

JAN 8 1977  
JUDICIARY

HOUSE FILE 2020  
BY CONNORS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the civil actions against individuals  
2 including the time period for commencing an action and  
3 recovery of court costs.

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

HF 2020

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1 Section 1. Section 614.1, subsection 2, Code Supplement  
2 1995, is amended to read as follows:

3 2. INJURIES TO PERSON OR REPUTATION -- RELATIVE RIGHTS --  
4 STATUTE PENALTY. Those founded on injuries to the person or  
5 reputation, including injuries to relative rights, whether  
6 based on contract or tort, or for a statute penalty, within  
7 two years, except as provided in subsection 14.

8 Sec. 2. Section 614.1, Code Supplement 1995, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 14. AGAINST A PERSON INCARCERATED IN A  
11 PENITENTIARY OR REFORMATORY. Those brought against a person  
12 who is incarcerated in a penitentiary or reformatory at the  
13 time the period of limitations under subsection 2 would have  
14 otherwise expired, and which are founded on injuries to the  
15 person or reputation, including injuries to relative rights,  
16 whether based on contract or tort, or for a statute penalty  
17 within two years after the person is no longer subject to  
18 R.C.P. 13.

19 Sec. 3. Section 625.5, Code 1995, is amended to read as  
20 follows:

21 625.5 LIABILITY OF SUCCESSFUL PARTY -- LIEN FOR COSTS.

22 All costs accrued at the instance of the successful party,  
23 which cannot be collected ~~of~~ from the other party, may be  
24 recovered on motion by the person entitled to them against the  
25 successful party. However, if the court requires the  
26 successful party to pay costs, which cannot be collected from  
27 the other party, to the person entitled to them, the order  
28 assessing costs against the successful party shall be a  
29 separate judgment against the other party and the other party  
30 shall remain liable to the successful party for the costs  
31 which cannot at the time of the order be collected from the  
32 other party. If the court does not assess costs against the  
33 successful party, the person entitled to the costs shall have  
34 a lien upon the real estate owned by the other party in the  
35 manner of a judgment lien under section 624.23.

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EXPLANATION

This bill provides that the statute of limitations for bringing a civil action for injuries caused by a person who is subject to Iowa Rule of Civil Procedure 13 due to being a prisoner in a penitentiary or reformatory at the time the regular two-year statute of limitations would have expired is extended until two years after the person is no longer subject to R.C.P. 13. Rule of Civil Procedure 13 requires that a guardian ad litem be appointed to defend a person in a civil action who, among others, is confined in a penitentiary or reformatory.

The bill also provides that costs which cannot be collected from the losing party in an action and which are assessed against the successful party become a separate judgment against the losing party. If the court does not assess costs from the losing party against the successful party, the person who is owed the costs shall have a lien against the losing party's real estate. The lien shall be enforced in the manner of a judgment lien.