

2/26/96 Judiciary

FILED FEB 26 1996

SENATE FILE 2292
BY BARTZ

(COMPANION TO LSB 3003HH)

Passed Senate, Date _____ Passed House, 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:

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S.F. 2292

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.

EXPLANATION

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

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

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