

SENATE FILE 28  
BY LIND

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

A BILL FOR

1 An Act relating to civil rights actions, providing a right to  
2 jury trial in certain such actions, and providing related  
3 matters.

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

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S.F. 28

1 Section 1. Section 216.16, subsection 1, unnumbered  
2 paragraph 1, Code 1995, is amended to read as follows:

3 A person claiming to be aggrieved by an unfair or  
4 discriminatory practice must initially seek an administrative  
5 relief by filing a complaint with the commission in accordance  
6 with section 216.15. This provision also applies to persons  
7 claiming to be aggrieved by an unfair or discriminatory  
8 practice committed by the state or an agency or political  
9 subdivision of the state, notwithstanding the terms of the  
10 Iowa administrative procedure Act. A complainant after the  
11 proper filing of a complaint with the commission, may  
12 subsequently commence an action for relief in the district  
13 court, triable as an ordinary civil action, if all of the  
14 following conditions have been satisfied:

15 Sec. 2. Section 216.16, subsection 5, Code 1995, is  
16 amended to read as follows:

17 5. The district court or jury may grant any relief in an  
18 action under this section which is authorized by section  
19 216.15, subsection 8 to be issued by the commission. The  
20 district court or jury may also award the respondent  
21 reasonable attorney's fees and court costs when the court or  
22 jury finds that the complainant's action was frivolous. In an  
23 action under this section, the district court retains all the  
24 powers of a court in addition to any special powers conferred  
25 on the court by this chapter. An action under this section  
26 may be tried to a jury on the same basis as an ordinary civil  
27 action.

28 Sec. 3. Section 729A.5, Code 1995, is amended to read as  
29 follows:

30 729A.5 CIVIL REMEDIES.

31 A victim who has suffered physical, emotional, or financial  
32 harm as a result of a violation of this chapter due to the  
33 commission of a hate crime is entitled to and may bring an  
34 action for injunctive relief, general and special damages,  
35 reasonable attorneys fees, and costs.

1 An action brought pursuant to this section must be brought  
2 within two years after the date of the violation of this  
3 chapter.

4 In an action brought pursuant to this section, the burden  
5 of proof shall be the same as in other civil actions for  
6 similar relief.

7 This section does not apply to complaints or discriminatory  
8 or unfair practices under chapter 216 and the election to  
9 pursue an action under this section precludes an action under  
10 chapter 216.

11 EXPLANATION

12 This bill provides a right to a jury trial in actions  
13 brought pursuant to chapter 216 and that the district court's  
14 jurisdiction is not limited to the commission's jurisdiction  
15 in civil rights actions. The bill also provides that a person  
16 who elects to pursue an action under section 729A.5 cannot  
17 also file a complaint under chapter 216.

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