

FILED MAR 4 1997

SENATE FILE 282
BY FLYNN

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

A BILL FOR

1 An Act providing for the civil liability of certain persons who
2 knowingly fail to report child abuse or a sexual crime against
3 a child.

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

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S.F. 282

1 Section 1. Section 232.75, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. A person, official, agency, or
4 institution with supervisory or other administrative
5 responsibilities over an individual listed in paragraph "a" or
6 "b" shall report to the department or to the appropriate law
7 enforcement agency if the individual is suspected of
8 committing child abuse or abuse of a child which would be
9 defined as child abuse under section 232.68, subsection 2,
10 paragraph "c" or "e", except that the abuse resulted from the
11 acts or omissions of a person other than a person responsible
12 for the care of the child. A person, official, agency, or
13 institution is civilly liable for the damages proximately
14 caused by failure to report under this subsection. The
15 provisions of this subsection apply to a person, official,
16 agency, or institution with supervisory or administrative
17 responsibility over either of the following individuals:

18 a. A member of the clergy with duties involving access to
19 a child when the child is alone.

20 b. An adult who is employed with duties involving access
21 to a child when the child is alone.

22 EXPLANATION

23 This bill provides for the civil liability of certain
24 persons who knowingly fail to report suspected child abuse or
25 a suspected sexual crime against a child.

26 Code section 232.75, relating to sanctions involving child
27 abuse reporting is amended with a new subsection. The new
28 subsection applies to a person, official, agency, or
29 institution with supervisory or other administrative
30 responsibilities over an individual who is a member of the
31 clergy or an adult with duties involving access to a child
32 when the child is alone. The person with the administrative
33 responsibilities over such an individual who commits child
34 abuse or a sexual crime involving a child is civilly liable
35 for damages relating to the failure to report. The sexual

1 crimes addressed by the bill include sexual abuse under Code
2 chapter 709, incest, involvement in prostitution, and sexual
3 exploitation of a minor.

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