

4/3/97 Human Resources

SENATE FILE 511

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 282)

(P. 937)
 Passed Senate, Date 4-2-97 Passed House, Date _____
 Vote: Ayes 44 Nays 0 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act providing for the liability of a person with supervisory
 2 or other administrative responsibilities over an individual
 3 who the person knew or suspected committed abuse of a child.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 511

1 Section 1. NEW SECTION. 232.74A LIABILITY FOR DAMAGES.

2 If a person, official, agency, or institution with
3 supervisory or other administrative responsibilities over an
4 individual listed in subsection 1 or 2, knew or suspected that
5 the individual committed child abuse or abuse of a child which
6 would be defined as child abuse under section 232.68,
7 subsection 2, paragraph "c" or "e", except the abuse resulted
8 from the acts or omissions of a person other than a person
9 responsible for the care of a child, the person, official,
10 agency, or institution shall be strictly liable for any
11 damages proximately caused by the individual. This section
12 applies to a person, official, agency, or institution with
13 administrative responsibilities over either of the following
14 individuals:

15 1. A member of the clergy with duties involving access to
16 a child when the child is alone.

17 2. An adult who is employed with duties involving access
18 to a child when the child is alone.

19 EXPLANATION

20 This bill provides for the civil liability of certain
21 persons who know of or suspect child abuse or suspect a sexual
22 crime against a child.

23 New Code section 232.74A applies to a person, official,
24 agency, or institution with supervisory or other
25 administrative responsibilities over an individual who is a
26 member of the clergy or an adult with duties involving access
27 to a child when the child is alone. The person with the
28 administrative responsibilities over such an individual who
29 commits child abuse or a sexual crime involving a child is
30 strictly liable for damages relating to the abuse or crime.
31 The sexual crimes addressed by the bill include sexual abuse
32 under Code chapter 709, incest, involvement in prostitution,
33 and sexual exploitation of a minor.

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