/5 (p. 1569)

SENATE AMENDMENT TO HOUSE FILE 2268

H-6188

1 Amend House File 2268 as passed by the House, as
2 follows:

3 1. Page 1, line 25, by inserting after the word
4 "child" the following: ", but not discovered until
5 after the injured person is of the age of majority,".

RECEIVED FROM THE SENATE

H-6188 FILED APRIL 7, 1990
CONCURRED (p. 2305)

Judiciary & Law Enforcement

HOUSE FILE 2268
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW
ENFORCEMENT BILL BY JAY)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to discovery in a civil action involving sexual
2 abuse, sexual assault, or sexual harassment and providing for
3 the Act's applicability.

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

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1 Section 1. Section 668.15, Code Supplement 1989, is
2 amended to read as follows:

3 668.15 DAMAGES RESULTING FROM SEXUAL ABUSE -- EVIDENCE.

4 1. In an action alleging conduct which constitutes sexual
5 abuse, as defined in section 709.1, sexual assault, or sexual
6 harassment, a party seeking discovery of information
7 concerning the plaintiff's sexual conduct with persons other
8 than the defendant must establish specific facts showing good
9 cause for that discovery, and that the information sought is
10 relevant to the subject matter of the action and reasonably
11 calculated to lead to the discovery of admissible evidence.

12 2. In an action against a person accused of sexual abuse,
13 as defined in section 709.1, sexual assault, or sexual
14 harassment, by an alleged victim of the sexual abuse, sexual
15 assault, or sexual harassment, for damages arising from an
16 injury resulting from the ~~act-of-sexual-abuse~~ alleged conduct,
17 evidence concerning the past sexual behavior of the alleged
18 victim is not admissible.

19 Sec. 2.

20 This Act is applicable to all actions filed on or after the
21 effective date of the Act.

22 EXPLANATION

23 This bill provides that in a civil action for damages
24 resulting from an act of sexual abuse, sexual assault, or
25 sexual harassment, any party seeking discovery of information
26 concerning the plaintiff's sexual conduct must establish
27 specific facts showing good cause and that the information to
28 be discovered is relevant to the action and that it is
29 reasonably calculated to lead to the discovery of admissible
30 evidence. The bill is applicable to all actions filed on or
31 after the effective date of the bill.

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HOUSE FILE 2268

AN ACT

RELATING TO DISCOVERY AND THE STATUTE OF LIMITATIONS IN A CIVIL ACTION INVOLVING SEXUAL ABUSE, SEXUAL ASSAULT, OR SEXUAL HARASSMENT AND PROVIDING FOR THE ACT'S APPLICABILITY.

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

Section 1. Section 668.15, Code Supplement 1989, is amended to read as follows:

668.15 DAMAGES RESULTING FROM SEXUAL ABUSE -- EVIDENCE.

1. In a civil action alleging conduct which constitutes sexual abuse, as defined in section 709.1, sexual assault, or sexual harassment, a party seeking discovery of information concerning the plaintiff's sexual conduct with persons other than the person who committed the alleged act of sexual abuse, as defined in section 709.1, sexual assault, or sexual harassment, must establish specific facts showing good cause for that discovery, and that the information sought is relevant to the subject matter of the action and reasonably calculated to lead to the discovery of admissible evidence.

2. In an action against a person accused of sexual abuse, as defined in section 709.1, sexual assault, or sexual harassment, by an alleged victim of the sexual abuse, sexual assault, or sexual harassment, for damages arising from an injury resulting from the ~~act-of-sexual-abuse~~ alleged conduct, evidence concerning the past sexual behavior of the alleged victim is not admissible.

Sec. 2. NEW SECTION. 614.8A DAMAGES FOR CHILD SEXUAL ABUSE -- TIME LIMITATION.

An action for damages for injury suffered as a result of sexual abuse which occurred when the injured person was a child, but not discovered until after the injured person is of the age of majority, shall be brought within four years from

the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse.

Sec. 3.

This Act is applicable to all actions filed on or after the effective date of the Act.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2268, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1990

TERRY E. BRANSTAD
Governor